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Senate

NOMINATION OF PETER W. HALL TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Peter W. Hall, who has been nominated to the U.S. Court of Appeals for the Second Circuit.

Mr. Hall is an exceptional nominee and well-prepared for the Federal bench. A graduate of the University of North Carolina at Chapel Hill and a cum laude graduate from Cornell Law School, he served as a law clerk for United States District Court Judge Albert W. Coffrin in the District of Vermont. He then served in the United States Attorney's Office for the District of Vermont, first as an assistant U.S. Attorney, then as first assistant U.S. Attorney. From 1986 to 2001, Mr. Hall was a partner in the law firm of Reiber, Kenlan, Schwiebert, Hall & Facey, P.C. He then returned to the U.S. Attorney's Office—this time unanimously confirmed by the Senate—to be the United States Attorney for the District of Vermont, a position he holds today.

Mr. Hall has been very active very in his community. He served as President of the Vermont Bar Association from 1995–96, on the Federal District Court Advisory Committee for the United States District Court in Vermont as a Citizen Board Member of the Vermont Criminal Justice Training Council, and on the Board of the Vermont Karelia Rule of Law Project. From 1989–1994, he was a nonpartisan elected member of select board for the town of Chittenden, VT, and in 1995, he was the elected Justice of the Peace for Chittenden. He has also been involved in the lay leadership of his church.

Mr. Hall has overwhelming bipartisan support, including both of his home State Senators, PATRICK LEAHY and JIM JEFFORDS. The ABA unanimously rated him ''well qualified.'' He is an outstanding candidate who has been nominated to fill a vacancy that has been designated by the National Judicial Conference as a judicial emergency. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. The question is, shall the Senate advise and consent to the nomination of Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit.

The nomination was confirmed.

NOMINATION OF WILLIAM DUANE BENTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. The clerk will state the next nomination.

The legislative clerk read the nomination of William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

Mr. BOND. Mr. President, it is a pleasure to speak in support of a distinguished Missourian, my good friend Duane Benton, to serve on the United States Court of Appeals for the Eighth Circuit. Judge Benton is a respected jurist and committed public servant. I am very pleased the Senate is taking action on Judge Benton for this important position. The Members voting on this nomination, after reviewing his many accomplishments, will find Judge Benton to have an impressive record of public service and an exemplary judicial record and conclude that he will make an excellent addition to the federal judiciary.

Judge Benton currently serves on the Supreme Court of the State of Missouri. Judge Benton was appointed to the court in 1991, and also has served as its chief judge. Judge Benton has earned a reputation as a judge with a distinguished intellect who has a skill for uniting his colleagues on difficult questions. His work ethic, approach and reasoning are highly regarded by the lawyers of Missouri.

In addition to his service on the judiciary, Judge Benton brings an impressive breadth of experience to this position. His experience coupled with his judicial record give him a command of a wide range of legal matters. Judge Benton is a Certified Public Accountant—the only CPA serving on any supreme court in the United States. Judge Benton was Missouri's chief tax expert, serving as director of the Missouri Department of Revenue. Judge Benton was member of the United States Navy, serving as a judge advocate for a number of years.

Judge Benton earned his degree at Northwestern University; his law degree at Yale University School of Law, where he also served as editor of the Yale Law Journal; a Masters of Business Administration at Memphis State University and a Masters of Law at the University of Virginia.

Judge Benton has also found time to be active in the communities in which he has lived. While his activities are too numerous to name, he has given his time from coaching baseball to serving on the Board of Regents for Central Missouri State University.

He retired from the U.S. Naval Reserve as a captain, after 30 years of active and reserve duty. He is a Vietnam veteran, a member of the Veterans of Foreign Wars, the American Legion, the Navy League, the Vietnam Veterans of America and the Missouri Military Advisory Committee.

The U.S. Court of Appeals is truly the second most important court in the land. Nearly every Federal case ends up before the court in some manner. Its decisions impact every aspect of society. To these positions, I believe it is imperative that the President nominate people of distinguished intellect and character with a breadth of legal

experience. This standard has been far surpassed with the nomination of Judge Benton. With his knowledge and experience, he will make an outstanding addition to the Federal judiciary.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of William Duane Benton, who has been nominated to the U.S. Court of Appeals for the Eighth Circuit.

Judge William Benton is an ideal nominee and is well suited for the Federal bench. He is currently a judge on the Supreme Court of Missouri, where he has served for 13 years, including two years as chief justice of the court. He is highly respected by his peers, has broad bipartisan support, and received a unanimous ''Well Qualified'' rating from the American Bar Association. Both of Judge Benton's home State senators, Senators BOND and TALENT, enthusiastically support his nomination to the Eighth Circuit.

Before I go on, I want to note here that Judge Benton is the only certified public accountant serving on any State supreme court in the United States.

I would also note Judge Benton's military career. From 1975 to 1979, he served with the U.S. Navy as a judge advocate. A Vietnam veteran, Judge Benton retired from the U.S. Naval Reserve at the rank of Captain following 30 years of active and reserve service.

Judge Benton has an outstanding academic record and I want to list a few of his accomplishments: He graduated summa cum laude from Northwestern University, where he became a member of Phi Beta Kappa. He then attended Yale Law School, where he distinguished himself as both an editor and managing editor of the Yale Law Review. While on active duty in the Navy, he attended business school at night at the University of Memphis and received his master's in business administration—with highest honors. And in 1995, he received an L.L.M. from the University of Virginia.

Judge Benton has been a dedicated public servant throughout most of his career, serving in all three branches of the Government at the State or Federal level. He was confirmed by the Missouri Senate for many of those positions: Director of Revenue for the Missouri Department of Revenue; the Chair of the Board of Trustees for the Missouri State Employees' Retirement, and Member of the Board of Regents for Central Missouri State University. Additionally, the governor of Missouri appointed Judge Benton to the Multistate Tax Commission prior to his service on the bench. The Missouri Senate also confirmed him for that position, and members from 32 other states elected him chair of the commission. Judge Benton also served as chief of staff to Missouri Congressman Wendell Bailey in the U.S. House of Representatives.

In addition to his many years as a public servant, Judge Benton maintained a law practice. During the 1980s, he had a general civil practice representing clients such as statewide associations and groups, small businesses, and local governments. He also represented several Federal inmates on a pro bono basis.

Judge Benton has the support of both home State senators. Furthermore, he has wide support from members of the Missouri bar, as well as community organizations such as the Jefferson City Branch of the N.A.A.C.P.

Judge Benton has a solid reputation for possessing a high level of integrity, and for being personable and engaging. I'm sure that my colleagues will agree that Judge Benton brings unmatchable expertise, as well as experience to the Federal bench.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, a little more than a month ago we were able to obtain a firm commitment from the White House that there would be no further judicial recess appointments for the remainder of this presidential term. That undertaking led immediately and directly to the Senate vitiating a cloture vote and proceeding to confirm a district court nominee from Florida. Since that time I have been urging the Republican leadership to schedule consideration and votes on the other two dozen nominees to be considered. They started slowly but last week we were able to confirm nine of the judicial nominees. Today we will act on several more.

It is unfortunate that the Republican leadership did not schedule the debate that they know will be required before a vote on the Holmes nomination. There remains no Democratic hold on that nomination. The problem has been the failure of the Republican leadership to build that debate into the Senate schedule.

I am working with the Democratic leader and all Senators to complete action on all the other judicial nominees subject to the understanding. In order to accommodate Senators, we will proceed with some of the nominees by voice vote.

The facts are that Senate Democrats have been much more cooperative with this President than Republicans were when President Clinton was in the White House. Democrats in this Senate have shown great restraint and extensive cooperation in the confirmation of nearly 200 of this President's judicial nominations. We have reduced circuit court vacancies to the lowest level since the Republican Senate leadership irresponsibly doubled those vacancies in the years 1995 through 2001. We have already reduced overall Federal court vacancies to the lowest levels in 14 years, and after today we may hit a level of vacancies achieved only once in the last 20 years with less than 30.

Today we consider William Duane Benton, the fifth of President Bush's nominees to a circuit court we will have confirmed this year. This should be contrasted with the number of circuit court nominees confirmed in the 1996 session, the last year of President Clinton's first term. That session not a single circuit court nominee was permitted by the Republican majority to proceed to confirmation, not one. That year only 17 judges were allowed to be confirmed and all were to district court vacancies.

Judge Benton, who currently serves on the Supreme Court of Missouri, is an example of the sort of nominee that President Bush ought to send for the appellate courts. He has a reputation as a conservative, but fair-minded judge. As an attorney he had experience in a variety of areas of law, and on the State Supreme Court he has handled complex criminal and civil cases. He has written a number of excellent opinions, laying out the facts and the law with no hint of any personal bias. Judge Benton shows a willingness to listen to all litigants and to be fair.

I was especially struck by his fairness in death penalty cases. Far too often judges, especially elected judges, yield to the pressure of those who would sacrifice important constitutional principles in capital cases. As I look at his record, I see that of the 21 published opinions Judge Benton has written in death penalty cases, he has affirmed 12 and reversed nine. I think it is telling that he is willing to see beyond what are always terrible facts in these cases to ensure that justice and important constitutional safeguards are preserved.

I hope that my praise for his work in death penalty cases will not hurt Judge Benton's chances for confirmation. I remember not so long ago when another judge on the Supreme Court of Missouri, now-Chief Justice Ronnie White, was before the Senate as a nominee to a seat on the Federal bench. Sadly, Judge White's willingness to uphold the Constitution and ensure fair process in death penalty cases led to his being defeated by an unprecedented party-line vote of Republican Senators. His record was twisted and distorted for purposes of partisan politics.

Judge White was twice nominated by President Clinton to fill a seat on the U.S. District Court. The Judiciary Committee held two hearings on his nomination. Judge White was introduced enthusiastically by Senator BOND, and after each of these hearings the committee voted favorably to report his nomination to the full Senate. Despite this bipartisan support, however, his nomination was delayed for months and then years. When the time finally came for a vote on the Senate floor, Judge White was ambushed, and he was rejected in a party-line vote during which Republicans who had supported his nomination previously reversed position to scuttle it before the Senate.

The biggest distortions of Judge White's record were in death penalty

cases. His record on the whole compares favorably to Judge Benton's. According to testimony at Attorney General Ashcroft's confirmation hearing, Judge White voted to affirm the death penalty in 69 percent of the cases he heard. Looking just at the opinions Judge Benton has authored, we see him writing to affirm the death penalty 58 percent of the time. If we factor in cases in which he did not write the opinion but voted to affirm a capital sentence, I am sure the percentage is higher, and approaches Judge White's record.

For opposing a capital sentence in dissent in a small minority of the cases he heard, Judge White was vilified. Then-Senator Ashcroft took to the Senate floor and pointed to Judge White's record in death penalty cases as evidence that he was ''pro-criminal,'' further describing Ronnie White as a judge, ''with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.'' These were outrageous things to say about a man who had devoted his life to the law, who had served many years on the State's highest court, and who had voted to reverse a small number of death sentences in order to preserve the integrity of the Constitution. When Judge White came to testify at Attorney General Ashcroft's confirmation hearing, Senator SPECTER offered him an apology for the way in which he was treated.

I mention all of this, as I said, because it provides such a stark contrast to the treatment that Judge Benton has gotten throughout his confirmation process. I doubt anyone will look at the nine cases in which he wrote to reverse a death penalty—50 percent more cases than those Judge White voted to reverse—and accuse him of being ''pro-criminal''. I will be surprised if, because he has found reversible error in the imposition of nine different death sentences, each one involving terrible crimes and horrific facts, any Member of this Senate will accuse him of having a ''tremendous bent toward criminal activity.'' I will be shocked if, because he exercised his best judgment and followed the law as he understood it, he will be vilified and humiliated in a sneak attack in the manner that Judge Ronnie White was treated.

Of course, none of that should happen to Judge Benton, just as none of that should have happened to Judge White. I hope that one day Judge White's name can come back before the Senate and that he can be treated with the integrity and respect he deserves, just as we treat Judge Benton. I will vote in favor of Judge Benton's confirmation.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit?

The nomination was confirmed.

NOMINATION OF DORA L. IRIZARRY TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF GEORGE P. SCHIAVELLI TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF ROBERT BRYAN HARWELL TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will state the next set of nominations, en bloc.

The legislative clerk read the nominations of Dora L. Irizarry, of New York, to be United States District Judge for the Eastern District of New York;

George P. Schiavelli, of California, to be United States District Judge for the Central District of California;

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

Mr. HATCH. Mr. President, I rise today to express my support for the confirmation of Dora Irizarry, who has been nominated to the U.S. District Court for the Eastern District of New York.

Judge Irizarry has an impressive record of academic achievement and public service. She is a cum laude graduate of Yale University and a graduate of Columbia University School of Law. She has spent the great bulk of her career in public service, including 16 years as an assistant district attorney prosecuting complex narcotics cases. In 1995, then-Mayor Rudolph Guiliani appointed her to the New York City Criminal Court. Two years later, she was elevated by Governor George Pataki to the New York Court of Claims, where she served as an acting justice on the New York Supreme Court. After seven years of service as a judge, she left the bench in 2002 to campaign as the Republican candidate for State Attorney General. She is currently in private practice with the New York law firm of Hoguet Newman & Regal.

In acknowledging the questions that some of my colleagues have about Judge Irizarry, let me just say I have done my best to ensure her nomination is treated with fairness and respect, and I believe we've succeeded. During the confirmation hearing for Judge Irizarry, we heard from the ABA and we also heard from three distinguished members of the New York legal community. We heard from New York Supreme Court Justice Michael Pesce, the presiding justice, and New York Supreme Court Justice Lewis Douglass, as well as James Castro-Blanco, immediate past president of the Puerto Rico Bar Association. They praised her legal aptitude and experience, her integrity, and, most notably, her judicial temperament.

Furthermore, the Committee received a number of letters in support of Judge Irizarry's nomination from those who were unable to attend her hearing, as well as a strong letter in support from the Congressional Hispanic Caucus.

When I look at the full record in this case, including the impressive testimony on behalf of Judge Irizarry from her judicial colleagues and former associates, the endorsements of the Brooklyn, Asian American and Puerto Rican Bar associations, and her own answers to the questions that have been raised, I am persuaded that she is prepared to be a fine Federal judge. I support her confirmation, and I ask my colleagues to do the same.

Mr. President. I yield the floor.

Mr. LEAHY. Mr. President, today, we are asked to consider the nomination of Dora Irizarry to the United States District Court for the Eastern District of New York. There was some controversy with her nomination stemming from interviews conducted by the American Bar Association. A majority of the ABA Standing Committee members concluded that Judge Irizarry was ''not qualified'' for the Federal bench. I believe we must give considerable weight to such peer reviews.

Unfortunately, Judge Irizarry is one of 28 judicial nominees of this President to receive a partial or majority rating of ''not qualified'' from the ABA committee that conducts a peer evaluation of judicial nominees. When the ABA advises us that even a minority of the members of its review committee consider a nominee to be ''not qualified,'' that is cause for concern. I know that the ABA representatives take their work very seriously.

Last October, the Judiciary Committee held a hearing on the nomination of Judge Irizarry, with the consent of both of the Senators from her homestate of New York. The senior Senator from New York, Senator SCHUMER, served as the ranking member at the hearing. On behalf of the Democratic minority, I worked with Chairman HATCH to allow that hearing to be scheduled on shorter notice than would normally be required under Senate rules. That was one of a series of accommodations Democrats have made to the Republican majority and to this administration without receiving acknowledgment or credit. At the hearing, the committee explored the nomination and the unfavorable recommendation of the ABA. We heard from the nominee, Judge Dora Irizarry, ABA representatives, and the witnesses speaking in support of her qualifications.

The Democratic members of the Judiciary Committee look very closely at the peer review ratings provided by the ABA. Nevertheless, we consider the views of the ABA an important but not a dispositive piece of information as part of our evaluation. We may not always agree with the recommendation.

The Senate proceeded to confirm nominees with majority ''Not Qualified'' ratings from the ABA, and during the course of this administration the Senate has confirmed a number of nominees with partial ''Not Qualified'' ratings.

There are other factors that are critical considerations for these lifetime positions in the Federal judiciary beyond a favorable ABA rating. For example, in the judgment of some Members of the Senate, some of this President's judicial nominees do not have records that demonstrate that they will be fair judges and, instead, their backgrounds suggest precisely the opposite: that they were chosen with the hope that they would prejudge areas of constitutional law in order to move the law in a certain direction in tune with the political views of the right wing of the Republican party.

I have no concerns about the impartiality of the ABA member, Pat Hynes, who conducted the interviews in connection with the nomination of Judge Irizarry. Ms. Hynes, who is of counsel at Milberg Weiss, chaired the ABA standing committee during the beginning of the Bush administration and also served as the ABA's Second Circuit representative from 1995 to 2000. She is currently Chair of the Merit Selection Panel for Magistrate Judges for the Southern District of New York and serves on the Second Circuit Court of Appeals Rules Committee. She was chosen as a Fellow of the American College of Trial Lawyers and has been named one of the Top 50 Women Litigators in the United States and one of the 50 Most Influential Women Lawyers in America.

The Senate Judiciary Committee's practice has been to invite the ABA's testimony in connection with a nomination when a circuit or district court nominee has earned a majority or unanimous rating of ''not qualified.'' In providing such testimony, I know that the ABA takes pains to preserve the confidentiality of the attorneys and judges they interview as part of their review. I do wish the ABA would provide similar information, informally or formally, about other ratings they provide. Before President Bush ejected the ABA from the process of providing an informal rating before a nomination was made, the fact that temperament or ethics concerns were raised was conveyed, and sometimes past White Houses chose not to proceed after making further inquiry into such concerns. Additionally, when the ABA was involved in the process before nomination, I am confident that members of the legal community were more candid before a judicial candidate was given the imprimatur of the President.

I understand that in connection with the nomination of Judge Irizarry, the ABA heard a number of candid assessments from the lawyers and judges Ms. Hynes interviewed, some very positive and some troubling in the area of judicial temperament.

Judge Irizarry, who was born in Puerto Rico, is an attorney with the New York firm of Hoguet, Newman & Regal. A 1979 graduate of Columbia Law School, she was appointed to the Bronx County Criminal Court in 1996, and then served on the New York County Criminal Court, on the New York Supreme Court, which, despite its name, is a trial level court, in New York County and Kings County, and on the New York Court of Claims. She served as a judge until May 2002, when she resigned to run an unsuccessful campaign for State Attorney General against Eliot Spitzer. As I mentioned, based on concerns about temperament, a majority of the ABA committee found her to be ''not qualified'' for a Federal judgeship and a minority voted to find her ''qualified.'' The New York City Bar Association's Judiciary Committee also found Judge Irizarry to be unqualified for a position on the Federal bench, citing a lack of Federal experience and complaints about her judicial temperament.

I have concerns about the serious temperament allegations that were made to the ABA standing committee but I trust the judgment of the senior Senator from the State of New York and I am prepared to support Judge Irizarry's confirmation to this lifetime position. I trust that she will conduct herself on the Federal bench in a way that is above reproach.

NOMINATION OF GEORGE SCHIAVELLI

Mr. HATCH. Mr. President, I am pleased today to speak in support of George P. Schiavelli to be United States District Judge for the Central District of California.

Judge Schiavelli has exceptional qualifications for the Federal bench. After graduating first in his class from UCLA Law School in 1974 he joined the law firm of O'Melveny & Myers LLP as an associate where he worked on litigation, labor, corporate and entertainment issues with an emphasis on commercial litigation. In 1976, Judge Schiavelli joined the litigation department of Ervin, Cohen & Jessup LLP. Ten years later, he was hired as a partner at Horvitz & Levy, LLP, an appellate law firm.

Judge Schiavelli began his distinguished career in public service by joining the Los Angeles Superior Court in 1994 where he served until 2000. Since that time, he has practiced principally in the area of alternative dispute resolution, ADR, acting as a mediator, arbitrator, referee, and special master. In addition to his ADR activities, Judge Schiavelli has been Of Counsel to the Appellate Group of Reed Smith LLP.

Judge Schiavelli's impressive credentials are reflected in his unanimous American Bar Association rating of Well Qualified. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of George Schiavelli to the U.S. District Court for the Central District of California. He is currently of counsel at Reed Smith LLP in Los Angeles, where he has worked since 2000. Prior to joining Reed Smith, he served as a judge on the Los Angeles Superior Court from 1994–2000. He has significant litigation and judicial experience and I support his nomination.

Mr. Schiavelli's nomination is the product of a bipartisan judicial nominating commission maintained with the White House by Senators FEINSTEIN and BOXER. The State of California is well-served by its bipartisan judicial nominating commission, which recommends qualified, moderate nominees on whom members of both parties can agree. It is difficult to understand why President Bush has opposed similar bipartisan selections commissions since they clearly help Democrats and Republicans work together to staff an independent judiciary.

I thank Senators FEINSTEIN and BOXER for their steadfast efforts in maintaining the commission. It is a testament to their diligence that we have such well-qualified nominees heading to California's Federal courts. With this confirmation, the Senate will have confirmed 15 nominees to the district courts in California.

The Senate will now have confirmed more than two dozen judicial nominees of President Bush this year alone. Only 17 judges were confirmed under Republican leadership in the entire 1996 session and no circuit court nominees were confirmed that entire time. That was the last year in which a President was seeking reelection. We have far exceeded the number of judges confirmed, including circuit judges, that year.

With today's votes, the Senate will have confirmed nearly 200 judicial nominees of President Bush. In this Congress alone, the Senate has confirmed more Federal judges than were confirmed during the 2 full years of 1995 and 1996 when Republicans first controlled the Senate and President Clinton was in the White House. We have also exceeded the 2-year total at the end of the Clinton administration, when Republicans held the Senate majority in 1999 and 2000. I would note, however, that the Republican-controlled Senate has not confirmed in 25 months quite as many as the 100 the Democratic-led Senate confirmed in our 17 months in the majority in 2001 and 2002.

With nearly 200 confirmation of President Bush's judicial nominees, the Senate has confirmed more lifetime appointees for this President than were allowed to be confirmed in the most recent four-year presidential term—that of President Clinton from 1997 through 2000. We have confirmed more judicial nominees than the first President Bush appointed in his presidency and more than during President Reagan appointed during his entire term from 1981 through 1984.

I congratulate Mr. Schiavelli and his family on his confirmation today.

NOMINATION OF ROBERT B. HARWELL

Mr. HOLLINGS. Mr. President, I join LINDSEY GRAHAM in supporting Bryan

Harwell to be a Federal judge in the Low Country. I support nominees from both parties no matter who is President, but I don't believe this Nation's courts should be filled with judges who are advancing a political agenda. We need to stay above politicizing the courts for short-term political gain. I have been disturbed by a few of the President's nominees, who have been outside the judicial mainstream, or are only marginally qualified, or are tainted by conflicts or their past political work for Kenneth Starr. We should not use the Federal bench to reward our political operatives.

Bryan Harwell has distinguished himself as a trial lawyer with a law firm in Florence and Marion, representing individuals and small businesses in general civil, criminal, workers compensation and family court matters. In particular, he has developed expertise in torts and insurance, product liability, malpractice and other negligence cases. His Martindale-Hubbell Rating is AV, the highest possible rating. As a veteran, I appreciate Mr. Harwell's service for a number of years in South Carolina's Army National Guard, during which he rose to the rank of JAG Captain. He has also contributed to his community as a Trustee of the Florence Darlington Technical College and as a business law professor there. Bryan Harwell will be a fine Federal judge.

Mr. GRAHAM of South Carolina. Mr. President, I have had the pleasure of knowing Bryan Harwell for a very long time. I have always respected his character as well as his legal abilities. Upon hearing of Judge Houck's intention to take Senior Status, I immediately thought of Bryan. He has distinguished himself in private practice since 1984, serving as a pillar of the Florence, SC legal community. Everyone I've talked to about his nomination has been unanimous in their admiration for him and his family.

As most of you know, I have based my judicial recommendations to the President on character, ability, and temperament. Bryan Harwell fulfills all of these criteria with a large measure to spare. Indeed, he has displayed excellence in all of these categories for as long as I have known him. Upon graduation from the University of South Carolina School of Law, where he finished his degree in just over 2 years, Bryan clerked for one of our most respected state Circuit Judges, Rodney Peeples. Finishing his clerkship with Judge Peeples, he then went on to clerk for one of our most accomplished Federal judges, U.S. District Judge G. Ross Anderson. Both have had high praise for Bryan's time in their service.

After his clerkships, Bryan entered private practice with the law firm of Harwell, Ballenger, Barth & Hoefer, where he currently practices. His practice has involved the complete spectrum of South Carolina's laws and he has argued cases before our State Supreme Court as well as the Fourth Circuit Court of Appeals. He has augmented his litigation practice with a thriving mediation and arbitration practice, an area I personally believe has great promise for addressing a number of our legal system's problems. Last, but certainly not least, he has served his country as a Judge Advocate General officer in the South Carolina National Guard.

In short, like many lawyers in South Carolina, he has represented the working man and the small businessman and he has served his country as well. I have a tremendous amount of respect for that type of lawyer, having been one myself.

While he has excelled in private practice, Mr. Harwell has also shown his deep commitment to his community. He has opened his practice to those who are less fortunate and who need a helping hand by serving as a referral attorney for Carolina Regional Legal Services. He has served as an adjunct business law instructor at Francis Marion University. Bryan has participated in the South Carolina Bar's Ask-a-Lawyer project, an important link between our legal community and our citizens, which often serves as the only opportunity many of our citizens have for knowledgeable advice regarding some of life's most important matters. And, reflecting his varied interests, he has also served on the Board of Trustees at Florence Darlington Technical College.

Bryan Harwell has also gone out of his way to serve South Carolina's legal community. He has served as a lecturer on arbitration and mediation law on a number of occasions for our South Carolina Bar.

In recognition of his accomplishments and service, I am proud that Mr. Harwell received a unanimous ''Qualified'' rating from the American Bar Association. I am certain that he will be an excellent addition to the Federal bench.

I am pleased that the Senate has voted to confirm Mr. Harwell today.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Robert Harwell, who has been nominated to the U.S. District Court for the District of South Carolina.

Mr. Harwell is an exceptional nominee. A graduate of the University of South Carolina School of Law, he brings more than 20 years of legal experience to the Federal bench. After graduation, he clerked consecutively for South Carolina Circuit Judge Rodney A. Peeples and U.S. District, South Carolina, Judge G. Ross Anderson, Jr.

Let me just say that Mr. Harwell, like my distinguished colleague from South Carolina, Senator LINDSEY GRAHAM, has served as judge advocate general in the South Carolina Army National Guard. I note that Senator GRAHAM served in the Air National Guard.

After his clerkships, Mr. Harwell entered private practice with the law firm of Harwell, Ballenger & DeBerry, now known as Harwell, Ballenger, Barth & Hoefer, LLP, where he currently practices. In addition to practicing law, he often serves as a mediator or arbitrator, skills that will undoubtedly serve him well on the bench.

I think my colleagues will agree that Mr. Harwell is a well-qualified nominee and will make a fine jurist.

Mr. President. I yield the floor.

Mr. LEAHY. Mr. President, today we vote on the nomination of Robert Harwell to the U.S. District Court for the District of South Carolina. Mr. Harwell is the name partner of a litigation firm in South Carolina, Harwell, Ballenger, Barth & Hoefer, LLP, where he has practiced law since 1984. He has significant litigation experience, and I support his nomination.

The Senate will now have confirmed more than two dozen judicial nominees of President Bush this year alone. Only 17 judges were confirmed under Republican leadership in the entire 1996 session and no circuit court nominees were confirmed that entire time. That was the last year in which a President was seeking reelection. We have far exceeded the number of judges confirmed, including circuit judges, that year.

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With nearly 200 confirmation of President Bush's judicial nominees, the Senate has confirmed more lifetime appointees for this President than were allowed to be confirmed in the most recent four-year presidential term—that of President Clinton from 1997 through 2000. We have confirmed more judicial nominees than his father got confirmed and than during President Reagan's entire term from 1981 through 1984. Republicans should stop their false claims of obstructionism given these broken records.

With this confirmation, we have filled every vacant seat in South Carolina. It is a pleasure working with both of the Senators from South Carolina. I congratulate Mr. Harwell on his confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations, en bloc?

The nominations were agreed to en bloc.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table, and the President will be notified of the foregoing Senate action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, does the Senator from Kentucky want to be recognized?

Mr. MCCONNELL. Yes. If I could get in the queue here, I know the Senator from West Virginia is going to speak, followed by the Senator from North Carolina.

I ask unanimous consent that I be recognized after the Senator from North Carolina.

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

VOTE EXPLANATION

Mr. BYRD. Mr. President, I voted against the Frist-Daschle resolution on the Middle East. My constituents are entitled to an explanation. I opposed the resolution, and I know the leaders, and indeed all of the Members of this body, are genuinely committed to advancing the cause of peace in the Middle East, but no one should be naive enough to think this resolution will move the process forward one centimeter. If anything, the lopsided pro-Israel slant of this resolution will serve only to strengthen the growing distrust of moderate Arab States toward the United States.

This resolution is a blatantly unfair reading of the current status of the Israel-Palestinian conflict. It claims that the President's roadmap for peace is still relevant, even though it has been completely stalled for more than a year. The resolution wholeheartedly endorses Prime Minister Sharon's view of the barrier wall being built in West Bank, without so much as a mention of the wide opposition to its construction from moderate Arab countries, such as Jordan.

The resolution contains language that could easily be construed to be in support of the controversial, and some claim illegal, practice of the targeted assassinations carried out by the Israeli Armed Forces. The United States is completely right to condemn the violence carried out by Palestinian terrorists, but we cannot turn a blind eye to the unwarranted excesses of the Israeli Government under Mr. Sharon. If our country truly wants to push both sides toward the negotiating table, we should condemn all violence arising from the Israeli-Palestinian conflict, including that which has claimed the lives of innocent Palestinians. There is blame to be shouldered by both sides. If we are to regain our credibility—let me say that again. If we are to regain our credibility as honest brokers in the Middle East, we need to acknowledge that fact. Progress will only be made in resolving the Middle East violence when the United States weighs in with a fair, evenhanded position that points out the wrongdoings of both sides.

Resolutions such as this one are a far cry from being fair, objective, or evenhanded.

Besides the specific provisions of this resolution, I oppose the thrust of the resolution, which is intended to express ''the Sense of the Congress in Support of United States Policy for a Middle East Peace Process.'' The United States has been completely disengaged from the Israeli-Palestinian peace process for far too long, and the number of victims on both sides is growing far too fast. I cannot support a policy that boils down to a benign neglect of the violence in the Middle East.

Resolutions such as the one the Senate has taken up today may serve as a useful platform for a press release or a stump speech, but they do nothing to advance the cause of peace in the Middle East. I would jump at the chance to vote for a meaningful resolution that articulated the Senate's support of a viable policy to resolve the conflict between the Palestinians and the Israelis. But this administration has abandoned any pretense of promoting such a policy. To voice the Senate's support for what amounts to a set of empty promises and incendiary rhetoric is a foolish exercise of which I want no part.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

IRAQ AND AL-QAIDA

Mrs. DOLE. Mr. President, I find it troubling that the war in Iraq is not being equated to the overall war on terror. Polls have shown evidence that Americans are not making the connection. So the question at hand is, Was removing Saddam's government a positive step in the overall war on terror?

Our ability to turn over control to a peaceful and sovereign Iraqi government is an integral part of the overall war on terror. Collaboration of Iraq's former regime with terrorist groups and its funding of them have not been in question. Yet few critics and naysayers have passed up the chance to undermine a link between Iraq and al-Qaida.

Despite recent media reports that have clouded, or even misrepresented, the facts, there is compelling evidence that al-Qaida and Iraq have been linked for more than a decade. Democratic cochairman of the 9/11 Commission, former Representative Lee Hamilton of Indiana, told reporters there were connections between al-Qaida and Saddam Hussein's government.

In a speech earlier this afternoon, former Vice President Al Gore accused President Bush of lying about a connection between al-Qaida and Iraq. This is the same Al Gore who was a member of the same Clinton White House that first made charges about the dangers of Iraq passing chemical or biological weapons to al-Qaida. Those charges formed the basis for the missile strikes against alleged terrorist targets in Sudan in August 1998, according to on-the-record statements from no fewer than six top Clinton administration officials.

Documents discovered recently by U.S. forces at Saddam's hometown of Tikrit showed that Iraq gave Abdul Rahman Yasin both a home and a salary. Yasin was a member of the al-Qaida cell that detonated the 1993 World Trade Center bomb. Is this not a clear example of Iraq not only having a relationship with al-Qaida but also harboring and rewarding a terrorist, a person who was directly involved in a terrorist attack on our soil?

Let me highlight the case of Zarqawi, arguably the most dangerous terrorist in the world today. He and his men trained and fought with al-Qaida for years. Zarqawi's network helped establish and operate an explosives and poison facility in northeast Iraq. Not only was Zarqawi in Baghdad prior to Saddam's ousting, but nearly two dozen members of al-Qaida were there as well. One al-Qaida associate even described the situation in Iraq as good and stated that Baghdad could be transited quickly.

Let me be clear. Mistakes have been made in Iraq, and this operation has been far from perfect, as evidenced by the fact that Zarqawi and other terrorists continue to wreak havoc throughout Iraq. But those who undermine the rationale for our mission in Iraq for political gain make our mission even more difficult and certainly do not boost the morale of our men and women in uniform.

Many of these young men and women are from my home State of North Carolina. They seek to assist the Iraqi people in transforming a country that harbored and gave safe haven to terrorists, a country to which terrorists traveled to consort with one another about how to produce weapons and how to inflict them on a common enemy. The terrorists know what is at stake, which is why they are pulling out all the stops to derail our efforts. They understand that a free and democratic Iraq is a serious blow to their interests.

I want our men and women in uniform to know that this Senator understands and appreciates the importance and the magnitude of the great work they are doing in Iraq. As my colleague, Senator LIEBERMAN, stated very succinctly this morning, the war in Iraq is the central battleground in the war on terror. Because of the efforts and eventual success of many brave men and women, the American people and the world are much safer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized.

RENEWAL OF SANCTIONS AGAINST BURMA

Mr. MCCONNELL. Mr. President, a few moments ago, the Senate voted to renew sanctions against one of the worst regimes in the world, the regime

that runs Burma. The situation in Burma is dire. Suu Kyi and the other NLD prodemocracy leaders remain in prison; a crackdown on democracy activists continues; and the SPDC's—that is the name the military thugs who run the country have given themselves—inhumane policies of child and forced labor, rape as a weapon of war, narcotics, human trafficking, and the use of child soldiers remains unchanged.

The swift passage of this resolution, which we did a few moments ago, matches words of support for freedom in Burma with concrete actions. It is past time to judge the military regime in Burma not by what it says but by what it does. The junta misled governments throughout the region into thinking that the May 17 constitutional convention would be a step forward in the reconciliation process, but it was not. The convention was nothing more than a summer camp for the sycophants of the military regime.

I am pleased our allies are increasing pressure on the junta. The European Union recently cancelled the Asia-Europe meeting because of Burma. It is an important step in the right direction. The EU should consider additional sanctions against the military regime.

More must be done. The U.N. Security Council should take up Burma for a discussion and for sanction and ASEAN should abandon the outdated policy of noninterference in member states' affairs.

One common subject must remain and that is the full and unfettered participation of Suu Kyi and the NLD, her political party, and ethnic minorities in a meaningful reconciliation process. I have two words for the regional neighbors of Burma: ASEAN 2006. That is the year Burma takes over chairmanship. That is 2 short years from now, which would result in a tremendous loss of face for that association.

Despite their worst efforts over the past 14 years, the SPDC has failed to smother the flames of freedom in Burma. I continue to be inspired by reports of activists who bravely and nonviolently defy the junta's illegitimate rule, like the handful arrested last month for distributing pamphlets in several Burmese townships marking the 1-year anniversary of the Depayin massacre.

It would be wise for the SPDC to accept the time-tested fact that Suu Kyi and the NLD are not going anywhere. They, and the ethnic minorities, are an integral part of the solution to the Burmese problem.

To wit, the NLD and their supporters made the courageous and correct decision to boycott the sham SPDC-orchestrated constitutional convention last month. I am pleased that international condemnation by the United States, United Nations, European Union and regional neighbors of the hollow convention was rightly aimed at the SPDC. The generals in Rangoon made any number of assurances to foreign diplomats that the process would be inclusive. It clearly was not.

This only underscores the imperative to judge the SPDC not by what it says but by what it does.

The convention turned out to be nothing more than a summer camp for SPDC sycophants. According to the Washington Times, the junta required their handpicked delegates to ''bathe at reasonable times, avoid junk food and live in self-contained camps where they can enjoy karaoke, movies and golf.''

Import sanctions by the United States alone will not help facilitate a meaningful reconciliation process in Burma. We need the U.N., E.U., and regional neighbors to fully commit to the cause. This was made clear by the NLD in a recent plea to U.N. General-Secretary Kofi Annan to ''take this matter to the Security Council''.

The U.N. should help the NLD and the people of Burma by examining the clear and present danger Burma poses to the region. This must include narcotics production and trafficking, the spread of HIV/AIDS throughout the region, the gross human rights violations of the SPDC, the plight of Burmese refugees and IDPs, and alarming reports of the junta's interests in North Korean missiles and Russian nuclear technology.

The E.U. should help the NLD and the Burmese people by examining its sanctions regime and imposing further punitive measures against the junta. I am pleased that our allies in the E.U. recently canceled the upcoming Asia-Europe Meeting, ASEM, dialogue in Brussels over the attendance of the SPDC. The junta has no place at this multilateral table.

Regional neighbors should help the Burmese people buy reconsidering the Association of Southeast Asian Nation's, ASEAN, outdated policy of noninterference in the internal affairs of member states.

Asian leaders must recognize the regime for what it is, wholly illegitimate to the people of Burma, the international community and the region. The SPDC's export of illicit drugs and HIV/AIDS is, literally, burying the children of Asia. All of Asia's youth, not only those in Burma, face a future that is undermined by Burmese-spread drugs and disease.

The region cannot ignore the fact of the junta's chairmanship of ASEAN in 2006. There could be no greater loss of face for that association than being under the guidance of the SPDC.

Let me close by thanking all 53 of my colleagues who joined me in sponsoring the sanctions resolution. I want to recognize in particular the efforts of Senators FEINSTEIN and MCCAIN and their respective staffs to support freedom and justice in Burma. The Burmese people have no greater friends in the Senate, or in Washington. I also appreciate the efforts by Senators GRASSLEY and BAUCUS and their respective staffs to expedite consideration of the legislation.

I would be remiss if I did not note the words of support of the NLD made by former Mongolian Prime Minister Tashika Elbegdorj, the Same Rainsy Party in Cambodia, and the cross-party Burma Caucus formed by Malaysian parliamentarians. Although they are engaged in their own efforts, and, in some cases, struggles, for democracy and human rights in their respective countries, they stand in solidarity with the people of Burma.

I encourage other neighbors to find their voice in support of the Suu Kyi and the NLD during these troubling times.

I thank the 53 cosponsors of this resolution, in particular Senators FEINSTEIN and MCCAIN. Burma has no better friends in Washington than DIANNE FEINSTEIN and JOHN MCCAIN.

I also appreciate the efforts of Senators GRASSLEY and BAUCUS and their respective staffs to move the bill in an expeditious manner.

I ask unanimous consent that a letter from Secretary of State Colin Powell indicating the State Department's support for the continuation of the sanctions we earlier today imposed with our vote in the Senate be printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, DC, April 30, 2004.

Hon. MITCH MCCONNELL,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, United States Senate.

DEAR MR. CHAIRMAN: I am writing to reaffirm the State Department's support for the continuation of the restrictions on imports from Burma, as I stated in my testimony before the Senate Appropriations subcommittee on foreign operations on April 8. Our sanctions represent a clear and powerful expression of American disapproval of the developments in Burma. This action is a key component of our policy in bringing democracy and improved human rights to Burma, as well as supporting the morale of Burmese democracy activists.

I support wholeheartedly passage of the Joint Resolution you introduced along with Senator Feinstein. Thank you for your leadership on this issue.

Sincerely,

COLIN L. POWELL.

THERE IS A PRICE TO PAY FOR FREEDOM'S STRUGGLE

Mr. MCCONNELL. Mr. President, almost a century and a half ago, the abolitionist Frederick Douglass spoke:

The whole history of the progress of human liberty shows that all concessions yet made to her august claims, have been born of earnest struggle . . .

If there is no struggle, there is no progress. Those who profess to favor freedom, and yet deprecate agitation, are men who want crops without plowing up the ground, they want rain without thunder and lightning.

They want the ocean without the awful roar of its many waters.

We could find no wiser counsel as we approach the historic transitioning of

Iraq to self-rule on June 30. Mr. Douglass' words which rang true in 1857 continue to do so through 2004. As one dark chapter closes and a new, brighter one is set to open in Iraq, we recall his words that the freedom of man has not yet been fully attained, nor is it freely conceded. There is a price to freedom's struggle that tragically includes loss.

In short, freedom is not free. As Iraq struggles to transition from dictatorship to democracy, we all suffer with the loss of each soldier. We all bear the pain of Iraqi men, women, and children suffering from terrorist attacks and Hussein holdovers. But not all shrink back from freedom's struggle upon hearing, feeling, and understanding its price.

The risks and travails of securing freedom are too easily forgotten by a complacent humanity. Yet, we do not need to leap back centuries to comprehend the expense of freedom's attainment. Just a few years ago, we understood that freedom has a price.

In 1983, the head of Solidarity in Poland, Lech Walesa, spoke of freedom's price when receiving his Nobel Prize:

> With deep sorrow I think of those who paid with their lives for the loyalty to ''Solidarity''; of those who are behind prison bars and who are victims of repressions. I think of all those with whom I have traveled the same road and with whom I shared the trials and tribulations of our time.

Nor did the struggle for freedom end with the cold war. In his 1999 address to NATO, Vaclav Havel of Czechoslovakia stated:

> The fact that a former powerful strategic adversary has disappeared from the scene does not, however, mean that in the world of today, human lives, human rights, human dignity, and the freedom of nations are no longer in danger. They are, unfortunately, still being threatened, and collective defence of the democratic states of the Euro-Atlantic sphere of civilization, therefore, still remains a valid concept.

History did not end with the end of the cold war. Yet, despite the attack of 9/11, some want to believe that history has ended, or that struggling for freedom is unnecessary or obsolete. They believe either that mankind enjoys all the freedom that it is due, or that freedom cannot be preserved or expanded by means of force or combat.

In either case, any would-be leader of the Free World cannot both profess such beliefs and still claim the determination to protect freedom in the post-9/11 world.

Not for this Nation, not for this time, and not for this struggle.

President Bush believes otherwise. He understands what Frederick Douglass meant when he said:

> Power concedes nothing without a demand. It never did and it never will . . .

While we have not yet witnessed the conclusion of this most recent struggle for freedom, we have seen the trials and tribulations this President faces.

I believe President Bush is trying to wage the War on Terrorism against unprecedented and incredible words and deeds of disunity here at home. Every citizen is ensured the right to dissent. Every President who volunteers to serve in that high office understands and is sworn to uphold that right to dissent. While this Nation has had great leaders who have stood at the helm through many challenges to our national security, I wonder if they could have been successful without the support of those who put the best for their Nation ahead of the best for their party. For such is the unique challenge to victory this President confronts. Consider a historical comparison of the challenges this President faces now against those of a President in our recent past.

In World War II, President Roosevelt stated the national goal of ''unconditional surrender.'' In the War on Terrorism, President Bush similarly outlined the national goal of ''regime change'' in Iraq. The paramount national goal in wartime should be a unifying force in any nation. In World War II, it was. Republicans echoed President Roosevelt's demand for the ''unconditional surrender,'' not just of Japan, but of Germany and Italy as well.

In the War on Terror, Democrats have echoed President Bush's call for ''regime change,'' but not in Iraq. Instead, they called for ''regime change here at home.'' Democrats contend it is the President of the United States, not the dictator of Iraq, that's the ''regime'' that needs toppling for the world to be safe.

Perhaps this is just political sloganeering, but can anyone imagine the Republican candidate for President in 1944 calling for ''unconditional surrender'' here at home? That would have spurred a firestorm of criticism and probably doomed the candidate. In 2004, it has helped a candidate secure his nomination for President. Many of these critics justify cries of ''regime change at home'' because they believe the war was unnecessary. They believe that after the terrorist attack of 9/11, the war on Iraq was a diversion from the ''real'' war on terrorism.

Shortly after Pearl Harbor, President Roosevelt announced a ''Germany First'' strategy. In his judgment, Germany was a greater threat than Japan because of its wealth, location, and advanced weaponry. It became the theatre of World War II that commanded most of the attention and resources in that war.

Shortly after 9/11 and the opening operations against al-Qaida's puppet government in Afghanistan, President Bush announced that Iraq was a grave and gathering threat because of its wealth, location, and advanced weaponry.

It therefore has become the theatre in the war on terrorism that demands our greater attention and resources. If today's critics had existed then, President Roosevelt's ''Germany First'' strategy would have been roundly criticized. Today's critics would have claimed Roosevelt had always wanted to ''get'' Germany. They would have claimed that his War Department had been planning war against Germany ever since the previous war. They would claim Roosevelt was engaging in a personal anti-fascism campaign that ignored and diverted attention from the search for the attackers of Pearl Harbor. He would be charged with making America less safe as he failed to focus all resources solely upon Japan. And if Roosevelt had listened to these critics, Britain would have fallen, and likely the Soviet Union too, and the Third Reich would have covered the better part of three continents—Europe, Asia, and Africa. A new Dark Age would have descended.

For those who might have felt the ''Germany First'' strategy in World War II was misplaced or that the entire Germany effort was an ''unnecessary war,'' one overwhelming discovery confirmed it was the right thing to do.

The horrific evidence of a holocaust was exposed at the end of the war. That gruesome discovery of wholesale genocide granted finality to the righteousness and sanctity that belonged to those who led and fought in the war against the Nazis. But the difference between now and then is that the Iraq holocaust does not justify our action; in fact, by many critics, it is not even noted. Think of that. Mr. President, 300,000 dead in Iraq and that is not a consideration for most critics of the war effort.

I defy anyone to show me where these critics devote even one sentence to this holocaust in the paragraphs and pages attacking this war as wrong, unnecessary, immoral, and unjust.

When did life become so cheap as to be irrelevant?

Thankfully, Roosevelt ignored his few misguided critics and this President should follow his lead. America needs the will of Churchill, not the waffling of Chamberlain. America needs leaders like Roosevelt and Reagan who recognized evil and were willing to call it by its rightful name. They knew the time to talk was over and the time to act was now, rather than never. Upon such will, such resolve, and such simple honesty lies the strength and endurance of our Nation and its precious freedoms. President Bush is a man of such mettle.

No one here or abroad doubts this President will act. He does not waffle, he does not double-talk, and he does not hide behind the timidity of others. Nor is he guided by his critics and their partisan agenda. He is a man for this time. Now, because of his leadership, on this June 30, the time has come for liberty to emerge from struggle and strife, and to again stride forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

60TH ANNIVERSARY OF D-DAY

Mr. FRIST. Mr. President, the hour is late, and I know we will be wrapping up in about 30 minutes or so. There is a lot of business with the recess tomorrow—and we will be in tomorrow—and we will be wrapping up tonight. It will take a while to wrap up. We will be doing that in about 30 minutes or so.

Thus, I would like to take a few minutes to come to the floor and take advantage of the time to talk about the fascinating trip I had the opportunity and the privilege to take about 3 weeks ago. I had the privilege of traveling to Normandy, France, to celebrate the 60th anniversary of the D-day landings.

That same week, as my colleagues know, we suspended business on the floor of the Senate to pay tribute to President Ronald Reagan—again, a wonderful week in that the messages were delivered and the tributes were shared.

In the midst of that, however, I did not have the opportunity to share with my colleagues some of my experiences from the D-day celebration in Normandy, France, and thus I would like to take this opportunity to do that.

This particular journey took with two of our colleagues, Senator BOB BENNETT and Senator JOHN ENSIGN. The three of us had a truly extraordinary experience. We spent the previous 2 days in Baghdad, Iraq, and in Kuwait, and then flew from Baghdad to the U.S.-French binational ceremony at Omaha Beach.

Back in 1944, in the thick of war, Fortress Europe was the strongest at this point, reinforced with layers of obstacles, mines, and gun positions with hardened bunkers. Some of those structures are still there today. You can see the remnants of others. These remnants stand today almost as ghostly reminders of those battles that I had the opportunity to hear described firsthand by the veterans who had come back for the celebration.

At Normandy, Nazi forces were commanded, as we all know, by none other than Field Marshal Erwin Rommel, the ''Desert Fox'' of North Africa fame who was regarded as the finest, the very best field commander in the German Army. He won practically every battle he enjoined. His defenses were considered impenetrable.

In the early morning of June 6, 1944—of course, that was the day so many years later that we were there—American soldiers, mainly from the 1st Infantry Division and 29th Infantry Division, landed at that beach we visited now several weeks ago. They were supported by the Army Air Force flying over and Naval gunfire. They struggled forward inch by inch, out of boats up the beach, as fellow soldiers were literally cut down one by one, wounded, and killed in this hail of enemy gunfire.

We have all read about what went on at that beach, but to have that opportunity to hear firsthand, as we walked along the ridge above that beach, from people who were there. Many of them had not talked a lot—at least they said they had not talked a lot about their experience. They seemed to open up as we were there. Many of them were there at the age of 16, 17, 18, or 19 years of age. And they all described the battle raging. Body counts swelled, and many expressed doubt that they would succeed—they described it as such—that every second seemed like an eternity.

It was clear that in spite of all this, soldiers, through boldness and through courage, persevered.

Further down the beach, the U.S. Army Rangers had scaled the cliffs at Pointe du Hoc and knocked out the German artillery positions that were there to disrupt any invasion force.

By the end of that blood-soaked day, our American boys had pierced that Atlantic wall. They seized their objectives. And, as history would prove, because we had the opportunity to celebrate, they launched the liberation of Europe.

Thousands of American soldiers perished in those few hours. Their heroism today is marked by the familiar pictures today with television and C–SPAN and video—the familiar pictures of all of those white crosses against that green grass and the Stars of David, all in very neat rows. Wherever you stand, you see them lined up parallel, horizontally and vertically, or diagonally. Wherever you stand, the symmetry jumps out at you. It goes on for acres and acres. I have no idea how big it is. But these crosses go on for acres.

There is a little path where the beach is right below. You can walk along these winding paths of the cemetery. As you do so—especially, I think on this day, when the sky was bright blue, the white crosses, the green grass—there were veterans by the hundreds and, indeed, by the thousands with their family members, with, obviously, their daughters, sons, grandchildren, and great-grandchildren huddling around them as they walked along those paths. One could not help but admire their bravery, their boldness at a time in their life when they were very young, at a time they had to be uncertain; they were far away from home, fighting a ruthless enemy. Each cross and each star, obviously, represents a young man, a young person who died on June 6th, 1944, defending his country.

The crowds would gather as we were there. A lot of people had come in. There was a lot of security at the gathering to hear President Bush and President Chirac. As the crowd gathered, we were seated amidst the sea of veterans. Usually they put the officials in one or two rows, separated, but, no, you would sit in the audience surrounded by scores and scores of veterans.

A few minutes ago I called Congressman CHARLIE RANGEL to talk about another bill we will be talking about later tonight. In that conversation I was reminded of the fact that 2 weeks ago he was there. He called me over to meet several veterans from New York. There was another woman, Grace Bender, a neighbor of mine in Washington, DC. I had no idea I would see her there. She was there a few rows away with her father, of whom she was clearly so proud.

The veterans were gathering with their buddies and with their family members, with their shipmates, with their fellow crewmen. Even after 60 years, they clearly regarded these colleagues, these comrades in arms, as brothers, bonds forged over that period of a day, weeks, and those months in the midst of this war.

I vividly remember standing for the national anthem. As we all stood up, the first people on their feet were those veterans, the ''greatest generation.'' They were the first to stand. I also noted, they were the ones who would be singing the loudest. They seemed to stand the tallest. Their love of country clearly had even grown over time.

President Bush spoke and delivered captivating remarks. President Chirac also delivered stirring remarks. They both recounted specific moments and acts of heroism on D-day. We honored those who gathered and we paid tribute to those who were no longer with us, the soldiers and the sailors and the airmen who had made that ultimate sacrifice for the cause of freedom.

The ceremony ended with a ceremony of honor guards. Again, my heart filled with awe and admiration to be able to walk with those veterans on that D-day celebration. They were then, and they clearly remain today, true heroes.

After the ceremony, my colleagues and I boarded a bus to the town of Bayeaux, a small French village that was spared the heavy fighting and bombing on D-day and of the weeks that followed. As we rode the bus through the countryside, we passed through beautiful green fields, hedgerows, and small towns of the French countryside that were showered in 1944 by the American paratroopers of the 101st and the 82nd Airborne Divisions, the night before those Normandy landings.

I specifically mention the 101st because this past weekend I had the opportunity to be in Clarksville, TN, and Fort Campbell, KY, and had the opportunity to witness an air show in which the 101st Airborne participated. You can see dramatically their training exercises.

While I was in Kentucky last week, again, I was thinking back to what happened in 1944 when these paratroopers of the 101st and 82nd Airborne Divisions paratrooped in the night before. Thousands of those paratroopers, as we all know, were killed. Many of them drowned. Many were wounded that night. Many were wounded on the

jump itself. The mission was specifically to jump behind enemy lines to distract the Nazis and seize important strategic or key terrain and to disrupt the Nazi reinforcements. Their heroism and success were ultimately crucial to the allied victories at Omaha Beach, at Juno, at Sword, and at Gold.

When we arrived in Bayeaux, we were greeted by the President of the French Senate. We had the opportunity to have lunch there with 33 members of their Senate. We also met with the town mayor, and many of the town citizens came out to speak of this. I don't speak French, but as I went over to the side and shook hands and introduced myself to an interpreter, immediately a smile came on their faces with an expression of appreciation and thanks.

Among the people we had the opportunity to meet were many survivors of war who had been small children at the time of the occupation. They did recall D-day and the American GIs who liberated their villages.

They treated us to a wonderful luncheon that day and, once again, representing America as officials, U.S. Senators from America, we were showered with praise and thanks, as well as a promise of continued friendship and alliance. This was a group of French Senators, so I did not expect that at the time, but that is what we received.

Our final event for the day was also very special. It was the multinational ceremony at Arromanches. We were joined by gatherings of heads of state from around the world, senior officials from countries around the world, and a number of our allied nations. We watched a whole range of demonstrations by various multinational military marching units. We had flyovers occur where a number of these nations demonstrated the very best of their aircraft in precision flights overhead. They had a wonderful multimedia presentation that combined the best of dance and video and audio to recount that history of World War II with a very special focus on Normandy.

During the final ceremony of the day, in which President Chirac delivered remarks, we did have the opportunity to reflect on those larger contours of the war and how America and her allies united to defeat tyranny and oppression.

As we sat among the survivors of D-day and as we listened to America's veterans recount their fears and exploits, I could not help but draw comparisons between the veterans of World War II and our proud troops serving abroad today, the very same troops which 2 days prior my colleagues and I had the opportunity to visit in Baghdad and in Kuwait. The parallel is there, not just because of the temporal relationship, but because of both groups' commitment to freedom and democracy and to a better life for others.

America was blessed in World War II on that June 6th, so long ago, yet so close, as it is now, to have the very same soldiers who have that strong character, who have that courage, that boldness, and that determination. Young patriots, then, as now, answered the call of duty, and through their bravery and through their selfless determination, they fought and they won the battle for freedom and security.

It was these traits that inspired a whole succession of American Presidents, including the late President Reagan to whom we paid tribute 2 weeks ago. He believed in a Europe and a world whole and free of the shadow of communism. The ''greatest generation'' threat involved nazism and fascism. For nearly 50 years, America confronted another hegemonic ideology, that being communism. Under the leadership and vision of President Reagan, we emerged from the cold war victorious and, as Margaret Thatcher rightly reminds us, without firing a single shot.

Today, we do fight a different enemy, but one that is no less ruthless, no less determined, no less uncompromising than our enemies of those wars past.

Once again, we must stay the course. Once again, we must have faith in our Armed Forces. Once again, we must hold tightly to the belief that freedom will prevail. That is our challenge. That is our calling. And I truly believe, like generations before us, we will look evil squarely in the eye, and we will not flinch, we will not run. We will gather up our courage to press forward. We will gather up our courage to press forward and defeat the forces of terror and secure the blessings of democracy.

AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. FRIST. Mr. President, on a separate issue, I want to comment on an issue I mentioned this morning in opening the U.S. Senate, an issue that centers on something very close to my heart, and that is the continent of Africa.

I have had the opportunity to travel to Africa this year, to a number of African countries, and the year before that, and the year before that, and the year before that. Indeed, I have had the opportunity to travel to the continent of Africa yearly for the last several years.

In each case, with maybe one or two exceptions where I went as an official, I have had the opportunity to travel to Africa as part of a medical mission group, where I have the real privilege of being able to interact with the peoples of Africa—whether it is in Kenya, or Tanzania, or Uganda, or the Sudan; the Sudan is where I usually go—by delivering health care and medicine, and performing surgery, which is what I happen to do when I visit with peoples who might not otherwise have access to that health care.

I mention that only because it allows me to be able to talk to real people, not just as an official or a VIP coming in, not as somebody wearing a suit from the United States of America, but to have the opportunity to interact with real people in that doctor-patient relationship. I say doctor-patient relationship; really it is a friend-to-friend relationship. You hear stories, and you really cut through superfluous aspects of people's lives and go right to the heart of what affects them in their lives.

It really comes down to how they can provide for their families, how they can get a job, how they can earn an income, and how they can, in a very primitive way but a very real way, make the lives of their children better than theirs—the same desires we all have as Americans.

I am talking about people in the bush, people in the heart of Africa, people 1,000 miles south of Khartoum and 500 miles west of the Nile River, way in the bush. When you talk to people, you realize they struggle with the exact same things we do, and that is, dignity; that is, a concept of self-worth.

Also, I had the opportunity to travel to Uganda and Kenya and throughout East and Central Africa. What people will tell you is that policy in the United States makes a difference in their lives; that is, policy over the last several years. You may ask them: How do you know what we do? They know that a bill that was passed on the floor of the Senate and the House of Representatives not too many years ago, signed by President Clinton, called the Africa Growth and Opportunity Act, has made a difference in their lives.

Indeed, that particular act, passed by the Senate, has created at least 150,000 jobs. When President Museveni from Uganda was here, he said, no, it is more than that. It is 300,000 jobs. But the point is, thousands and thousands of jobs have been created in Africa because of legislation that passed on this floor. And a little bit later tonight, hopefully in a few minutes, it will be passed on this floor once again.

I mentioned a few minutes ago I called Congressman CHARLIE RANGEL. I did that to congratulate him because he has spearheaded, along with many of his colleagues in the House of Representatives, this particular bill, a bill that is called H.R. 4103, the AGOA Acceleration Act of 2004. AGOA simply stands for African Growth and Opportunity Act.

The bill we will be addressing here tonight extends the AGOA preference by 7 years, from 2008 to 2015, and, more importantly, it extends the third country fabric provisions that were due to expire this year for another 3 years.

The African Growth and Opportunity Act authorizes the President to provide duty-free treatment for certain articles imported from sub-Saharan African countries. It also provides duty- and quota-free access to the U.S. market for apparel made from U.S. fabric, yarn, and thread.

The program has been a huge success for U.S. policy toward sub-Saharan Africa. AGOA has helped expand African

trade. It has created jobs, as I mentioned. It has brought about improvements in economic conditions that will be realized in a very sustained way throughout Africa. Expanded trade, as we all know, not only helps sub-Saharan African countries develop this sustainable economic base, but it also leads to efficient government practices, to transparency, and to political stability.

U.S. exports to sub-Saharan Africa increased 13 percent from 2002 to 2003. It has created jobs. The United States, today, is sub-Saharan Africa's largest single export market, accounting for 26 percent of the region's total exports in 2001 alone. U.S. imports under AGOA have almost doubled between 2001 and 2003—up to the 2003 level of over $13 billion.

One African leader described the program as ''the greatest friendship act'' by the U.S. Government towards Africa. In fact, the program has been so well received and effective in Africa that the European Union is now reexamining its preference program for Africa in light of AGOA's success.

So, Mr. President, I am pleased that we are going to address this legislation tonight. Again, having spent so much time in Africa, it is with great pride that I congratulate my colleagues for addressing this important issue tonight.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, it will still be a few minutes before we close tonight, and I do want to take the opportunity to thank my colleagues for all the tremendous work they have done over the course of this week. It has been a very busy week. But tomorrow we will be leaving on a recess for several days for the Fourth of July, and we can look back over the course of the past week with the satisfaction that we accomplished passage of a number of bills I will mention in a few minutes.

But two very significant pieces of legislation that address where the focus of the United States is and should be—and that is, the defense of our country, and the support of our troops overseas and the support of our troops here—are the Defense authorization bill, with passage yesterday, and the Defense appropriations bill, with passage today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

POLITICS OF COMMON GROUND

Mr. DASCHLE. Mr. President, I want to talk, if I can, about another matter to which I have given a great deal of thought. I would like to share some thoughts with my colleagues on it this afternoon.

I would like to begin by referencing a trip I took last weekend. I traveled to Kuwait, Jordan, and Iraq with Senators BIDEN and GRAHAM. We went to Baghdad to talk with coalition and Iraqi leaders as they prepare for the historic transfer of sovereignty to Iraq 6 days from today. We went to thank our troops who are making enormous sacrifices, braving extraordinary risks every minute of the day. We wanted to assure them they have the support and respect of every Member of the Senate and all Americans.

Our trip was especially productive because of the experiences and insights of the Senators with whom I traveled. Senator JOE BIDEN, the ranking member of the Senate Foreign Relations Committee, has been a leading voice in the Senate on foreign policy issues for now almost a quarter century.

Senator LINDSEY GRAHAM has quickly established himself as one of the most authoritative and independent voices on the Senate Armed Services Committee. Senator GRAHAM, as we all know, is a colonel and a Reserve judge in the Air Force Court of Criminal Appeals. He and I have been working together for more than a year to improve health care benefits to National Guard members and their families. I know from working with him on the TRICARE bill that he is fiercely committed to American troops and American veterans.

LINDSEY GRAHAM is a proud Republican. JOE BIDEN and I are proud Democrats. But we are all, first and foremost, proud Americans. We are all committed to the safety of our troops. We all want the Iraqi people to succeed in building a stable, free, and pluralistic Iraq. It is in their interest, but it is also in America's interest and, I would argue, the world's interest.

Our trip to Iraq reminded me again how much this Senate and the American people benefit when we are able to focus on the problems that unite us.

No one who saw it will ever forget the cloudless, deep blue sky on the morning of September 11. Pilots have a term for visibility conditions on days like that—they call it ''severe clear.''

We all saw it clearly that day. We saw horrific acts of inhumanity, but we also saw, with equal clarity, countless acts of nobility and compassion. We saw beyond the labels of race, income, gender, and the other distinctions that too often divide us.

We are more alike than we are different. All Americans want to live in a world that is safe and secure and just. Whether we're Republicans or Democrats, or don't care one whit about politics, all Americans want to be able to earn enough to care for our families' basic needs. After a lifetime of working hard, all Americans want to be able to retire with dignity and security. All Americans need affordable health care. All Americans want to be able to send their children to good schools; that is not simply a Democratic or Republican aspiration, it is a necessity for our children's future and the economic, political, and social well-being of our Nation.

These are dangerous and challenging times, but Americans have faced danger and challenges before, and we must always remember that we have emerged stronger when we have faced those challenges together. We are stronger together than separately.

This afternoon, I want to talk about how I believe the Members of the Senate can work together more constructively to solve the big challenges facing our country today.

The result of all-or-nothing politics is too often nothing. We owe the American people better than that.

I believe in what I like to call the Politics of Common Ground. Practicing the Politics of Common Ground does not mean betraying one's principles. We can bend on details without abandoning our basic beliefs. The Politics of Common Ground is pragmatic, not dogmatic. It recognizes there can be different ways to reach the same goal. It puts our common interests ahead of personal or partisan interests. Instead of narrow ideological victories, the politics of common ground seeks broad, principled compromise.

I recognize some people may think this timing is strange, to talk about searching for common ground now in the midst of campaign season. But I actually believe it is exactly the right time.

The truth is, no one knows which party will control the Senate next year, or the House, or the White House, so neither party can be accused of embracing these ideas for partisan advantage.

The Politics of Common Ground rests on four fundamental commitments. Obviously it takes at least two to seek common ground. Neither party can make these principles work alone. If Democrats hold the majority in the next Senate, these are the four fundamental principles by which we would seek to govern:

First, deal in good faith with the executive branch, regardless of which party holds the majority.

Second, preserve and fulfill the historical role of the Senate regarding budgetary responsibilities, oversight, and advice and consent on nominees, regardless of which party holds the majority.

Third, respect the rights of the minority and seek to work in good faith with them.

Fourth, end the cycle of partisan retaliation.

This week marks the 40th anniversary of the passage of the 1964 Civil Rights Act, one of the greatest common ground victories in our Nation's history.

It was a Democratic President, Lyndon Johnson, who signed the Civil

Rights Act, but it was a courageous Republican leader, Senator Everett Dirksen, who provided the political leadership that finally ended the years of opposition and put the civil rights bill on the President's desk.

There are some today who believe the only way to move America forward is to ignore or change the rules of the Senate. What their arguments fail to recognize is the Founding Fathers deliberately designed this Senate to protect the rights of the minority. They did so because they understood that the only way to make just and lasting change in a democracy is to first build broad support for it. They also understood, as Everett Dirksen said in calling for the vote on the Civil Rights Act, that nothing can stop an idea whose time has come.

Finding common ground requires that we follow the rules of the Senate, not ignore or rewrite them.

It requires that all Senators—whether they are in the majority or minority—be treated fairly. That means safeguarding the rights of every Senator. It means establishing fair representation on all Senate committees. And it means observing the traditional procedures for conference committees concerning the appointment of conferees, and the right of all conferees to participate fully in all meetings. A closed meeting that is a conference committee in name only is no place to look for common ground.

Finding common ground also means listening to each other.

Someone who was a good friend to many of us, Senator Pat Moynihan, used to blame television for what he saw as a decline in cross-party cooperation in the Senate. Before TV, he said, Senators from both parties used to spend their evenings talking to each other. It helped to see things from the other person's perspective.

I would like to see the Senate create more opportunities to increase cross-party understanding.

Next year, I would like to see the Senate hold bipartisan leadership meetings every 2 months at least, and bipartisan joint caucus meetings at least every quarter.

I would like to see us hold periodic, bipartisan policy forums for all Senators in the Old Senate Chamber, where the Missouri Compromise and other historic agreements were reached.

When Senator LOTT was majority leader, he established the Leaders Lecture Series to draw on the wisdom of former Senate leaders, from Mike Mansfield and Senator BYRD to Robert Dole and George Herbert Walker Bush.

The Leaders Lecture Series represents one of the most insightful seminars ever taught on common ground politics.

I would like to see us build on that success next year by inviting former Senate leaders to a summit where they can share their ideas with us, and with each other.

Senators DORGAN and KYL had a good idea recently to hold occasional, thoughtful, Lincoln-Douglas style debates here on the Senate floor on the most important issues of the day. Let us build on those debates next year.

President Reagan was as ideological a President as any of us have ever seen. But he understood that political adversaries don't have to be enemies.

He and Tip O'Neill had a rule: after 6 o'clock, they were always friends.

Something as simple as just getting our families together once in a while for a barbecue or a potluck supper—or even choosing an annual charity to which all Senators could contribute—could help Senators find common ground, I think, and may strengthen the bonds of friendship and trust between our two parties.

In addition, I would like to see the Senate reward the search for common ground solutions by giving special consideration to bills with strong bipartisan co-sponsorship.

There are questions of enormous consequence facing our Nation today—questions that will define what kind of Nation we are, and what sort of future we will leave for our children.

How de we balance freedom and security in a post-September 11 world?

How do we keep the good jobs we have and create more of them in a global economy?

How do we craft a national budget that reflects our national values?

How can we reduce our over-reliance on imported oil so the fate of our Nation is not tied so directly to the stability of some of the most dangerous and volatile places on Earth?

Last year, I got a note from a father in South Dakota who had lost a good-paying job as a machinist 2 years earlier when his employer moved out of state. He was working as a handyman, earning a fraction of his old income. The only health insurance he and his wife could afford had such a high deductible that they tried never to use it. He hadn't seen a doctor in 15 years or a dentist in 10 years. He felt ashamed. The worst part, he said, was having to tell his children, when they got sick, that there was no money for a doctor.

Because Republicans and Democrats in Congress had the courage to practice the Politics of Common Ground 7 years ago, I was able to tell that father about the Children's Health Insurance Program.

Today, if his children are sick, he takes them to the doctor. As he puts it, ''I show the people in the doctor's office that card and I'm treated like a human being. It's the greatest thing in the world.''

Across America today, the CHIP program is providing health insurance for nearly 4 million children from low-income families, and peace of mind for their parents. More than 9,300 children in South Dakota have health coverage through CHIP.

How can we now build on this common ground success? How do we make health care more affordable so that exploding health care costs don't break family budgets and eat up corporate profits that could be better used to create new jobs and invest in new plants and equipment?

We can chose to shrug our shoulders and say that the divisions in Congress simply reflect the increasing polarization in our society—and let it go at that. But I believe we have a higher responsibility. If society is divided, it is the responsibility of leaders to try to bridge the divide, not simply mirror or exploit it.

The Politics of Common Ground is the Politics of Common Good. It is more than a political challenge; it is a moral imperative.

Last weekend in Iraq, Senators BIDEN and GRAHAM and I met with members of the new Iraqi government, with Paul Bremer, the head of the Coalition Provisional Authority, and with senior military leaders. They were all impressive.

But the people who inspired me most were the soldiers.

We were helped by National Guard members from Minnesota, Kansas, Illinois and Texas, and we met troops from Mississippi, South Carolina, Delaware and other states. In fact, we met extraordinary people from almost every state. Every one of them deserves our profound appreciation.

I was especially moved by the dozens of South Dakotans I met.

One of those South Dakotans is a member of the South Dakota National Guard's 153rd Engineer Battalion. Home for him is a small family farm in South Dakota. But these days, his unit is deployed to Baghdad International Airport. He and his unit provided security for our delegation in Baghdad. When we left, he handed me a letter that reads, in part, ''I am very proud to fight and to serve my country, like so many of my relatives before me.''

He went on, in that letter, to talk about the challenges he and his family face today. He didn't want his wife and their teenage children to have to bear the burden of caring for the family's cattle while he was gone, so he sold the entire herd when he was deployed. When he returns—which may not be until sometime next year—he will buy the herd back. But he and his family will still be out 2 years' worth of income they would have earned from their cattle. He wasn't complaining. He just wanted us to know.

I met another soldier from South Dakota who is with the Army's First Cavalry Division. They have a dangerous mission: securing Baghdad. But he and the other members of the First ''Cav'' aren't complaining, either.

I met a family practice doctor who grew up in Rapid City. Today, she is healing the bodies and saving the lives of U.S. troops and Iraqi civilians at the Combat Support Hospital in Baghdad.

Finally, I got to eat supper in Kuwait on Saturday with a group of men and women whose families I have been

working with for months: the members of the South Dakota National Guard's 740th Transportation Unit.

Two months ago, the members of the 740th had already packed their bags when they got word that their tour was being extended. It was their second extension.

They have now been deployed for 14 months—2 months longer than they were told was the longest they would be gone when they left South Dakota.

When I asked one soldier at super if they had been given a new date to return home, he told me ''the second.'' I thought he meant their tour was ending on July 2nd. Then he explained, they will know when they are coming home the second they get on the plane.

Even these soldiers were not complaining—just trying to find a little humor in a tough situation.

Pride in one's party and the principles for which it stands is admirable. But there are causes that matter more than political parties.

There the values and hopes that transcend party labels and unite us all as Americans—so eloquently again related to me in conversations I had with those soldiers.

During campaigns, candidates and parties should be clear about where we stand on the issues and how we differ with our opponents so that voters can make a choice. That is part of the campaign. That is an essential part of democracy.

But we also have a responsibility to work together constructively, where we can, to find common ground.

Making the principled compromises necessary to make democracy work takes effort. It takes patience and trust and, often, a little humility.

It requires that we listen to others and admit that someone else just might have a better idea sometimes.

It's not simple or easy. But if our troops can give the extra measure of devotion and risk their lives because our Nation asks them to, surely we can make the extra effort to find solutions to the problems facing these soldiers' families, and all Americans—both in times of peace and war.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I echo the sentiment and the words of the minority leader today. I applaud him for bringing up this initiative, the politics of common ground. When I think about the term ''common ground,'' sometimes I think about the concept of compromise. When we think about compromise, we know that means finding common ground without sacrificing your principles.

One thing the distinguished Senator from South Dakota is talking about is that we all have our differences. Lord knows, we have a lot of differences just on this side of the aisle. Trying to get on one page a lot of times is nearly impossible.

Certainly we have our differences in this body. That is OK. If you think about it, that is exactly the way the Founding Fathers intended it to be. They wanted Members to come here and do battle in the Senate and talk about ideas and concepts and policies that we all believe are good for our Nation. We may have different approaches on different issues, but certainly at the end of the day we should all work together, shake hands, and move on to the next issue.

When I was running for the Senate, one thing I heard from people all over my State, the State of Arkansas, was: There is too much partisan bickering in Washington. In fact, they would tell me when I traveled around the State, it looks a lot like trench warfare in Washington. The two sides are dug in, shooting at each other, but at the end of the process not a lot gets done, although there are a lot of casualties. People all over the country sense that. They know that.

As a Democrat in this Senate, I felt aggrieved by some things the other side has done. I have no doubt they feel aggrieved about some of the things we have done. It is incumbent upon Senators to put the past behind us, put all that aside, move forward, do what is right and do what is best for this Nation.

I hope this Senate will return to the best traditions of our democracy. I hope we will find it within ourselves to wipe the slate clean and accept today as a new day, with this initiative, the politics of common ground as our guiding principle.

One thing I love about the statement by the minority leader, he used words such as ''good faith'' and ''respect,'' words that we need to take to heart as Senators. He talks about ending the cycle of partisan retaliation. Is there ever a time in our history more than today that we should do that? I don't think so. We need to end that cycle of partisan retaliation. We do not only owe it to our Founding Fathers who founded this democracy—and we occupy the seats they established—we not only owe it to the history of this Nation; we owe it to our children and our grandchildren. We also owe it to the people we work for, the people who sent us to Washington, to do their work for them.

There are many core principles in our democracy, principles that are indispensable. One of those principles is the idea of representation. Like it or not, the people of Arkansas sent me to Washington to represent them in this great body. Like it or not, people sent all 100 of us to represent them in this great body. I certainly hope each and every Senator will find it in their heart, find it in their mind to respect the will of the people from other States and respect the office each Senator has and the responsibility he or she has to represent his or her people to the best of his ability.

To make things better in this Senate and in this Congress and in this Government, quite frankly, it has to start with the majority party. We do not know in 7 months which will be the majority party in the Senate or in the House. We do not know who will be in the White House. But it is incumbent upon us that whoever is in the majority party should lead by example. They should demonstrate their leadership by demonstrating forgiveness. We need to say no to the politics of revenge. We need to return to our first principles, turn back to the things that make this country great.

We talk about respecting the rights of the minority in the politics of common ground. This body definitely, certainly, absolutely should respect majority rule but also we should respect minority rights. In fact, this body was created at the foundations of this country. This body was created to protect the minority. That is why small States such as Delaware and New Hampshire get equal representation in the Senate, as equal as much larger States such as New York and Virginia. We are all equal in this body, all 100 of us, all 50 States.

I hope we will follow this politics of common ground. In essence, it can be summarized by one thing, and that is to do right. That is what we need to see more of around here.

One thing I like about the minority leader's proposal is that we acknowledge we cannot change the world. We know that. We cannot raise a magic wand and make it better. My grandmother, Susie Pryor, said you cannot clean up the whole world but you can clean up your little corner.

I hope today Democrats, Republicans, and Independents will take the responsibility to clean up our little corner of it. Let's clean up the Senate and return to politics of common ground.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank the distinguished Senator from Arkansas for his eloquent statement for being part of the inspiration for this proposal creating the Politics of Common Ground.

I will tell my colleagues, as I began thinking through many of these particular ideas and the suggestions we have now made, it was the Senator from Arkansas who was extraordinarily helpful and who had many creative ideas and thoughts on how we might discuss this matter and make these proposals.

I acknowledge the Senator's important contribution and thank him for his statement and appreciate the tone he has helped create virtually since he has arrived in the Senate. He believes in the Politics of Common Ground—but for him it is more than just words; it is deeds. He has again demonstrated that this afternoon. I am grateful.

DEBT BURDENS AND PREDATORY LENDING

Mr. AKAKA. Mr. President, I rise today to focus on the challenges facing America's working families. Rising health care costs, increases in gasoline prices, and the lack of affordable housing have contributed to making the lives of working families more difficult as they strain to meet their day-to-day needs. The ability of these families to meet their increasing financial obligations is hampered by their significant debt burdens, particularly credit card debt, and by predatory lending practices such as refund anticipation loans.

Mr. President, too many families are becoming overwhelmed by their debts. In 2003, consumer debt increased for the first time to more than $2 trillion, and continued to increase in March, 2004, for the 12th straight month according to the Federal Reserve. A key component of household debt can be attributed to the use of credit cards. Revolving debt, mostly comprised of credit card debt, has more than doubled from $313 billion in January 1994 to $756 billion in March 2004. These debt burdens will increase as interest rates rise. Bankruptcy filings have surged to record levels. In 2003, more than 1.6 million consumers filed for bankruptcy, increasing by 2.8 percent in the 12 months ending on March 30, 2004. Many of these are middle class Americans who continue to work hard to make ends meet.

It is imperative that we make consumers more aware of the long-term effects of their financial decisions, particularly in managing their credit card debt. Obtaining credit has become easier. Students are offered credit cards at earlier ages, particularly since credit card companies have been successful with aggressive campaigns targeted towards college students. Universities and alumni associations across the country have entered into marketing agreements with credit card companies. For example, the University of Oklahoma will receive $13 million over 10 years in exchange for the exclusive ability to market credit cards to students, alumni, and employees, and to issue cards with the university's name. In this agreement, the school also receives 0.4 percent of every credit purchase. More than 1,000 universities and colleges have affinity cards which are made as attractive as possible through the opportunity to earn various benefits and discounts. College students make up a very ripe market for such credit and to boot are considered by some very good customers for lenders based on their payment patterns. Nina Prikazsky, Nellie Mae's Vice President of Operations, was quoted in the Chronicles of Higher Education as saying, ''Banks will take risks on young people the way they never would a decade ago, because they've discovered that students have become their best customers because they tend to make the minimum payments.'' Thus, college students, many already burdened with educational loans, are accumulating credit card debt. Forty-five percent of college students carry credit card debt, with the average debt over $3,000.

While it is relatively easy to obtain credit, especially on college campuses, not enough is being done to ensure that credit is properly managed. Currently, credit card statements fail to include all of the information necessary to allow individuals to make fully informed financial decisions. Mr. President, I recently introduced S. 2475, the Credit Card Minimum Payment Warning Act, along with Senators DURBIN, LEAHY, and SCHUMER. Our legislation will make it very clear what costs consumers incur if they make only the minimum payments on their credit cards. The personalized information consumers will receive for each of their credit card accounts will help them to make informed choices about the payments that they choose to make towards their balance.

The bill also requires that credit card companies provide useful information so that people can develop strategies to free themselves of credit card debt and have access to a toll-free number so that consumers can access trustworthy credit counselors. My bill represents sound legislation that aims to protect middle income and other families in this country.

Mr. President, the ability of families to survive financially is also hampered by predatory lending. Earned income tax credit, EITC, benefits intended for working families are increasingly being reduced by the growing use of refund anticipation loans, which typically carry triple digit interest rates. According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for tax assistance, electronic filing of returns, and high-cost refund loans in 2002. The interest rates and fees charged on refund anticipation loans are not justified for the short length of time that these loans cover and the minimal risk they present. These loans do not carry much risk because of the Debt Indicator program. The Debt Indicator is a service provided by the Internal Revenue Service that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other Government obligations, and this assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits that result from the exploitation of working families. More needs to be done to crack down on abusive refund anticipation loans and to provide additional opportunities for EITC families to access free tax preparation services. I appreciate the efforts of the Senate Finance Committee for incorporating several provisions of S. 685, the Low Income Taxpayer Protection Act, which Senator BINGAMAN and I introduced, into S. 882, the Tax Administration Good Government Act. One provision of special importance to me is an authorization for a grant program to link tax preparation services with the establishment of a bank or credit union account. Having a bank account allows individuals to receive their tax refund check faster than waiting for a paper check and without the need for using refund anticipation loans or check cashing services. It is important these provisions to provide additional consumer protections and expand opportunities of taxpayer assistance be enacted into law. We must work to provide alternatives to RALs and crack down on these exploitive loans.

Mr. President, unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by their reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, or a down payment on a first home or education expenses.

Mr. President, a Federal program, the First Accounts program, is intended to increase access for unbanked low- and moderate-income individuals to mainstream financial services. The program helps to offset the costs financial institutions incur in offering low-cost, electronic banking accounts. In addition, the program supports financial institution and nonprofit initiatives to provide financial education and counseling to low-income households. The First Accounts program has the potential for developing research into the financial services needs of low-income individuals and financial products designed to meet these needs. While the need is great, the President proposed in his fiscal year 2005 budget request to rescind the $4 million for the First Accounts program that had been previously appropriated in fiscal year 2002 and fiscal year 2003. I will continue to work with my colleagues to help preserve these funds for their intended purpose and bring people into the financial mainstream.

Mr. President, I look forward to continuing to work with my colleagues to help provide additional meaningful disclosure to consumers about their use of credit and expanding access to mainstream financial service opportunities. We owe it to our country's working families and their children.

TRIBUTE TO MANNY CORTEZ

Mr. REID. Mr. President, I rise to pay tribute to a man who has had a tremendous impact on southern Nevada, my good friend, Manny Cortez.

I haven't known Manny for years; I have known him for decades. In the 1970s, when I was in State government in Nevada, he was elected to the Clark County Commission. Since those days our paths have crossed many times. He has served on the board of governors of the University Medical Center, the Las Vegas Valley Water District, and other local agencies.

For the past 21 years, he has been the driving force behind the Las Vegas Convention and Visitors Authority—first as a member of the board of directors, and for the last 13 years as President.

It is no exaggeration to say that Manny Cortez is one of the visionaries who made Las Vegas what it is today—the convention and entertainment capital of the world.

In 1991, the year he assumed the leadership of the Convention and Visitors Authority, we had about 21 million visitors in southern Nevada. This year we are on track to almost double that number, with more than 37 million visitors. This is due in no small part to the brilliant promotional campaigns of the Convention and Visitors Authority.

Under Manny's watch at the LVCVA, our town has seen amazing changes. When he took the helm in 1991, the first of the new mega resorts, The Mirage, had just opened a few years earlier. We had about 73,000 hotel rooms in Las Vegas.

Within the next few years we witnessed the completion of other major resorts, including the MGM Grand, Bellagio and Mandalay Bay. Today, we have 130,000 hotel rooms, along with three major convention centers.

When our Nation was attacked by terrorists on 9/11, the tourism industry took a serious hit. But Manny didn't panic, and under his steady leadership, Las Vegas bounced back.

Manny has been honored many times, by many groups. Travel Agent magazine named him as its Person of the Year in 1999, calling him ''one of the most astute marketers in the tourism industry.'' He was recently named to the U.S. Commerce Department's Travel and Tourism Advisory Board. But I think the recognition that means the most to Manny is the Clark County Elementary School that was named in his honor in 1999.

Manny has also been a leader of the Hispanic community in Las Vegas. His prominence in the city has sent a clear message that in southern Nevada a person can go as far as their dreams and their talent will take them.

Manny has lived in Las Vegas since 1944, when I was growing up down the road in Searchlight. I feel like I have known him all my life. So it is hard to believe he turned 65 a few months ago and that he is retiring at the end of this month.

It is true, though. Manny is leaving the LVCVB, but he is leaving it in good hands. He recently said that his biggest challenge over the last few years has been to stay out of the way of the great team he has assembled, so they could do their jobs. That is the kind of attitude that has made Manny Cortez such a beloved figure in our community.

I salute my old friend on his retirement, and I look forward to our paths crossing for many more years.

THE DONALD W. REYNOLDS FOUNDATION

Mr. REID. Mr. President, I rise today to recognize the Donald W. Reynolds Foundation for its strong commitment to preserving our Nation's artistic and cultural heritage.

Three years ago, as a gift to the Nation, the Donald W. Reynolds Foundation generously made possible the acquisition of Gilbert Stuart's iconic ''Lansdowne'' portrait of George Washington for the Smithsonian's National Portrait Gallery, which will reopen on July 4, 2006. In doing so, the Reynolds Foundation not only saved a national treasure but also provided a permanent home where future generations can appreciate this American masterpiece.

The Reynolds Foundation also made possible a 3-year, 8-city tour of the painting. This tour, which visited Las Vegas 2 years ago and is currently in Little Rock, has allowed millions of Americans to personally view a painting that is part of our national heritage.

By providing guides for teachers, newspapers for students, reproductions, reenactors, and history lessons about George Washington, the Foundation ensured an enriching educational experience for young people.

The exhibition of this painting at the Las Vegas Art Museum was not the first time that the generosity of the Reynolds Foundation enriched the lives of Nevadans. The Foundation has given millions of dollars to create the Donald W. Reynolds School of Journalism and Center for Advanced Media Studies at the University of Nevada, Reno, and the Donald W. Reynolds Student Services Center at the University of Nevada, Las Vegas. It has also supported medical research and health and human services programs.

It is my honor to recognize the Donald W. Reynolds Foundation's many charitable actions. Please join me in thanking the foundation for its generous gift to our Nation.

CONGRATULATIONS TO STAN COLTON

Mr. REID. Mr. President, I rise to pay tribute to Stan Colton, a man who has dedicated his life to serving the people of Nevada.

Stan hails from my hometown of Searchlight. In fact, he lives there today, on the same property that his grandfather and father owned. He runs a little grocery store and he owns the town's original gold claim, the Duplex.

Stan has served the people of Nevada in many different capacities. He was administrative coordinator in the Clark County District Attorney's office, the Voter Registrar of Clark County, and the Nevada State Treasurer.

After he left the Treasurer's office, Stan worked with the Las Vegas—Clark County library district, where he managed the capital construction program that built 21 new libraries. He retired from that job but came out of retirement a few years ago to help the city of Henderson build a new library.

Stan has also been active in many civic groups, most recently as the President of the Henderson Rotary Club. He is stepping aside on Friday evening, and the members of the club will gather at that time to give him a good sendoff and share their stories about Stan.

Please join me in thanking Stan Colton for his service to the people of Nevada and the Henderson Rotary Club.

CINDY REID BIRTHDAY WISHES

Mr. REID. Mr. President, families are important to each of us. When you have children, one thing you wish for is that they will marry someone who will fit comfortably into your family.

My daughter-in-law Cindy is celebrating her 40th birthday. She has become such an important part of the close-knit Reid family that I can't imagine what our lives would be like if my son hadn't married her.

Cindy has been a loving and thoughtful partner to my son Rory, and a wonderful mother to my grandchildren, Ryan, Savannah and Mason.

She is an excellent teacher for her children, and a professional college teacher as well. She is a perfectionist of sorts, and when she sees a problem, she doesn't complain . . . she solves the problem.

Cindy's appreciation of literature is a goal I seek. And her opinions about food, music, movies and politics are always insightful.

One of the great blessings of having Cindy in our family has been the opportunity to become friends with her unique and wonderful mother, Helen, and her thoughtful and considerate father, Dean.

On this the celebration of two-score years, Landra and I wish Cindy a world of health and happiness, and the knowledge that she has our support and never-ending love.

ENSURING QUALITY AND ACCESS TO CANCER CARE ACT OF 2004

Mrs. HUTCHISON. Mr. President, I rise today to bring attention to concerns related to cancer care reimbursement.

Today, many oncology services are paid for through drug administration reimbursement because most are not

covered by Medicare. These services include specially-trained oncology nurses and supportive care services important to performing first rate cancer care. Although the new Medicare law increases reimbursements to physicians and provides much needed compensation for oncology nursing, it reduces how much Medicare will reimburse for chemotherapy beginning in 2005. While I support the sound and innovative advancements the Medicare law provides, it is important not to jeopardize cancer care through decreases in reimbursements.

Congress understood the impact the Medicare law would have on patient access and included a temporary one-year increase in physicians' practice expenses. However, this provision will expire in 2005 and could reduce access to care.

The ''Ensuring Quality and Access to Cancer Care Act of 2004'' would extend the one-year transitional period already established in the law for an additional year. It allows a compromise so Congress has the time it needs to further debate this issue, ask important questions regarding the impact of payment reductions and better understand how Medicare should reimburse for services provided to cancer patients.

U.S. COMMISSION ON OCEAN POLICY

Mr. HOLLINGS. Mr. President, I rise today to again acknowledge the important work and contributions of the U.S. Commission on Ocean Policy. The Ocean Commission, consisting of 16 distinguished individuals, was established by the President pursuant to the Oceans Act of 2000, legislation I sponsored to bring special attention to the problems facing our oceans and coasts, and to lead to recommendations for a new national ocean policy. The Oceans Act directed the Ocean Commission to submit a report to Congress and the President of its findings and recommendations regarding national ocean policy. Exactly one month from now, the Ocean Commission will release its final report, which reflects the deliberations, findings, and comments generated by 15 public meetings, 17 site visits, 37 State Governors and over 700 stakeholders.

The last time an oceans report of this magnitude was issued was over thirty years ago. The report of the Stratton Commission led to the creation of the National Oceanic and Atmospheric Administration and passage of landmark legislation protecting our fisheries and coasts. I have read the preliminary report of this Ocean Commission, and I can tell you it is very balanced and comprehensive. The final report, when it is issued, will no doubt influence ocean policy for years to come, and has already inspired oceans legislation which my colleagues and I have introduced in the House and Senate. I am also currently developing legislation that will set out a national vision for ocean policy, conservation, research, and education, building upon the commission's recommendations.

Reports do not write themselves, and today I am taking a moment to acknowledge the tireless efforts of Admiral James Watkins, USN (Ret.), Chairman of the Ocean Commission, the Commissioners, and their staff. Admiral Watkins deserves to be commended for leading this monumental task and generating the attention it so wisely deserves. Dr. Tom Kitsos, as Executive Director, should also be recognized for bringing a well balanced report to completion. Each of the Commissioners should be applauded for lending their valuable expertise and a considerable amount of their own time to this task: Dr. Robert Ballard, Ted Beattie, Lillian Borrone, Dr. James Coleman, Ann D'Amato, Lawrence Dickerson, Vice Admiral Paul Gaffney, USN (Ret.), Marc Hershman, Paul Kelly, Christopher Koch, Dr. Frank Muller-Karger, Edward Rasmuson, Dr. Andrew Rosenberg, William Ruckelshaus, and Dr. Paul Sandifer.

I know Admiral Watkins, Dr. Kitsos and my colleagues share my appreciation of the commission staff, who wore many hats and put in countless hours to craft a fine report. The commissioners and Dr. Kitsos obtained invaluable advice and support from Terry Schaff and editorial expertise and advice from Morgan Gopnik. At the heart of the report were the staff who lent their considerable talents to developing the major themes in each of the working groups and in actually drafting the recommendations. Laura Cantral, Aimee David, and Gerhard Kuska contributed their expertise to the discussions on governance. The stewardship working group was ably assisted by Captain Malcolm Williams, USCG (Ret.), Brooks Bowen, Angela Corridore, and Frank Lockhart. Research, education, and marine operations issues were developed with the skilled support of Ken Turgeon, Captain George White, NOAA, Roxanne Nikolaus, and Chris Blackburn.

A report of this weight depends on careful execution of a public relations strategy. Kate Naughten, Peter Hill, and Michael Kearns are to be commended for their liaison work with the government and press. And we all know that every office would not function without a solid administrative support team. Lee Benner, Macy Moy, Polin Cohanne, Sylvia Boone, Robyn Scrafford, Stacy Pickstock and Nekesha Hamilton are to be congratulated for managing the day-to-day operations of the commission.

My heartfelt thanks go to everyone on the commission for a job well done.

ABUSE OF CONTRACT FUNDS IN IRAQ

Mr. AKAKA. Mr. President, I rise today to discuss the alarming incidence of U.S. contract funds being abused in Iraq. These violations range from the abandonment of vehicles, each worth $85,000, to significant project overruns involving tens of millions of tax dollars. The scope of these wasteful and fraudulent activities is both disturbing and unacceptable.

At this critical juncture in Iraq's rehabilitation, contractors and their administrators should be providing contracted services and goods with maximum efficiency.

As an American, I am proud of and thankful of the men and women who have traveled to Iraq to help restore this country. They risk their lives and, sadly, some have given their lives. However, stories of outright waste and fraud involving contract funds are deeply disturbing.

Three themes have emerged from the abuse of U.S. contracts in Iraq: task order violations, the absence of cost controls, and inconsistent oversight.

Numerous contract officers have used existing procurement or task orders to obtain services and goods beyond the scope of approved contracts. For instance, during December 2003, the Army acquired interrogators for Iraqi prisons via a contract marked for the Department of Interior information technology purchases. Interior contract officers negotiated interrogation services through an open-ended agreement laden with tenuous connections to technology. In such circumstances, new procurement items should only be obtained under open and fair competition.

The absence of consistent cost controls has also attributed to the misuse of contract funds. The General Accounting Office reports that a significant portion of task orders, associated with defense logistical support contracts in Iraq, have been granted without concrete specifications, deadlines, and prices. The prevalence of open-ended contracts have fueled inefficiency and numerous project overruns exceeding 100 percent. Unfortunately, the absence of a well-trained procurement workforce in Iraq has impeded efforts to counter these adverse outcomes.

In the presence of fragmented oversight, the misuse of contract funds has further escalated. Currently, the Coalition Provisional Authority, CPA, only has oversight of contracts associated with reconstruction and Task Order 44 of the U.S. Army's Logistical Operations Civil Acquisition Program, LOGCAP, which provides CPA logistical support, yet all other contractors in Iraq are audited by agency inspector General, IG, offices. It is anticipated that the challenges of fostering accountability will substantially increase after the handover of Iraq on June 30, 2004. The CPA IG reports that 60 days after the handover, CPA audit activities will be merged into the State Department's IG Office. This office will oversee all U.S. contracts in Iraq including those managed by the Department of Defense. Government officials forecast that this change

in audit authority will generate confusion at a time when consistent oversight is most needed.

The widespread misuse of contract funds in Iraq warrants Senate attention. During these financially lean times, it is unacceptable to tolerate such outright abuse of U.S. tax dollars. It is imperative that we demand greater accountability and efficiency, and immediately focus on this critical issue. Senate hearings would help identify sources of misuse and assist in developing viable remedies. This war has cost hundreds of lives and billions of dollars. We should not ignore the price being paid, and the debt incurred, by this generation and future generations in this conflict.

UNSOLVED MURDER OF UKRAINIAN JOURNALIST HEORHIY GONGADZE

Mr. CAMPBELL. Mr. President, for nearly 4 years the case of murdered Ukrainian investigative journalist Heorhiy Gongadze has gone unsolved, despite repeated calls by the Helsinki Commission, the State Department, and the international community for a fair and impartial investigation into this case. As cochairman of the Helsinki Commission, I have met with Gongadze's widow and their young twin daughters. Besides the human tragedy of the case, the Gongadze murder is a case study of the Ukrainian authority's utter contempt for the rule of law.

Gongadze, who was editor of the Ukrainian Internet news publication Ukrainska Pravda, which was critical of high-level corruption in Ukraine, disappeared in September 2000. His headless body was found in November of that year. That same month, audio recordings by a former member of the presidential security services surfaced that included excerpts of earlier conversations between Ukrainian President Kuchma and other senior officials discussing the desirability of Gongadze's elimination.

Earlier this week, Ukraine's Prosecutor General's office announced that Ihor Honcharov, a high-ranking police officer who claimed to have information on how Ministry of Internal Affairs officials carried out orders to abduct Gongadze, died of ''spinal trauma'' while in police custody last year. This came on the heels of an article in the British newspaper, The Independent, which obtained leaked confidential documents from Ukraine indicating repeated obstruction into the Gongadze case at the highest levels. Furthermore, just yesterday, Ukraine's Prosecutor General announced that investigators are questioning a suspect who has allegedly admitted to killing Gongadze.

Many close observers of the Ukrainian authorities' mishandling, obfuscation and evasiveness surrounding this case from the outset are suspicious with respect to this announcement. Just one of numerous examples of the Ukrainian authorities' obstruction of the case was the blocking of FBI experts from examining evidence gathered during the initial investigation in April 2002, after the Bureau had been invited by these authorities to advise and assist in the case and earlier had helped in identifying Gongadze's remains.

The Ukrainian parliament's committee investigating the murder has recommended criminal proceedings against President Kuchma. This committee's work has been thwarted at every turn over the course of the last several years by the top-ranking Ukrainian authorities.

A serious and credible investigation of this case is long overdue—one which brings to justice not only the perpetrators of this crime, but all those complicit in Gongadze's disappearance and murder, including President Kuchma.

Ukraine faces critically important presidential elections this October. Last month, I introduced a bipartisan resolution urging the Ukrainian Government to ensure a democratic, transparent and fair election process. Unfortunately, there have been serious problems in Ukraine's pre-election environment.

Ukraine can do much to demonstrate its commitment to democracy and the rule of law by conducting free and fair elections and fully and honestly investigating those who were behind the murder of Heorhiy Gongadze. The Ukrainian people deserve no less.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

Mr. LEAHY. Mr. President, I am pleased to speak in support of the Child Nutrition and WIC Reauthorization Act of 2004 as passed by the Senate. In the best tradition of the Senate, Members from both sides of the aisle have come together over the past year to renew and improve the School Lunch and Breakfast Programs, the Summer Food Service Program, the Child and Adult Care Food program, and the Special Supplemental Nutrition Program for Women, Infants and Children, WIC. I commend the chairman and ranking member of the Agriculture Committee, Senator COCHRAN and Senator HARKIN, as well as their staffs, for their hard work in support of the millions of children and families who rely on these vital programs to meet their daily food needs.

At the start of the 108th Congress, when we began the process of renewing the child nutrition programs, many of us had high hopes for improvements that might be made. I proposed legislation to provide financial incentives to schools that want to improve their nutritional environment, to renew Federal support for nutrition education in schools, and to expand and stabilize both the WIC and the WIC Farmer's Market Nutrition Programs. With my friend from Pennsylvania, Senator SPECTER, I proposed the creation of a farm-to-cafeteria program that would bring fresh foods from local farms into the cafeteria, and with my friend from Indiana, Senator LUGAR, I proposed giving the Secretary of Agriculture greater authority over the sale of soft drinks and junk foods in schools. Other proposals were made to eliminate the reduced price category for school meals, thereby providing free lunches to all children living in families with income below 185 percent of poverty. Unfortunately, the tight budget with which we had to work did not enable us to enact all of these worthy ideas. I am pleased, however, that the bill before us does include many of them and that at the same time it substantially improves program access and integrity.

Working together, we were able to ensure access to the programs for needy children through direct certification, targeted verification, and technical assistance to reduce administrative error, rather than simply requiring across-the-board increased verification that would have potentially caused eligible children to be erroneously and unacceptable kicked off the program.

We have maintained the historic role of milk in our school meals program, while granting parents the flexibility to help their children get a nutritionally equivalent beverage with lunch if they cannot drink milk. This legislation will also allow schools to have more flexibility on what to serve on the school lunch line. While the school lunch program currently restricts schools to offering only milk varieties that most students chose in the previous school year, this legislation would allow schools to expand choices based on what they believe are the best offerings for the student body, including flavored milk, lactose-free milk and milk of varying fat levels. In particular, I welcome the addition of lactose-free milk to the school lunch line, believing it will expand milk's appeal to those with special dietary needs.

We are also taking an important first step in beginning to conquer the problem of soda in our schools. Twenty years ago children consumed more than twice as much milk as soda; now they drink twice as much soda as milk. This is a huge problem for our children. Thus I am pleased this bill gives schools the authority to offer milk at anytime and anywhere on school premises or at school events. This will prevent restrictions on milk sales that are sometimes inserted in soft drink vending contracts with schools.

This legislation ensures that small States will receive an inflationary increase in their administrative expense grant—the money that they receive to administer and ensure the integrity of the Federal child nutrition programs. This provision is particularly important to my home State of Vermont as well as to other small and rural States that have not seen an increase in their grant in over 20 years despite inflation

and expansion of the responsibilities of the States to oversee the programs.

I look forward to the many wonderful local school-farm partnerships that will be possible under my new farm-to-cafeteria grant program as authorized by this bill. Communities all across our Nation are beginning to explore the benefits of linking local farms and school cafeterias. When these connections are made, children get healthier fresh food choices at school, and hands-on knowledge about where their food comes from and how it is produced. And farmers not only strengthen their local markets but become more involved with the schools in their community. With just a little seed money and some technical assistance these schools can create a program that teaches children about good nutrition, shows them the importance of agriculture, and supports local farms by keeping food dollars within the community. Under this new program, communities will be able to apply for competitive grants from USDA for up to $100,000 to purchase adequate equipment to store and prepare fresh foods, to develop food procurement relationships with nearby farmers, to plan seasonal menus and promotional materials, and to develop hands-on nutrition education related to agriculture. As a member of the Appropriations Committee, I will now work to secure funding for this important new program.

My support for these new farm-to-cafeteria projects comes in part from the amazing successes demonstrated by the WIC Farmers Market Nutrition Program, FMNP. Years ago, I helped create this program, which provides vouchers to WIC families good for fruits and vegetables at the local farmers market. The effects of this program have been stunning, and I am very pleased that under that this bill the WIC FMNP voucher has been increased from $20 to $30 and that we have reduced the cost to States of administering the program.

These provisions and more mean that millions of children and their families will be better served by the Federal child nutrition programs. Though I wish we could have had more resources to do some of the other things we had considered, like expand access to the child care and summer programs in rural areas, provide mandatory funds for nutrition education, and eliminate the reduced price meal category, I support the package of reforms that we have before us and I pledge to keep working on the rest.

In particular, I will continue to work with my colleagues in the Senate to address the growing crisis of childhood obesity in America and the ready availability of junk foods in our schools and cafeterias. With more and more of our children suffering the health consequences of being overweight and obese, we have a responsibility to help them make smarter nutrition choices. But with all of the funds that Congress rightly appropriates each year for nutrition education and healthy school lunches and meals, our Nation's efforts are severely undermined when children have to walk through a gauntlet of vending machines offering unhealthy choices on the way to the cafeteria. We need to put limits on the availability of junk foods in our schools, to ensure that students are not substituting empty calorie sodas and snacks for their nutritious federally subsidized school meals. Though this measure's establishment of local wellness policies is a step in the right direction, I am concerned that we have sidestepped our responsibility to the health of our Nation's children yet again and I am hopeful that we will revisit this issue in the near future.

Once again, I thank Chairman COCHRAN and Senator HARKIN for their leadership on this important legislation, and I am pleased to express my strong support for its final passage.

DEPARTURE OF TAIWAN REPRESENTATIVE C. J. CHEN

Mr. ROCKEFELLER. Mr. President, a good friend of ours, Ambassador C. J. (Chien-Jen) Chen, will soon be leaving Washington, DC, after having served for nearly 4 years as Taiwan's principal representative. We are going to miss him very much.

C. J. brought a wealth of experience to his job. He was first assigned to Washington, DC in 1971, and he spent most of his distinguished 37-year career promoting good relations between Taiwan and the United States. Over the years, he won many friends for himself and for his country. An eloquent speaker and polished diplomat, C. J. also has a reputation for being a ''straight shooter.'' He was always prepared to provide an informed, balanced, and fair opinion on the complex relationship between Taiwan and the United States as well as the broad range of political, economic, cultural and other issues of common interest to our two countries.

Owing in large part to his efforts, much progress has been made on these issues. During his most recent assignment in Washington, with U.S. support, Taiwan has acceded to the World Trade Organization and become our eighth largest trading partner. At the same time, Taiwan has also contributed greatly to U.S.-led international humanitarian efforts in places such as Afghanistan and Iraq, and it has cooperated with the United States in fighting proliferation, terrorism, and money laundering in Asia. All these matters required intensive communication and coordination, and we were lucky to have someone like C. J. in place to lead the way.

One of the most notable and likeable things about C. J. is his inexhaustible optimism. While the U.S.-Taiwan relationship has certainly experienced its fair share of twists and turns, ups and downs, as C. J. will surely attest, he has always remained consistently upbeat. His confidence is contagious, and I agree wholeheartedly with his observation, that Taiwan and the United States, united by shared values and common interests, will continue to work closely together, not only for their mutual benefit but also for the sake of lasting peace and prosperity in the Asia-Pacific.

Now, after having served as his chief representative in the United States, as his country's foreign minister, as member of Taiwan's Legislative Yuan, and as a university professor, this man of extraordinary talent and vision is leaving Washington, DC. While he will be sorely missed, I am certain that he has established an admirable legacy of friendship, trust, and cooperation that will long endure.

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 Enhancement 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.

On September 19, 1999, a group of men shouting anti-homosexual slurs assaulted five gay men.

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.

OREGON VETERAN HERO

Mr. SMITH. Mr. President, today I rise to honor a WWII veteran who has gone above and beyond the call of duty in his service to the United States and to the State of Oregon. Bob Maxwell was born in Boise, ID on October 26, 1920. Before joining the U.S. Army, Bob worked as a logger in Colorado. In the summer of 1942, he was shipped to Camp Roberts, CA for training.

Bob boarded a British troop ship heading for the European theater and landed in Casablanca in February of 1943. There he was assigned to the battered 3rd Infantry Division. Together with the 3rd Rangers, his Division landed in Licata on the south-central coast of Sicily in July of 1943. Fighting their way inland, Bob Maxwell's division successfully captured the city of Agrigento after seven intense days of battle.

Bob's dedication to the war effort was a valiant one. After landing near the town of Netuno, Italy on January 22, 1944, he was struck by shrapnel from a German artillery shell, severely injuring his leg. Maxwell returned to his duty repairing phone wires and working the switchboard after bandaging

his leg. He did not go to the hospital until the next morning when his platoon leader forced him to go. He was later awarded the Silver Star for his efforts.

A few months later, stationed near Besancon, France, Maxwell and three other soldiers, armed only with .45 caliber automatic pistols, defended their battalion observation post against a nearly overwhelming attack by enemy infantrymen. Despite fire from automatic weapons and grenade launchers, the men aggressively fought off advancing enemy troops and, with his calmness, tenacity, and fortitude, Maxwell inspired his fellows to continue the struggle. When an enemy hand grenade was thrown in the midst of his squad, Maxwell unhesitatingly threw himself squarely upon it, using his blanket and his unprotected body to absorb the full force of the explosion.

For this action, Maxwell was awarded the Medal of Honor, the nation's highest military award. In addition, while serving with the 3rd Battalion, 7th Infantry of the United States Army, he was awarded two Purple Hearts, two Silver Stars, and a Bronze Star. Maxwell was honorably discharged from military service at Ft. Lewis, Washington June 13, 1945.

After moving to Oregon, Maxwell met his wife Beatrice—Bea—and they married on August 12, 1951. He and Bea are parents to four children, numerous grandchildren, and a great-grandchild. Bob spent 30 years further serving the public in the teaching profession.

For his selfless service to others, and to the United States in times of war, I salute Bob Maxwell as an Oregon Veteran Hero.

SALUTE TO AN OREGON SOLDIER

Mr. SMITH. Mr. President, today I rise to honor a courageous Oregonian who rushed to save the life of a wounded Taliban fighter. Sergeant Dan Trackwell, a native of Klamath Falls, OR, and a member of the Combined Anti-Armor Team, is currently serving in Afghanistan helping to secure that country's future.

On June 13, 2004, Marines with Battalion Landing Team 1st Battalion, 6th Marines and Afghan Militia Forces engaged three enemy soldiers on a mountain side. The guerillas were tracking and reporting on the Battalion Landing Team's activities when coalition forces opened fire and wounded at least one of them.

The Marines used a high-powered optical sight to observe the enemy fighters and to confirm that one was indeed wounded. As the other Taliban fighters escaped into the mountains the wounded man was left for dead.

Sergeant Dan Trackwell was one of the four Marines who ventured up the mountain to find the enemy. They located him hiding behind a rock. He and Corporal Jesse Clingan, of Unitown, Pennsylvania, determined that the fighter had lost a lot of blood and appeared to be in severe pain.

Corporal Daniel Dimaso, of Junction, NY, stripped off his own t-shirt and made a tourniquet to control the bleeding from the gunshot wound on the enemy fighter's lower left leg, while Pvt. 1st Class Daniel Fondonella, of Mt. Vernon, NY, provided security. Two hours earlier these men were hunting him down and now they were hurrying to save his life.

The Marines knew that the Taliban fighter would die if they did not get him off the mountain. They gathered the injured man and signaled for the corpsman at the vehicles in the canyon to prepare for their arrival. Sergeant Trackwell carried the enemy soldier down the mountain.

The wounded man was then taken to the battalion's command post, where the surgeon, Navy Lt. Brendon Drew, determined that he needed surgery soon. The Marines were instructed to keep an eye on the patient to ensure that he did not fall asleep while the wound was being worked on. As the surgeons worked on the patient, the Marines took turns holding the man's IV bag and blocking the bright Afghan sun from his eyes.

After the patient was stabilized he was taken to a nearby military medical facility for recovery. Lt. Drew determined that it was the immediate medical attention and the quick intervention from the corpsman that saved the man's life.

This story shows us that our Marines not only follow the rules of combat, they display a deep respect for humanity. For his selfless services to others, and to the United States in time of war, I salute Sergeant Dan Trackwell.

ABSENCE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to participate in many of the important votes that took place on Wednesday, June 23, 2004. I was necessarily absent from the Senate yesterday as I was attending the funeral of a family member. Nevertheless, I believe it is important for my constituents in Kansas to know how I would have voted had I been here; thus, I indicated to the Majority Leader my position for each of the votes throughout the day.

TRIBUTE TO MATTIE STEPANEK

Mr. HARKIN. Mr. President, I ask the United States Senate to join me in tribute to Mattie Stepanek, a young man who accomplished so much, and sadly, was taken from us this past Tuesday, June 22 at the age of 13 years. Like his three older siblings, Mattie died from complications of a rare form of muscular dystrophy.

As anyone can testify who has seen Mattie on television, he was one brilliant person, and he had a big heart to match. At the age of three, he began writing poetry to cope with the death of his brother, writing messages of hope and inspiration, and selling millions of books. Mattie quickly became one of the most widely read poets in recent memory, and three of his volumes were on the New York Times' best-seller list.

I would like to share one of Mattie's most inspirational poems. It is titled, ''On Being a Champion.''

''A champion is a winner,
A hero . . .
Someone who never gives up
Even when the going gets rough.
A champion is a member of
A winning team . . .
Someone who overcomes challenges
Even when it requires creative solutions
A champion is an optimist,
A hopeful spirit . . .
Someone who plays the game,
Even when the game is called life . . .
Especially when the game is called life.
There can be a champion in each of us,
If we live as a winner,
If we live as a member of the team,
If we live with a hopeful spirit,
For life.''

Mattie was a champion in every sense of the word and his poetry won the hearts of many admirers, from Oprah Winfrey to former President Carter. But famous or not, it seemed to matter little to Mattie, who said, ''It's our inner beauty, our message, the songs in our hearts.''

Mattie embodied the unlimited potential within all of us, and I hope that Mattie's mother, Judi Stepanek, will find some strength in knowing that Mattie inspired and touched so many people. We offer Judi a special place in our hearts, knowing there is nothing harder than losing a child. And we pray that she be given the strength, courage and wisdom needed to get through this difficult time.

Mattie believed his mission in life was to ''spread peace in the world.'' And, today, I say to Mattie and to all who loved him: Mission accomplished.

AGRICULTURAL ASSISTANCE ACT OF 2004

Mr. DORGAN. Mr. President, I am pleased to join my colleague, Senator CONRAD, in introducing legislation that provides much needed relief to farmers and ranchers who have been devastated by weather conditions.

Farmers and ranchers from my state began the year with great optimism. Producers were eager to get their crop in the ground so they could get a good return on their investments and their hard work.

But, harsh weather conditions have plagued our state. In some regions of North Dakota, late snow followed by unusually high rainfall left much of our fields under water and unfit to plant. Preliminary reports estimate that as much as two million acres of crops were unable to be planted or had crops that were destroyed after planting. This has placed the livelihood of many North Dakota producers in serious jeopardy.

In the southwest portion of the state, the drought conditions have crippled

livestock producers. Southwest North Dakota is terribly dry and has been for nearly two years. They have received almost no rain, making haying and grazing land very hard to come by, and causing feed expenses to soar.

These family farmers and ranchers ought not have to bear this burden alone. I am very pleased to join Senator CONRAD in introducing disaster legislation to help ease the financial burden of producers in their time of need. We need quick action on this legislation because producers need help, and they need it now.

The legislation being introduced today is very straightforward and almost identical to disaster legislation enacted in previous years, including last year.

Farmers experiencing crop loss of higher than 35 percent would be eligible for disaster assistance. Folks who bought crop insurance would be eligible for payments equal to 50 percent of the crop price, and those who did not purchase insurance would be eligible for payments equal to 40 percent of the crop price. Under this legislation, the uninsured producers will be required to purchase crop insurance for the following two years in order to receive any disaster assistance.

Also, ranchers suffering grazing losses will be eligible for assistance to help pay for the cost of feed. To be eligible, they must have suffered 40 percent loss during three consecutive months.

The weather conditions, beyond human control, have placed the livelihood of our farmers and ranchers at risk and I urge Congress to act quickly.

20 LEGISLATIVE DAYS AND COUNTING DOWN

Mr. LEVIN. Mr. President, as of today there are 20 legislative days left before the assault weapons ban expires. And as we get closer and closer to September 13, there are reports that gun manufacturers across the country are gearing up to flood the market with previously banned assault weapons. These weapons, according to the law enforcement community, were the weapons of choice for criminals before the ban and they have no place on our streets. The assault weapons ban is straightforward, commonsense public safety legislation that needs to be extended.

In addition to banning 19 specific weapons, the ban makes it illegal to ''manufacture, transfer, or possess a semiautomatic'' firearm that can accept a detachable magazine and has more than one of several specific military features, such as folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds, or grenade launchers. These weapons are dangerous and they should not be on America's streets.

In response to Congress' inaction, some State legislatures have begun taking action of their own. In Massachusetts, State legislators voted Wednesday to bar the sale of the same 19 specific weapons mentioned in the Federal ban. According to the Coalition to Stop Gun Violence, Massachusetts is now one of six States with its own ban. Seven other States are considering enacting their own bans.

The National Rifle Association has said that the ban is ineffective and unnecessary. The association asserts that guns labeled as assault weapons are rarely used in violent crimes, and that many people use them for hunting and target shooting. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban's enactment, these assault weapons have made up only 1.61 percent of the crime-related guns traced.

Unfortunately, despite Senate passage of a bipartisan amendment that would have extended the ban, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

I am hopeful that the Congress will act in the 20 days it has remaining.

THE DECISION TO GO TO WAR

Mr. LEAHY. Mr. President, last month Americans across this Nation celebrated Memorial Day. It was a day that had special significance for millions of World War II veterans, tens of thousands of whom came to Washington to see the long awaited memorial on the Mall to honor them and the more than 10 million American veterans of that war who are no longer living.

This Memorial Day was also an opportunity to reflect for those of us too young to remember that war, but old enough to have parents or friends who fought, died, or in so many other ways sacrificed and labored together to defeat enemies that threatened the survival of the free world.

For me, it was a day of mixed emotions. It was uplifting for Marcelle and me to be on the Mall and to see so many World War Two veterans and their families together, many of them reuniting with members of their divisions or regiments for the first time in over half a century. It was extraordinarily moving to hear their stories of the war, told as if it were yesterday—stories of bone chilling fear, incredible suffering, and awe inspiring bravery.

It was also a somber occasion. I think each of us was reminded of how much we, and so many millions of people in countries around the world, owe to that generation of Americans.

There was much talk of D-Day, and the thousands of Americans who died on the beaches that first day of the invasion of Normandy. Having returned from Normandy for the 60th anniversary of D-Day, I can say that the feeling is similar to what one experiences when visiting Gettysburg or any of the great battlefields of the Civil War. It is difficult to fathom that so many men so young could face death with such undaunted courage.

It was my second visit to Normandy. I was last there for the 50th anniversary, and the sight of those rows, and rows, and rows of white crosses was every bit as moving this time as it was the last.

Three weeks ago I also attended the funeral of one of two young Vermonters who were killed in action in Iraq on May 25. Sgt. Kevin Sheehan and Spec. Alan Bean died when their base on the outskirts of Baghdad was attacked. Six other Vermonters were injured, three seriously. Sgt. Sheehan and Spec. Bean were the ninth and tenth Vermonters to die in Iraq.

Then on June 7, another Vermonter, Sgt. Jamie Gray, was killed and two members of his Battalion were injured when their vehicle was hit by an improvised explosive device. He was the eleventh Vermonter to die in Iraq. At his funeral, I thought how the past few weeks have been very sad ones in my State; but, of course, the same could be said for many other states.

As of today, 844 Americans have died in Iraq since the start of the war, and there are thousands more who we rarely hear of who have been wounded. They have lost legs, arms, their eyesight, or suffered other grievous injuries that will plague them for the rest of their lives.

And there are the tens of thousands of Iraqis, including many thousands of civilians caught in the crossfire, who have been killed or injured. Their numbers are not even reported.

When I am in Vermont, and I am there most weekends, there is one question that I am asked over and over. ''What are you doing to bring our troops home?'' It is a question that I found myself asking this Memorial Day weekend, and in Vermont during those funerals, and then again at Normandy. It arises from a fundamental disagreement with President Bush's decision to go to war in Iraq, and his rationale for continuing to keep tens of thousands of our troops there in harm's way indefinitely.

The attacks of 9/11 were unlike anything our Nation had experienced since that infamous day at Pearl Harbor over a half century ago. I supported the President's decision to use military force against al-Qaida and the Taliban who had shielded them in Afghanistan. It was the right response and the whole world was behind us.

But as so many people warned, the decision to launch a unilateral, preemptive war against Iraq, even though Saddam Hussein had nothing to do with 9/11 and had no plan or ability to attack us, was a fateful diversion from the real terrorist threat.

The President's most recent justification for the war—previous justifications having been proven false—is that the Iraqi people are better off without Saddam Hussein. They are. But that is not the measure of a policy that led us into a war based on a false premise, faulty, distorted intelligence, and an astounding lack of understanding or concern for the huge costs and liabilities.

Those of us who have to vote to spend the billions of dollars that are necessary to keep our forces there should ask whether the President's decision to ''stay the course,'' apparently indefinitely, justifies the continued deaths of Americans—soldiers and civilians—at the dawn of their lives, often by the very people they were sent to liberate or to help recover.

No one questions that we were unforgivably vulnerable on 9/11. Our borders were porous. Several of the highjackers were living openly, and illegally, in this country. Simply securing the doors on airplane cockpits might have prevented those attacks. Our law enforcement and intelligence agencies were barely speaking to each other. Communication between the White House, the Strategic Air Command, the FAA and the Pentagon was hopelessly confused. Countless warnings were ignored.

No one questions that we need to do far more to protect ourselves from terrorists. Every American is a potential target, as we saw, again, last week with the sickening execution style murder of Paul Johnson in Saudi Arabia.

The question is how best to protect ourselves at home, and how best to build the alliances we need to combat terrorism around the world.

Imagine if instead of spending $150 billion, soon to be more than $200 billion, to invade and occupy Iraq, we had used that money differently.

Imagine if we had used it to increase fiftyfold the number of police officers in this country.

Imagine if we had used it to put two air marshals on every airplane in or entering American airspace.

Imagine if we had used it to tighten our border controls, so rather than inspecting 10 percent of the shipping containers and trucks entering this country, we inspected 100 percent.

Imagine if we had used it to increase fiftyfold the number of immigration officers at our ports of entry, and to increase fiftyfold the number of investigators to track down people who are here illegally.

Imagine if we had used it to increase fiftyfold our surveillance capabilities along the Canadian and Mexican borders.

Imagine if we had used it to increase tenfold the amount we spend to protect nuclear materials, reactors, and weapons sites from sabotage or theft by terrorists.

Imagine if we had used it to teach Arabic to 10,000 new intelligence officers, and stationed them around the world. Think of the schools we could build, the hospitals, the medical breakthroughs funded, and on and on.

Imagine how much safer we would be if we had done these things. Instead, we are spending that money in Iraq, and we will spend another $50 billion in Iraq next year. Yet even the Secretary of Defense testified that, after spending $150 billion, he does not know if we are winning the war against terrorism. I think it is safe to say that if he believed we were, he would be the first to say so.

When President Bush announced his decision to invade Iraq he said all the things he was expected to say. He said he made his decision only as a last resort, after exhausting every other option. He said it was the hardest decision of his presidency.

In fact, other options were far from exhausted, and the intelligence he relied on was manipulated, misinterpreted, and wrong.

In fact, we now know that it was a decision the President made after minimal debate and with little difficulty. He consulted only his closest political advisors who for years, despite never experiencing combat themselves, had called for the use of force to overthrow Saddam Hussein. Those outside the President's inner circle who had reservations were ignored. Those who understand the history and the culture and religious and ethnic rivalries of that part of the world, whom he might have listened to, were ignored.

Over 200,000 young Americans were sent to Iraq, and over 135,000 remain there. They were sent into war despite the absence of any tangible threat to the United States. They were sent to invade a country that had nothing to do with 9/11.

Many were sent without body armor, without adequate water, and without the proper armor on their vehicles. They were sent in insufficient numbers to prevent the chaos that has caused twice the casualties since the collapse of the Iraqi Government, when the President declared ''Mission Accomplished.'' Many of our most severely wounded have come home to inadequate medical care, or foreclosures on their homes.

The Pentagon's leaders always insist that the safety and welfare of our troops is their highest priority, but history is replete with examples to the contrary and today we are seeing history repeating itself.

Even worse, as hundreds of Americans die and thousands suffer terrible wounds, the rest of the country goes about its daily business, packing for their summer vacations, as if the war is someone else's problem.

Our soldiers do not have the luxury of refusing to fight if they disagree with the President. That is why a decision by the nation's leaders to send America's sons and daughters into harm's way, and to keep them where they are being killed and wounded every day, should be made only if the security of the United States depends on it.

Aside from the usual patriotic cliches, the President has not explained why the security of the United States depends on keeping tens of thousands of Americans deployed in Iraq's cities where they are being blown up by roadside bombs and shot by snipers. What are they doing there that is worth the loss of lives?

There are encouraging steps as a new Iraqi government takes shape. But they do nothing—nothing—to obscure the grim reality that virtually every day more young American lives are lost. How long will this continue? The President says our troops will be there until they ''finish the job.'' What job? It is more than a year since the fall of Baghdad, yet we still do not know what the mission is.

Is it to make Iraq a democracy? Is it, as our troops are told, to kill and capture ''bad guys?'' Is it to protect the oil wells and refineries and Halliburton's other investments there? Is it to remake the Middle East?

Even the President concedes that other countries are not going to donate significant numbers of their own troops.

The hard truth, which no one in this administration is willing to admit, is that regardless of almost anything else that happens in Iraq in the coming year, hundreds perhaps thousands more of America's sons and daughters are likely to be killed or wounded.

There are times when war is unavoidable, as it was when Germany invaded Europe, when Japan bombed Pearl Harbor, and when al-Qaida attacked New York and Washington. And when that happens, when the security of the country depends on it, the country unites and great sacrifices of life and limb are willingly made.

It is those sacrifices that we honor on Memorial Day, and which those of us who were just in Normandy were reminded of so vividly.

But the war against terrorism is a different kind of war.

It will not be won by invading and occupying countries.

It will not be won by alienating our friends and allies, nor by inciting the anger of Muslims around the world who now believe the United States is at war with Islam itself.

It will not be won by arresting people, calling them terrorists, torturing and humiliating them, and releasing them only after it becomes a public relations disaster. Why, if they were innocent, were they detained so long in the first place? It makes a mockery of the very idea of justice.

The war against terrorism will not be won by publicly claiming to respect the law when you are secretly declaring the law obsolete, breaking the law, and then refusing to disclose what was done.

It will not be won when half the American people do not believe the war in Iraq is making them safer.

It will not be won with self-serving rhetoric that distorts history and bears little resemblance to reality.

The war against terrorism will be best fought by using our military selectively, as we are by tracking down al-Qaida in Afghanistan.

It will be best fought by building alliances, by working closely and cooperatively with the law enforcement and intelligence agencies of other countries to infiltrate terrorist networks, capture their leaders, and seize their assets.

It will be best fought by doing far more to help create economic opportunities for the hundreds of millions of impoverished people, particularly in Muslim countries, who have little more than their faith and their anger, and who are the terrorist recruiters' greatest hope.

And it will be best fought by giving far higher priority to strengthening our defenses here at home.

ADDITIONAL STATEMENTS

TRIBUTE TO KEN ROBINSON

● Mr. HARKIN. Mr. President, today I want to remember Ken Robinson, a long time friend and community leader. Ken passed away on Friday, April 30, 2004 at the age of 89 years. I would like to pay tribute to the many contributions he has made to his community, to his profession, and to this country.

I have known Ken and his wife Mary Louise, both as personal friends and as the owners of the Bayard News, the Bagley Gazette, as well as several other Iowa newspapers. In 1940, he was one of the founders of the Bayard News which merged with the Bagley Gazette in 1973 to become the Bayard News Gazette. They received many awards over the years for their publishing including the National Newspaper Association's Amos Award which is given to a person who is considered to have done the most for the newspaper industry as well as for his own community.

When is came to being an advocate for publishers of newspapers in rural areas, Ken was the best. He was fearless, and nothing deterred him from approaching public officials, including the Post Master General or the President of the United States, to bring to their attention problems experienced by his newspaper readers due to delayed rural delivery service or postage price increases. He was a crusader in the best sense of the word when there was an issue that needed to be fixed.

He came to Washington, DC every year to participate in the annual conference sponsored by the National Newspaper Association. Ken was the one to ask the hard questions of the officials who would speak at the conference, holding their feet to the fire to follow up on commitments. At one association conference session at the White House, Iowa Newspaper Association Director Bill Monroe remembers worrying about Ken and why he had not shown up in time for the meeting. Just before the meeting began, Ken came out of the Oval Office just before President Reagan came out to meet the group. He had been in the office promoting Bayard's sesquicentennial and had sold President Reagan a raffle ticket.

Ken also served as mayor of Bayard for 24 years, as a State representative, and was active in many organizations, including the League of Iowa Municipalities, the Democratic Party, the Iowa Civil Rights Commission, and the board of Iowa Public Television. He was an active and loyal alumnus of Drake University from where he graduated with a major in economics. During his college years, he was managing editor of the Drake Times Delphic where he primarily wrote sports articles.

Ken was born near Panora, IA in 1914. In his junior year of high school, he was stricken with polio. As a person with a disability, long before the ADA was passed, Ken found ways to overcome barriers to achieve his long-time dream of owning and publishing a newspaper. He not only achieved his dream, but with his passion for justice and his impatience with inaction, he became a strong voice for common sense and fairness. As a civic leader, he had the kind of ''can-do'' attitude that motivates others to get involved to get things done. Who knows what Ken might have achieved if the ADA had been implemented while he was involved in so many aspects of community life. In this spirit, Ken was the first recipient of the Easter Seals of America Award to honor a person with a disability who had provided outstanding service to government and to community.

Ken and Mary Louise have been great friends to me and I will never forget them. People such as Ken and Mary are an inspiration to us all. They are among the leaders who are the fabric that gives shape and color to our rural communities. They have spent their life making their community, State, and Nation better places to live, work and raise families. And for that, we are forever grateful.●

NATIONAL HOMEOWNERSHIP MONTH—JUNE 2004

● Mr. SMITH. Mr. President, realizing the dream of homeownership is one of the greatest moments in a lifetime. I am pleased that June has been designated as National Homeownership Month and I have enjoyed working with my colleagues to increase the number of Americans who are able to own their own homes. Homeownership provides more than just a shelter. It is a symbol of security that more American families are enjoying each year.

Owning a home enhances our lives and contributes to thriving communities. Where homeownership flourishes, communities are more secure, residents are more civic-minded, schools are better and crime rates decline.

Today, the national homeownership rate stands at 68 percent. I am proud of the great strides we have made in order to raise it to the highest rate ever. But if you take a close look at that statistic, you'll see that there is still much work to be done. The fact is that homeownership rates have risen the most among groups that have always had the highest ownership, while they've actually fallen for households with children and those headed by someone under the age of 55. In addition, African American and Hispanic households' homeownership rates still lag behind those of white households by more than 25 percentage points.

I support President Bush in his goal of expanding the number of minority home owners by 5.5 million by 2010. As the lead sponsor of S. 198, the New Homestead Economic Opportunity Act, I am confident this legislation would go a long way toward increasing the number of American home owners—particularly first-time and minority home buyers. S. 198 will provide a tax credit for single-family homeownership. Modeled after the successful low-income rental housing tax credit, this proposal would allow States to allocate Federal tax credits to developers and investors who provide single-family homes for purchase by qualified buyers in qualified areas.

The legislation is sound public policy and makes good economic sense. It would foster revitalization of both urban and rural areas and help working Americans currently priced out of the market to buy their first home. It is estimated that each year the credit would produce some 50,000 new and rehabilitated homes, 120,000 jobs, $4 billion in wages and $2 billion in taxes and fees.

President Bush has stated that a home is:

a foundation for families and a source of stability for communities. Part of economic security is owning your own home. Part of being a secure America is to encourage homeownership.

Today, in the midst of National Homeownership Month, those words ring even more loud and true. I ask that my colleagues show their support for homeownership by cosponsoring S. 198.●

HONORING STEPHAN KATHMAN AND DAVID SHEETS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate both Stephan Kathman of Covington, KY, and David Sheets of Lexington, KY, on being named two of the seventy-eight outstanding U.S. high school students to attend the 21st annual Research Science Institute (RSI). The Institute, sponsored by the Center for Excellence in Education at the Massachusetts Institute of Technology and the California Institute of Technology, will

take place this summer. Students in this program represent the upper one-percent of those in the United States who took the PSAT exam.

Science and technology is extremely important for the economic growth of this country, and we need to encourage young scholars to pursue careers of excellence and leadership in the field. These two young men and the others involved in this program are the future leaders of this country and deserve our recognition. These students are competitively selected to attend and, subsequently, are provided with assistance for the eight to ten years of their undergraduate and graduate studies.

So often we hear of failures of the U.S. educational system; however, students chosen for RSI are proof that good things are happening in our schools. Kentucky is doing its job to nurture some of the county's finest talent. I join my fellow Kentuckians to congratulate Stephan Kathman and David Sheets on their achievements and wish them luck this summer at the Research Science Institute.●

WVEMS

● Mr. LIEBERMAN. Mr. President, I am pleased to extend my congratulations and gratitude to the Westport Volunteer Emergency Medical Service, WVEMS, of Westport, CT, which is celebrating a quarter century of unparalleled dedication to public safety and public service.

Volunteerism is part of the American way, and the volunteer emergency personnel of WVEMS take on a particularly demanding and challenging form of community service. These men and women take time out of their busy lives and careers, or from well-earned retirement, to provide life-saving services 24 hours a day, 7 days a week. They work in close cooperation with police and fire departments, using state-of-the-art skills, in pre-hospital situations. WVEMS volunteers also perform other important community services, including teaching first aid and CPR classes.

The men and women of WVEMS have established a remarkable legacy. During their 25 years of service, they have logged over half a million volunteer hours and cared for over 45,000 ill or injured men, women, and children.

Fifteen of the original founders still serve with a selfless commitment to their cause, and each has been designated an American Red Cross Unsung Hero. These exceptional men and women are Edward and Elizabeth Audley, Patricia Audley, Sharon Barnett, Russel M. Blair, Susan DeWitt, Michael Feigin, Richard Frazier, Neil Harding, Thomas M. Keenan, Kathleen Todd, Alan Yoder, Isabel Blair, Alan Stolz, Nettie Skinner, and Pasquale Salvo. I would also like to commend Jay Paretzky and April Anne Yoder, who have also been with the WVEMS for a quarter century.

All of the other active members of the WVEMS certainly deserve our recognition, as well: William Puterbaugh, Norman Coltin, Sandra McPherson, Jeffrey T. Lea, Andrew Dinitz, Loretta S. Harsche, Marge Costa, Christine A. Evans, Todd M. Smith, Mark A. Blake, Anthony F. Santo, Donald E. Smith III, Thomas F. Burrows, Martha M. McGorry, Elizabeth Slattery, Chris VanDeusen, Diane Salvo, Benjamin Frimmer, Barbara F. Wood, Barbara Babash, Arlene M. Healy, Amy Smith, Linda Canterbury, Albert Bassett, Mary Jane Cross, KC Duffy, Linda Green, Carole Grob, Dorothy Harris, Gordon Joseloff, Chris Sanders, Whitney Cusa, James Flint, Nicole Donovan, Toni Cribari, Mary Minard, Terrence Blake, Michele Brewster, Michael Falbo, Cheryl Jones, Michael Quan, Rico Tiberio, Sylvia Lempit, Susannah Kehl, AnnaLiisa Joseloff, James Hinckley, Nanci Jenkins, David Heinmiller, Rainy Broomfield, Ronald Carkner, Donna Patchen, Robert Redman, Olivia Weeks, Courtenay Quinn, Joseph Devermann, Linda Gale, Jean Marie Wiesen, Nancy Strong, Gregory Coghlan, Paul Resnick, Barbra Utting, Adam Sappern, Nancy Fusaro, Wendy Hill, Megan Watson, Kristin Ancona, Kathryn Min, William Min, Susan Parks, Jamie Talbot, Michael Rickard, Marc Hartog, Michael Engelskirger, Craig Kupson, Elizabeth Jennings, Glenn Eisen, Angela Chichila, Anna Dowdle, Ashley Hawley, Andrea Hoboken, Dustin Schur, Jackie Stenson, Carol Boas, Yannick Passemart, Kerry Volmar, Michael Wilmot, Danielle Faul, David Bodach, Christin Giordano, Zack Klomberg, Jordan Kunkes, Alma Loya, Whitney Riggio, Kimber Roberts, Alicia Wong, Karen Bizzak, Margaret Russell, Richard Arriaga, Carol Dixon, Gabrielle O'Halloran, Daniel Rappaport, Dora Sweet, Lois Benfield, Adele Donohue, Susan Shewchuk, Nancy Toll, Pamela Newnham, Matthew Rees, Richard Celotto, John Sommers, Caroline Andrew, James Gray, Stephanie Howson, Rebecca Kamins, Kaitlyn Mello, Elizabeth Parks, Christian Renne, Rob Stewart, Emma Trucks, Christina Voonasis, Maryanne Boyle, Robert Dowling, Yashasvi Jhangiani, Maribeth Nixon and Steve Brothers.

To the men and women of WVEMS, thank you for going above and beyond the call of duty to serve those in need. Well done.●

JUNE IS DAIRY MONTH

● Mr. FEINGOLD. Mr. President, June is National Dairy Month, the country's oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsinites will hold nearly 100 dairy celebrations across our State, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events.

Every State in the Union has dairy farms, which together produce over 170 billion pounds of milk annually. In my home State of Wisconsin, dairy farmers produce approximately 22 billion pounds of milk and 25 percent of the country's butter a year. Some of the world's finest cheeses are produced within Wisconsin's borders, in addition to a variety of other outstanding dairy products for people to enjoy.

The nutritional benefits of milk, yogurt, cottage cheese, and other dairy products are important to keeping Americans healthy and strong. Strong scientific evidence published in the Journal of the American Medical Association and JAMA indicates that dairy foods may play a role in reducing the risk of nine common diseases and conditions: obesity, hypertension, type 2 diabetes, coronary artery disease, stroke, kidney stones, osteoporosis, colorectal cancer, and pregnancy-related complications. Research continues to demonstrate the health benefits of consuming dairy products, particularly for children.

Throughout my time in the Senate, I have worked to keep my State's dairy industry healthy and strong. I have fought attempts to create and perpetuate regional disparities in dairy pricing. I have acted on the concerns of many Wisconsinites about the impact of milk protein concentrates on the Wisconsin dairy industry. I have advocated on behalf of the Wisconsin dairy industry to trade negotiators. I will continue to work to keep Wisconsin a leader in the dairy industry.

So here's to good health, a strong agricultural economy, and the pride of America's dairyland as we enjoy Wisconsin dairy products during the National Dairy Month and throughout the rest of the year.●

TRIBUTE TO CHUCK VEST

● Mr. KENNEDY. Mr. President, this month marks the end of a distinguished 14-year tenure for Chuck Vest as president of the Massachusetts Institute of Technology. He has been an excellent leader for this outstanding institution in our State. He has attracted and retained a world class faculty, including Nobel Prize winners. He's maintained an impressive balance between consistency and change to meet the changing needs of the university in the modern high-tech world. and he has developed the research capacity of the institution far beyond its abilities when he took the helm.

His commitment to diversity has also been impressive. In 1990, the undergraduate student body was 34 percent women and 14 percent underrepresented minorities; today the student body is 42 percent women and 20 percent underrepresented minorities—the result of a conscientious effort by President Vest and the community he cared about so much.

His leadership was marked by many innovative reforms. He decided to publish all course material online so that it is freely available to anyone in the

world. He brought the unequal treatment of senior female faculty to the attention of the community, and held an open dialogue on how to correct the situation. He offered health benefits to same-sex partners. His leadership on financial aid methodologies laid the groundwork for the provisions that are now part of the Higher Education Act.

Chuck has worked skillfully as well to obtain increased support for scientific research—especially in the physical sciences, and he was a familiar figure in corporate boardrooms and to many of us in Congress. His cooperative work with Lincoln Labs, with Harvard and with the Broad Foundation and his commitment to the Cambridge and Boston Public Schools are important parts of all he has brought to MIT. When he was named in February to the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, he said, ''I will concentrate on two priorities, MIT and the Commission.

There is so much to be said about Chuck Vest—his intelligence, his appealing personality, his modesty about his own high accomplishments, and his tireless pursuit of excellence in everything he does. All of us who know him wish him well in the years ahead, confident that we will continue to think and act boldly about the role of science and scientific education in our changing world and its fundamental importance to the future of our Nation and its best ideals.●

CONGRATULATIONS TO CARLOS BOOZER

● Ms. MURKOWSKI. Mr. President, I am pleased to honor a fellow Alaskan. This summer our country will display its patriotism on an international level during the 2004 Summer Olympic Games. It is important for us to recognize the men and women who dedicate their lives to representing the United States. Though the sacrifices these individuals make are not ''life threatening'' like those of our American men and women who serve in our Armed Forces, the individuals who represent our country in the Olympics nonetheless sacrifice themselves, and proudly represent this Nation. That is why I would like to take the time to recognize one fellow Alaskan who is about to compete at the highest international level. Recently, my fellow Alaskan, Carlos Boozer, was selected to the Men's 2004 Olympic Basketball team. He becomes the first Alaskan to be selected to the United States Men's Olympic Basketball team.

Unselfishly, Mr. Boozer has been a quiet winner his whole life. Carlos attended Juneau-Douglas High School, winning a State title in his junior season, and then in his senior season he was selected to the McDonald's All-American Team. He then enrolled in Duke University, where he won a national title with the Blue Devils. After receiving his degree from Duke in 3 years, Carlos was drafted in the second round of the 2002 NBA Draft by the Cleveland Cavaliers. With his workman-like mentality, he is becoming a model for those who dedicate themselves to perfection and team work, and not personal glory. Now he has the opportunity to represent this country in a quest for the Gold Medal in the Summer Olympic Games. I congratulate Carlos, not only for his recent achievement, but for his unselfish dedication. He has dedicated himself to Juneau his home town, Alaska his home state, Duke University, the Cleveland Cavaliers, and now the United States. This kind of continuous dedication is rare, and Carlos embodies it. In a time when professional athletes are opting out of the Olympic Games, Carlos has risen to the occasion and accepted a bid to represent his town, his State, his university, his team, and more importantly, his country. Again I congratulate Mr. Boozer and the rest of the men and women who will represent this great Nation in Athens this summer.●

IN RECOGNITION OF MR. WILLIAM GREENBLATT

● Mr. BOND. Mr. President, today I would like to recognize Mr. William Greenblatt, a man whose accomplishments are a true testament to what a business and community leader should be, as he celebrates his fiftieth birthday on June 9, 2004.

Mr. Greenblatt began his career providing photography services for commercial, industrial, public relations and non-profit organizations including the City of St. Louis, Make-A-Wish Foundation, United Way, and American Heart Association. He also serves as the St. Louis Fire Department's photographer recreating fire scene construction and investigations as well as documenting training and incidents.

During Mr. Greenblatt's career, he has had the honor of being the official photographer for many of Missouri's most prominent Federal, State, and local politicians, as well as St. Louis artists Nelly and Toya. In addition to his services at United Press International, he has contributed to numerous publications such as the Chicago Tribune, Los Angeles Times, Newsweek Magazine, New York Times, and the Washington Post.

Mr. Greenblatt has dedicated both his professional and personal life to the betterment of his community. He has served on several non-profit boards as well as being a member of several professional organizations including the St. Louis Regional Chamber and Growth Association, St. Louis Journalism Review Board of Editorial Advisors, Urban League of Metropolitan St. Louis, and the James S. McDonnell Board of Directors.

Throughout his service, Mr. Greenblatt has been honored with several achievements including placing in the Baseball Hall of Fame Photo Contest, Certificate of Appreciation from the City of St. Louis Emergency Management Agency, Outstanding Citizen Award.

Mr. Greenblatt has a distinguished record of service in his public and private life. I would like to thank him for his dedication to his profession as well as his contributions to the St. Louis Community. On behalf of Missouri, I wish him a happy 50th birthday.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE U.S.-AUSTRALIA FREE TRADE AGREEMENT AND THE AFRICAN GROWTH AND OPPORTUNITY ACT

● Mr. KERRY. Mr. President, I am pleased to announce today my support for the U.S.-Australia Free Trade Agreement. The United States has a trade surplus with Australia and this agreement will boost our exports still further by eliminating Australian tariffs on our manufactured goods and on several key agricultural exports. Not only does the agreement promote our economic interests and job creation here in America, but Australia is also an important ally, and we must do all we can to ensure a healthy and vibrant relationship between our two nations.

I am, however, disappointed that the Bush administration did not build on the model of the U.S.-Jordan agreement by including strong and enforceable labor standards in the core of the agreement. Although Australia already has very strong labor rights and an effective enforcement regime, the agreement represents a missed opportunity to set a higher benchmark for future trade agreements by cementing the principle that labor and environmental standards are in the core of all new agreements.

In addition, I am disappointed that the Bush administration did not do a better job negotiating an agreement that would protect our important beef and dairy industries. I was happy to support an amendment in the Finance Committee that helps ensure a level playing field for our domestic beef industry.

I am also pleased to announce today my intention to cosponsor the Milk Import Tariff Equity Act, S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates and help ensure fair competition for our nation's dairy farmers.

As we look ahead I want to reiterate that this agreement and others I have supported should not be viewed as models for all future bilateral agreements under negotiation. In particular, it is important to have strong ties with our Central American neighbors. However, the lack of strong and enforceable labor and environmental standards are more serious in the CAFTA agreement because of the poor history the Central American countries have with labor issues. I oppose the current CAFTA agreement, and I hope that over time it

can be improved to strengthen labor rights and our ties to our neighbors. The goal is to make sure that trade lifts all people up, that it creates growth with equity.

I also understand that last night Majority Leader FRIST and Minority Leader DASCHLE discussed the possibility that the Senate will soon pass an extension of the African Growth and Opportunity Act. While some Senators have concerns with AGOA III that must still be resolved, and we should provide adequate time to address those concerns, I would like the record to show that I support this important legislation and would like to see it enacted.

Today, the countries of sub-Saharan Africa face some of the world's greatest challenges to export growth, including insufficient domestic markets, lack of investment capital, and poor transportation and power infrastructures. Perhaps most devastating, the region continues to be ravaged by the growing HIV/AIDS pandemic. AGOA provides a door to a brighter future for these nations. By enhancing and enabling economic, legal and political reform, AGOA sets the stage for economic growth and political stability in the region, and helps lift up the lives of the people of Africa.

Through our trading relationships, the United States can help spread effective political, economic and legal institutions to regions of the world that are vulnerable to political instability, civil war and global terrorism. Ensuring sub-Sahara African economic integration is one of the surest ways to cultivate new and powerful allies in the war on terror.

AGOA is an integral part of a broader partnership with Africa that must also include progress on debt relief and stepped-up efforts to fight the scourage of HIV/AIDS. Given the importance of AGOA to the future we share with Africa, I hope the remaining concerns of my colleagues can be addressed to ensure the passage of AGOA III. Passing this critical extension of AGOA will send a powerful signal to Africa and the world that the United States is committed to extending the benefits of the global economy to all those willing to make the necessary economic, legal and political reforms.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report: which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the Federal Register on June 24, 2003, 68 Fed. Reg. 37389.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia, have also become a concern. All of these actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 24, 2004.*

MESSAGES FROM THE HOUSE

At 12:19 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. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 4053. An act to improve the workings of international organizations and multilateral institutions, and for other purposes.

H.R. 4345. An act to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 460. Concurrent resolution regarding the security of Israel and the principles of peace in the Middle East.

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

H.R. 4635. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

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

H.R. 4053. An act to improve the workings of international organizations and multilateral institutions, and for other purposes; to the Committee on Foreign Relations.

H.R. 4345. An act to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veteran's Affairs.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

The following concurrent resolution was read the first and the second times

by unanimous consent, and referred as indicated:

H. Con. Res. 460. Concurrent resolution regarding the security of Israel and the principles of peace in the Middle East; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–8128. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAAE Systems (Operations) Liminted (Jetstream) Model 4101 Airplanes Doc. No. 2002–NM–58'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8129. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–100 and 200, 737–100 and 200; 737–100, 200, 200C, 300, 400, and 500 and 747 Airplanes Doc. No. 2001–NM–297'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400, 400D, 400F, 757–20–0, 200PF, 200CB, 767–200, 300, and 300F Airplanes Doc. No. 2003–NM–40'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–600, 600R, and F4600R (Collectively Called A300 and 600) A310, A319, A320, A321, A330, and A340–200 and 300 Airplanes Doc. No. 2003–NM–19'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8132. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Airplanes Doc. No. 2003–NM–47'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8133. A communication from the Paralegal Specialist, Federal Aviation Administration, Department Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes Doc. No. 2004–NM–70'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8134. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Department's Defense, Chemical, Biological, and Nuclear (CBRN) Defense Program Annual Report to Congress and the Department's CBRN Defense Program Performance Plan for Fiscal Years 2003–2005; to the Committee on Armed Services.

EC–8135. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Chapter V, Appendix A'' received on June 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8136. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, a report of the discontinuation of service in acting role for the position of Solicitor, Department of the Interior, received on June 21, 2004; to the Committee on Energy and Natural Resources.

EC–8137. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, a report of the discontinuation of service in acting role for the position of Solicitor, Department of the Interior, received on June 21, 2004; to the Committee on Energy and Natural Resources.

EC–8138. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Performance of Commercial Activities''; to the Committee on Environment and Public Works.

EC–8139. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report of the Administration's commercial and inherently governmental activities; to the Committee on Finance.

EC–8140. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 420—Waiver of Post-Retirement Health Benefits'' (Rev. Rul. 2004–65) received on June 22, 2004; to the Committee on Finance.

EC–8141. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD 9130: Required Distributions from Retirement Plans'' (RIN1545–BA60) received on June 22, 2004; to the Committee on Finance.

EC–8142. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Administrative Simplification of Section 481(a) Adjustment Periods in Various Regulations'' (RIN1545–BB47) received on June 22, 2004; to the Committee on Finance.

EC–8143. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD 9132: Changes in Use Under Section 168(i)(5)'' (RIN1545–BB05) received on June 22, 2004; to the Committee on Finance.

EC–8144. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Credit for Increasing Research Activities—Qualified Research Expenses'' received on June 22, 2004; to the Committee on Finance.

EC–8145. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—July 2004'' (Rev. Rul. 2004–66) received on June 22, 2004; to the Committee on Finance.

EC–8146. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's report entitled ''Sources of Financial Data on Medicare Providers''; to the Committee on Finance.

EC–8147. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Overtime Compensation and Premium Pay for Customs Officers'' (RIN1651–AA59) received on July 22, 2004; to the Committee on Finance.

EC–8148. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8149. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8150. A communication from the Chairman, International Trade Commission, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8151. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8152. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8153. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8154. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Justice for the period from October 1, 2003 through March 31, 2004

EC–8155. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8156. A communication from the Director, Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8157. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8158. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–8159. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's report under the Government in Sunshine Act for Calendar Year 2003; to the Committee on Governmental Affairs.

EC–8160. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Removal of Two Option Limitation for Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option'' received on June 22, 2004; to the Committee on Governmental Affairs.

EC–8161. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's report of commercial and inherently governmental activities; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

POM–463. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the National Finance Center in New Orleans, Louisiana; to the Committee on Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 47

Whereas, the U.S. Department of Agriculture (USDA) has been the forerunner in the application of computer technology in managing administrative functions; and

Whereas, in 1973, the USDA established the National Finance Center in New Orleans to provide consolidated payroll, personnel, and voucher and invoice payment systems and services to numerous government agencies; and

Whereas, today the National Finance Center in New Orleans also provides systems and support services for several government-wide processes, including the Federal Retirement Thrift Savings Plan; and

Whereas, the National Finance Center has become an asset not only to the government, but also the Greater New Orleans Area; and

Whereas, the National Finance Center in New Orleans employs over twelve hundred local federal employees; and

Whereas, the National Finance Center in New Orleans has recently been criticized by the Federal Retirement Thrift Investment Board (FRTIB), which oversees the Thrift Savings Plan; and

Whereas, the National Finance Center in New Orleans has dedicated over four hundred federal employees to the Thrift Savings Plan, who are responsible for answering phone calls from plan participants, processing loans, sending out statements, and maintaining the computer information systems; and

Whereas, at the request of the FRTIB, the National Finance Center in New Orleans installed a new and untested mainframe computer in order to manage the more than three million one hundred thousand plan participants accounts; and

Whereas, due to the flawed computer system, a problem that exceeded the scope of work performed by the National Finance Center's employees, numerous problems were encountered by the Thrift Savings Plan participants; and

Whereas, the problems were so serious that the National Finance Center became the subject of congressional hearing which questioned the center's ability to effectively manage the Thrift Savings Plan; and

Whereas, as a result of these inquiries, more than four hundred federal employees of the National Finance Center are experiencing a profound loss of moral as they face a future of increasing job uncertainty due to the recent press attacks which have reflected poorly upon their personal work performances; and

Whereas, prior to the installation of this new, untested, and flawed mainframe computer by the FRTIB, the National Finance Center in New Orleans had enjoyed a long history of exemplary service and a solid reputation for its ability to effectively serve the needs of its customers: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to support and expand the operations of the National Finance Center in New Orleans, including the renewal of its contract with the Federal Retirement Thrift Investment Board. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–464. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to legislation to establish English as the official language of the United States; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 242

Whereas, the United States of America is composed of individuals from diverse ethnic, cultural, and linguistic backgrounds, and continues to benefit from its rich diversity; and

Whereas, throughout the history of the United States, the common thread binding individuals of different backgrounds has been the English language; and

Whereas, declaring English as the official language is essential for uniting Americans who now speak more than 329 languages by providing a common means of communication; and

Whereas, U.S. immigrants would be encouraged to learn English in order to use government services and to participate in the democratic process; and

Whereas, learning English would be beneficial to immigrants who become United States Citizens because studies of Census data show that an immigrant's income rises about 30 percent as a result of learning English, leading to the realization of the American dream of increased economic opportunity and the ability to be a productive member of society; and

Whereas, in New York City schools, 54 percent of students who entered English as a Second Language programs in kindergarten scored above the 50th percentile in reading when they reached the 7th grade, compared with under 40 percent for students who entered bilingual programs at the same time; and in mathematics, the gap was even greater, 70 percent versus 51 percent; and

Whereas, the 2000 U.S. Census revealed that 21.3 million Americans, eight percent of the population, are classified as ''limited English proficient,'' a 52 percent increase from 1990, and more than double the 1980 total; and

Whereas, the United States Government's efforts make it easy for immigrants to function in their native languages has not only proven to be expensive for American taxpayers, it has served to keep immigrants linguistically isolated, excluding them from the American ''melting pot'' which truly unites us as a people; and

Whereas, in 1983 the late Senator S. I. Hayakawa, an immigrant himself, founded U.S. English, Incorporated, a group dedicated to preserving the unifying role of the English language in the United States, declaring that ''English is the key to full participation in the opportunities of American life''; and

Whereas, President Theodore Roosevelt stated that ''We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans''; and

Whereas, official English legislation does not mean ''English only'' because it does not prohibit government agencies from using other languages when there is a compelling public interest for doing so, such as protecting public health and safety, assuring equality before the law, promoting tourism, teaching foreign languages, providing for national defense, and many other legitimate, common sense needs: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky House of Representatives urges the Congress of the United States of America to enact legislation establishing English as the official language of the United States of America.

Section 2. That the Clerk of the House of Representatives is directed to mail a copy of this Resolution to the Clerk of the United States Senate, the Clerk of the United States House of Representatives, and to each member of Kentucky's Congressional delegation.

POM–465. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to legislation to provide access prescription drugs by allowing purchase of prescription drugs from Canada and other countries that meet federal safety requirements; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 47

Whereas, the cost of prescription drugs has risen steadily in recent years, affecting consumers, businesses or employers, and public programs, while the pharmaceutical industry has been named as the most profitable among the Fortune 500 Companies in 2002; and

Whereas, Americans pay more for prescription drugs than in any other industrialized nation; in Canada, for example, a three-month supply of the best selling prescription drug Lipitor is thirty-seven percent cheaper; Paxil is approximately fifty percent cheaper; Vioxx is fifty-eight percent cheaper; and the anti-psychotic drug Risperdal is eighty percent cheaper; and

Whereas, in May 2003, Hawaii's Attorney General joined thirty-seven other attorneys general in a letter to Congress, seeking relief for consumers from the high cost of prescriptions and pointing out that the high cost of many brand-name prescription drugs makes lifesaving medications out of reach for many individuals; and

Whereas, the federal Food and Drug Administration has refused to certify as safe for reimportation prescription medication from Canada and other foreign countries, which would allow United States citizens, state and county governments, and businesses access to prescription drugs at much lower prices; and

Whereas, to justify its refusal, the Food and Drug Administration contends that reimportation from other countries could jeopardize consumer safety because pharmaceuticals from other countries will not be subject to the same requirements imposed by the United States; and

Whereas, a number of governors and mayors already are taking steps to provide prescription drugs from Canada to state employees, retirees, and residents; and

Whereas, in recent legislation, Congress authorized drug reimportation from Canada, giving United States Health and Human Services Secretary Tommy Thompson the authority to grant exceptions to allow states to purchase Canadian drugs for state employees and retirees; and

Whereas, it is likely, however, that the practice of reimportation will remain illegal;

for example, Secretary Thompson quickly denied Illinois Governor Rod Blagojevich's request for an exemption, declaring that he would waive federal regulations only if he could guarantee the safety of prescription drugs from Canada; and

Whereas, recent research indicates that Canada's drug approval system is as stringent as that of the United States and pharmacy practices in the Canadian provinces of Manitoba and Ontario were deemed equal to or superior to pharmacy practice in Illinois; and

Whereas, there is pending federal legislation that will enable the reimportation of prescription drugs from Canada and other industrialized countries that can meet regulatory requirements to ensure that consumers and government agencies have access to safe prescription drugs at reasonable costs: Now be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, That members of Congress, including Hawaii's congressional delegation, are urged to establish as an immediate priority the passage of legislation that makes safe, affordable prescription drugs accessible to all United States residents through reimportation and other means, including requesting the cooperation of the United States Secretary of Health and Human Services and the Food and Drug Administration; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health and Human Services, the Food and Drug Administration, and members of Hawaii's delegation to the United States Congress.

POM–466. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 195

Whereas, in 1935, the United States established, by law, that workers must be free to form unions; and

Whereas, the freedom to form or join a union is internationally recognized as a fundamental human right; and

Whereas, union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces; and

Whereas, unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, workers want to organize, but are unable to, since more than forty million United States workers say they would join a union now if they had the opportunity; and

Whereas, even though, on paper, America's workers have the freedom to choose for themselves whether to have a union, in reality, workers across the nation are routinely denied that right; and

Whereas, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, many thousands of America's workers are routinely threatened, coerced, or fired each year because they attempt to form a union; and

Whereas, most violations of workers' freedom to choose a union occur behind closed doors and each year millions of dollars are spent to frustrate workers' efforts to form unions; and

Whereas, a worker's fundamental right to choose a union is a public issue that requires public policy solutions, including legislative remedies; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) has been introduced in the United States Congress in order to restore workers' freedom to join a union; and

Whereas, the Employee Free Choice Act has received broad bipartisan support with over two hundred congressional members as co-sponsors; and

Whereas, at its March 17 meeting, the Hawaii State AFL-CIO Executive Board unanimously endorsed the Employee Free Choice Act: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring. That the Legislature supports the Employee Free Choice Act (S. 1925 and H.R. 3619), which would:

(1) Authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them;

(2) Provide for first contract mediation and arbitration; and

(3) Establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

Resolved, That the Legislature urges Hawaii's congressional delegation to support the Employee Free Choice Act and to impel the United States Congress to pass this measure to protect America's workers and preserve their freedom to choose for themselves whether or not to form a union; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM–467. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 42

Whereas, Hawaii commends President George W. Bush and the No Child Left Behind Act of 2001 for pursuing the laudable goals of increasing student performance and closing the achievement gap; and

Whereas, these are the same goals that states have been pursuing on their own behalf for years—well before the introduction of No Child Left Behind; and

Whereas, many aspects of this law, however, are misplaced and too prescriptive for the State and impose specific requirements on state education agencies; and

Whereas, many of the mandates inherent in No Child Left Behind will impose costs on the State above what it is receiving in federal money and could undermine current programs and policies; and

Whereas, it is unrealistic to require that all subgroups of students—those with disabilities, limited English proficiency—and ethnic and economically disadvantaged backgrounds—reach one hundred percent proficiency or adequate yearly progress, based on the same measures and standards; and

Whereas, it is unfair to identify a school as underperforming based upon the results of one subgroup, without taking into consideration the school's overall performance; and

Whereas, using a value-added model, based upon the growth of individual students from grade to grade, may be more appropriate for states and should be an acceptable option; and

Whereas, identifying an entire school as under-performing based solely on the ninety-five per cent participation requirement for testing is inappropriate and will cause major negative implications to the Hawaii school system; and

Whereas, requiring all teachers and paraprofessionals to meet a ''highly qualified'' definition is inappropriate for a state as remote as Hawaii and threatens to exacerbate current teacher shortages; and

Whereas, Hawaii is not in the proximity of other states that would allow the State to recruit ''highly qualified'' teachers from other areas; and

Whereas, each state is required to expand the frequency and scope of student testing to include testing of all students in reading or language arts and mathematics each year in grades three through eight, beginning in the 2005–2006 school year, and to adopt standards for the teaching of science and develop and administer science assessments by the 2007–2008 school year; and

Whereas, if a Title I (federally funded compensatory education program for low-income and at-risk students) school fails to make ''adequate yearly progress'', then certain consequences will follow. If the failure is:

(1) For two consecutive years, then the state department of education must: (a) give parents the option of transferring their children to another school, including a charter school, at the beginning of the third year, that has not been identified as needing improvement; and (b) provide technical assistance to help the school improve student performance and make adequate yearly progress;

(2) For three consecutive years, then the state department of education must give parents whose children remain at a school that has been identified as needing improvement the option of obtaining supplemental educational services (e.g., tutoring and other enrichment services that are in addition to instruction provided during the school day) for their children at the beginning of the fourth year;

(3) For four consecutive years, then the department must: (a) replace some school staff; (b) implement a new curriculum; (c) decrease the school's management authority; (d) appoint an outside adviser; (e) extend the school day or year; or (f) restructure the internal organization of the school; and

(4) For five consecutive years, then the department must implement one of the following alternative governance arrangements in accordance with the school's restructuring plan: (a) reopen the school as a charter school; (b) replace all or more of the school's staff; or (c) turn management of the school over to a private company; and

Whereas, according to the Department of Education's statistics for the 2002–2003 school year, one hundred sixty-seven of Hawaii's two hundred seventy-six schools, or nearly sixty-one percent, fell short of the federal requirements inherent in No Child Left Behind; and

Whereas, as testing requirements increase, teacher requirements come into affect, and adequate yearly progress benchmarks are raised, the likelihood will increase that more and more schools will not be able to meet these mandates; and

Whereas, there is a realistic possibility that all schools in Hawaii will fall short of the federal mandates within the first several years of the law's implementation; and

Whereas, the State commends the federal government for providing increased levels of federal resources to states for education; and

Whereas, Hawaii relies on federal aid for education, but is concerned that accepting funds related to No Child Left Behind will put the State in the precarious situation of

having to spend its own money in order to meet the mandates of the law: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, That this body requests Congress to amend the No Child Left Behind Act of 2001 to include waivers to help states meet the requirements of this law. Specifically, this body requests a waiver from deeming a school as failing based solely on participation rates; and be it further

Resolved, That the State requests the President and Congress to provide the State with sufficient funding necessary to meet the mandate to leave no child behind; and be it further

Resolved, That certified copies of this Resolution be transmitted to President George W. Bush, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the Chairperson of the Board of Education and the Superintendent of Education.

POM–468. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, on January 8, 2002, President George W. Bush signed into law the ''No Child Left Behind Act'' of 2001 (NCLB), which requires the development of state educational standards, tests to measure against those standards, and collection and reporting of testing data; and

Whereas, NCLB contains several very expensive mandates for which Congress has not provided adequate funds to the states; and

Whereas, costs to individual states associated with NCLB mandates result from implementing assessment and accountability systems, data collection, teacher quality requirements, and new standards for paraprofessionals, among additional factors; and

Whereas, many of the mandates inherent in NCLB inflict costs of the states above what they receive in federal money, and unfunded mandates included in NCLB represent a serious imposition on individual states; and

Whereas, any federal mandate for which there are insufficient funds provided is sure to divert resources away from other laudable objectives of individual states; and

Whereas, adequate federal funding is a necessity if states are to fully meet the goals of NCLB. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to provide sufficient funding for full implementation of the ''No Child Left Behind Act'' of 2001. Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana's congressional delegation.

POM–469. A resolution adopted by the Board of Commissioners of the County of Cook of the State of Illinois relative to the renewal of the federal ban on military-style assault weapons; to the Committee on the Judiciary.

POM–470. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to visa processing capacity in the consular section of the United States Embassy in Seoul in the Republic of Korea; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION

Whereas, Hawaii remains one of the premier visitor destinations in the world and tourism remains the backbone of Hawaii's economy; and

Whereas, the United States and the Republic of Korea have a long history of friendly relations; and

Whereas, the Republic of Korea has been a trusted ally for over fifty years, is a major trading partner of the United States, and is the thirteenth largest economy in the world; and

Whereas, January 13, 2003 marked the centennial of the first arrival of Koreans in the United States; and

Whereas, in the past, the number of visitors from the Republic of Korea had reached as high as 100,000 annually; and

Whereas, however, this number has drastically decreased, in part, due to new security requirements prompted by the terrorist acts of September 11, 2001, and the fact that the Republic of Korea is not among the Asian countries currently included in the Visa Waiver Program for visitor entry into the United States; and

Whereas, in fact, among the Asian countries, only Japan and Singapore currently benefit from the Visa Waiver Program through which citizens from those countries may enter the United States without needing to obtain visitor visas; and

Whereas, due to increased security it has become much more difficult for citizens of the Republic of Korea, especially those living outside the capital city of Seoul, to obtain visitor visas that allow travel to the United States; and

Whereas, as part of the required security measures, the Republic of Korea is in the process of installing the equipment needed to enable passports to be machine-readable; and

Whereas, while the Republic of Korea is doing its part in facilitating the processing of travel requirements for its citizens, the United States should do its part in facilitating visitors from the Republic of Korea to travel to this country: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the Legislature urges the members of Hawaii's congressional delegation to introduce federal legislation to provide additional resources to expand visa processing capacity in the Consular Section of the United States Embassy in Seoul in the Republic of Korea, and to include the Republic of Korea in the Visa Waiver Program; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the members of Hawaii's congressional delegation, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States, the Speaker of the United States Senate, the Secretary of State, the Secretary for Homeland Security, and the Governor.

POM–471. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a Veterans Clinic in Jennings, Louisiana; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 60

Whereas, the United States Department of Veterans Affairs has conducted a Capital Asset Realignment for Enhanced Services (CARES) Commission Report to enhance the health care services for veterans dated February 2004; and

Whereas, the goal of CARES is to make a recommendation to the Secretary of Veterans Affairs on realignment and reallocation of Veterans Affairs health care facilities over the next twenty years, focused on accessibility and cost effectiveness, and involved input from veterans, and their families; and

Whereas, the CARES Commission did not recommend the closure of the Jennings Community Based Outpatient Clinic; and

Whereas, the Director of the Veterans Medical Center in Alexandria recommended to the CARES Commission to relocate the Jennings Community Based Outpatient Clinic (CBOC) to Lake Charles, Louisiana, in order to reduce veteran travel; and

Whereas, the Jennings CBOC facility was constructed by the Jennings American Legion Hospital and leased by the Veterans Affairs Medical Center (VAMC) Alexandria for ten years with two years remaining as a special use facility by the Veterans Affairs utilizing Veterans Affairs specifications; and

Whereas, the Jenning CBOC has become a centrally located Veterans Affairs clinic with easy access off of Interstate 10 to provide health care services to veterans of southwest Louisiana; and

Whereas, Louisiana Reserve military forces and National Guard have been activated to preserve freedom, combat terrorism, and enhance human rights in Iraq and Afghanistan; and

Whereas, the proposed closure of Jennings CBOC is a negative signal to our loyal, dedicated, Louisiana military forces in combat who will need community health care in the future; and

Whereas, the United State Department of Veterans Affairs has entered into a twenty year cooperative agreement with the state of Louisiana to construct a veterans nursing home in Jennings, Louisiana, located between the only two American Legion Hospitals in the United States within a few miles of Jennings CBOC; and

Whereas, veterans in southwest Louisiana and in the nursing home would benefit from the close proximity of an outpatient clinic in Jennings that would provide specialized health care in addition to primary care, instead of requiring those disabled World War II, Korean, Vietnam, and Gulf War veterans to travel over a four hour round trip for specialized health care services at VAMC Alexandria; and

Whereas, veterans in the Lake Charles area use the Jennings CBOC and due to the high volume of southwest Louisiana veterans using the Jennings CBOC, another CBOC is required in Lake Charles as recommended by the Director of VAMC Alexandria to the CARES Commission; and

Whereas, the Jennings CBOC is approximately halfway between the Lafayette CBOC and the proposed Lake Charles CBOC, by enhancing the Jennings CBOC to include specialized health care for 66,159 veterans would significantly reduce the time of travel for southwest Louisiana veterans who would otherwise spend over four hours traveling to the middle of Louisiana at VAMC Alexandria. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the United States Congress to continue the operation of the Jennings CBOC by providing primary health care, and expand Veterans Affairs health care services to offer enhanced specialized health care at the centrally located Jennings CBOC, between Lafayette and Lake Charles, Louisiana, to reduce the travel of disabled southwest Louisiana veterans. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–472. A concurrent resolution adopted by the Senate of the Legislature of the State

of Hawaii relative to Filipino World War II Veterans and their families; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 97

Whereas, in recognition of the courage and loyalty of the Filipino troops who fought alongside our armed forces in the Philippines during World War II, the United States Congress enacted legislation in 1990 that provided a waiver from certain immigration and naturalization requirements for those Filipino veterans; and

Whereas, as a result of that legislation, many of those Filipino veterans have become proud citizens and residents of this country; and

Whereas, because the 1990 legislation did not go far enough in extending those immigration and naturalization benefits to the children of those veterans, the result has been years long separations between the veterans and their children remaining in the Philippines awaiting the issuance of immigrant visas; and

Whereas, on November 21, 2003, H.R. 3587 was introduced in the United States House of Representatives to amend the Immigration and Naturalization Act to give priority in the issuance of immigration visas to the sons and daughters of Filipino World War II veterans who are or were naturalized citizens of the United States: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the President of the United States and the United States Congress are urged to support the passage of H.R. 3587 into law; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM–473. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 258

Whereas, on December 8, 1941, thousands of Filipino men and women responded to President Roosevelt's call for help to preserve peace and democracy in the Philippines; and

Whereas, during the dark days of World War II, nearly 100,000 soldiers of the Philippine Commonwealth Army provided a ray of hope in the Pacific as they fought alongside United States and Allied forces for four long years to defend and reclaim the Philippine Islands from Japanese aggression; and

Whereas, thousands more Filipinos joined U.S. Armed Forces immediately after the war and served in occupational duty throughout the Pacific Theater; and

Whereas, valiant Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity; and

Whereas, their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U.S. forces the time to build and prepare for the allied counterattack on Japan; and

Whereas, Filipino troops fought side-by-side with U.S. forces to secure their island nation as the strategic base from which the final effort to defeat Japan was launched; and

Whereas, President William J. Clinton proclaimed October 20, 1996, as a day honoring the Filipino Veterans of World War II, recalling the courage, sacrifice, and loyalty of Filipino veterans of World War II in defense of democracy and liberty; and

Whereas, for decades after their heroic service under the command of their leaders and General Douglas MacArthur, these men and women of Filipino-American national heritage were denied the benefits and privileges provided to their American compatriots who fought side-by-side with them; and

Whereas, the Rescission Act of 1946 withdrew the U.S. veteran's status of Filipino World War II soldiers, thereby denying them the benefits and compensation received by their American counterparts and soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the U.S. military; and

Whereas, the Rescission Act discriminated against Filipinos, making them the only national group singled out for denial of full U.S. veterans status and benefits; and

Whereas, the passage of S. 68, now pending in the United States Senate, would extend full and equitable benefits, particularly health benefits, to Filipino veterans, considering their advanced age and poor health; and

Whereas, S. 68 proposes to amend Title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in Title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic: Now, therefore be it

Resolved by the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii Congressional delegation, and the Secretary of Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Report to accompany S. 2559, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–284).

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

H.R. 1572. To designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

S. 2385. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

S. 2398. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Paul V. Hester.

Air Force nomination of Maj. Gen. Henry A. Obering III.

Air Force nomination of Maj. Gen. John A. Bradley.

Air Force nomination of Maj. Gen. Jeffrey B. Kohler.

Air Force nomination of Maj. Gen. John F. Regni.

Air Force nomination of Maj. Gen. Michael W. Wooley.

Air Force nomination of Lt. Gen. Norton A. Schwartz.

Air Force nomination of Brig. Gen. Charles B. Green.

Air Force nominations beginning Col. Melissa A. Rank and ending Col. Thomas W. Travis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 23, 2004.

Army nomination of Lt. Gen. Richard A. Cody.

Army nomination of George W. Casey, Jr.

Army nomination of Maj. Gen. Carl A. Strock.

Army nomination of Lt. Gen. Colby M. Broadwater III.

Army nomination of Lt. Gen. Joseph R. Inge.

Army nomination of Maj. Gen. Russel L. Honore.

Army nomination of Col. Gale S. Pollock.

Army nomination of Brig. Gen. George W. Weightman.

Army nomination of Brig. Gen. William E. Ingram, Jr.

Army nomination of Colonel James G. Champion.

Army nomination of Col. Frank R. Carlini.

Army nomination of Col. Carla G. Hawley-Bowland.

Army nomination of Col. Douglas A. Pritt.

Army nomination of Col. Thomas T. Galkowski.

Marine Corps nomination of Lt. Gen. Henry P. Osman.

Marine Corps nomination of Lt. Gen. James T. Conway.

Marine Corps nomination of Maj. Gen. John F. Sattler.

Marine Corps nominations beginning Brig. Gen. Robert C.

Dickerson, Jr. and ending Brig. Gen. Richard F. Natonski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2004.

Navy nomination of Adm. Michael G. Mullen.

Navy nomination of Rear Adm. Donald C. Arthur, Jr.

Navy nomination of Rear Adm. Justin D. McCarthy.

Navy nomination of Rear Adm. Jonathan W. Greenert.

Navy nomination of Rear Adm. Kevin J. Cosgriff.

Navy nomination of Rear Adm. James M. Zortman.

Navy nomination of Rear Adm. James G. Stavridis.

Navy nomination of Rear Adm. John G. Morgan, Jr.

Navy nomination of Rear Adm. Ronald A. Route.

Navy nominations beginning Rear Adm. (lh) John M. Mateczun and ending Rear Adm. (lh) Dennis D. Woofter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 2003.

Navy nominations beginning Rear Adm. (lh) William V. Alford, Jr. and ending Rear Adm. (lh) Stephen S. Oswald, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nomination of Rear Adm. (lh) Paul V. Shebalin.

Navy nomination of Rear Adm. (lh) Thomas L. Andrews III.

Navy nominations beginning Rear Adm. (lh) Lewis S. Libby III and ending Rear Adm. (lh) Elizabeth M. Morris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 15, 2004.

Navy nomination of Capt. Karen A. Flaherty.

Navy nomination of Capt. Marshall E. Cusic, Jr.

Navy nomination of Capt. Carol I. B. Turner.

Navy nomination of Capt. Thomas R. Cullison.

Navy nomination of Capt. Jeffrey A. Wieringa.

Navy nomination of Capt. David J. Dorsett.

Navy nomination of Capt. Wayne G. Shear, Jr.

Navy nomination of Capt. Sharon H. Redpath.

Navy nominations beginning Capt. James A. Barnett, Jr. and ending Capt. Robin M. Watters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2004.

Navy nomination of Capt. Adam M. Robinson, Jr.

Mr. WARNER. Mr. President, for the Committee on Armed Services 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.

Air Force nominations beginning Edward Acevedo and ending Scott J. Zobrist, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2004.

Air Force nominations beginning Mark L. Allred and ending Barr D. Younker, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2004.

Air Force nominations beginning Brenda R. Bullard and ending Thomas E. Yingst, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2004.

Air Force nomination of Richard B. Goodwin.

Air Force nominations beginning Jeffrey P. Bowser and ending Gregory W. Johnson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Air Force nominations beginning Bradley D. Bartels and ending William L. Stallings III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Air Force nominations beginning Charles J. Law and ending David A. Weas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Air Force nominations beginning Lozano Noemi Algarin and ending Barbara L. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.

Army nominations beginning Christian F. Achleithner and ending Richard J. Windhorn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 22, 2004.

Army nominations beginning Kevin C. Abbott and ending Mark G. Ziemba, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 22, 2004.

Army nominations beginning Larry P. Adamsthompson and ending Timothy N. Willoughby, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 5, 2004.

Army nominations beginning Gerald V. Howard and ending David L. Weber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 26, 2004.

Army nomination of John J. Sebastyn.

Army nomination of Elizabeth J. Barnsdale.

Army nominations beginning Raul Gonzalez and ending James F. King, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Army nominations beginning Richard J. Gallant and ending Eric R. Gladman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Army nomination of Randall W. Cowell.

Army nomination of James C. Johnson.

Army nominations beginning Shannon D. Beckett and ending Leonard A. Cromer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Army nomination of David P. Ferris.

Army nominations beginning Donald W. Myers and ending Terry W. Swan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.

Army nominations beginning Edward L. Alexsonshk and ending Edward M. Zoeller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.

Army nomination of Scott R. Sherretz.

Army nomination of Robert F. Setlik.

Army nomination of Paul R. Disney, Jr.

Army nomination of Eric R. Rhodes.

Army nominations beginning Edwin E. Ahl and ending Mark A. Zerger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Army nomination of Robert J. Blok.

Marine Corps nomination of Scott P. Haney.

Marine Corps nomination of Michael J. Colburn.

Marine Corps nomination of Michelle A. Rakers.

Navy nomination of James K. Colton.

Navy nominations beginning Kevin S. Lerette and ending Kathleen M. Lindenmayer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Victor M. Beck and ending Elizabeth A. Jones, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Edmund F. Cataldo III and ending Gary S. Petti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Elizabeth A. Carlos and ending Philip C. Wheeler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Paul L. Albin and ending Mark E. Svenningsen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning John L. Bartley and ending Joseph A. Schmidt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Richard A. Colonna and ending Timothy J. Werre, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning John M. Burns and ending Roger W. Turner, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Dan D. Ashcraft and ending John E. Vastardis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Rodman P. Abbott and ending Steven Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning James S. Bailey and ending Jeffrey B. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nominations beginning Richard S. Morgan and ending Terry L.M. Swinney, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.

Navy nomination of Susan C. Farrar.

Navy nominations beginning William J. Alderson and ending Harold E. Pittman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Aaron L. Bowman and ending Maude E. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Thomas J. Brovarone and ending Mark R. Whitney, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Kent R. Aitcheson and ending Kevin S. Zumbar, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Richard L. Archey and ending Fred C. Smith, which

nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Thomas H. Bond, Jr. and ending Pamela J. Wynfield, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Kenneth R. Campitelli and ending Timothy S. Matthews, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Jeffrey J. Burtch and ending Jan E. Tighe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Edwin J. Burdick and ending Stephen K. Tibbitts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Andrew Brown III and ending Jonathan W. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Jerry R. Anderson and ending James E. Knapp, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nomination of Joseph P. Costello.

Navy nominations beginning Ralph W. Corey III and ending Edward S. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 1, 2004.

Navy nominations beginning Tobias J. Bacaner and ending Scott W. Zackowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Charlene M. Auld and ending Scott M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Don C.B. Albia and ending Gregg W. Ziemke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Brenda C. Baker and ending Maureen J. Zeller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Michael J. Arnold and ending Dana S. Weiner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Stephen S. Bell and ending James A. Worcester, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning William D. Devine and ending Paul R. Wrigley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Edward L. Austin and ending David H. Waterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Carla C. Blair and ending Cynthia M. Womble, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Nora A. Burghardt and ending Craig J. Washington, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Terry S. Barrett and ending Dean A. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Danelle M. Barrett and ending Michael L. Thrall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Michael D. Bosley and ending Kevin D. Ziomek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning William H. Anderson and ending Frank D. Whitworth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Thomas W. Armstrong and ending Richard A. Thiel, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Joseph R. Brenner, Jr. and ending Greg A. Ulses, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Todd S. Bockwoldt and ending Forrest Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Steven W. Antcliff and ending Mark W. Yates, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nomination of Richard L. Curbello.

Navy nominations beginning Louis E. Giordano and ending Robert A. Little, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning James O. Cravens and ending Ronald J. Wells, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Stephen W. Bailey and ending Gary F. Woerz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Joseph J. Albanese and ending Steven L. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Benjamin M. Abalos and ending Glenn T. Ware, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Patrick S. Agnew and ending Douglas R. Toothman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Mark J. Belton and ending Robert E. Tolin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Civita M. Allard and ending Ann N. Tescher, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Richard D. Baertlein and ending Jeffrey G. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nomination of Carlos Varona.

(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 Mrs. CLINTON (for herself, Ms. COLLINS, and Mr. BREAUX):

S. 2572. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 2573. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as ''Gold Star parents'') of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2574. A bill to provide for the establishment of the National Institutes of Health Police, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. SMITH):

S. 2575. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials to provide recommendations on how to carry out those activities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 2576. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

By Mrs. CLINTON:

S. 2577. A bill to provide incentives to promote broadband, telecommunications services in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 2578. A bill to provide grants and other incentives to promote new communications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 2579. A bill to expand the Manufacturing Extension Program to bring the new economy to small and medium-sized businesses; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 2580. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 2581. A bill to establish a grant program to support cluster-based economic development efforts; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 2582. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 2583. A bill to promote the use of anaerobic digesters by agricultural producers and rural small businesses to produce renewable

energy and improve environmental quality; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON:

S. 2584. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Finance.

By Mrs. CLINTON:

S. 2585. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit for small business jobs creation; to the Committee on Finance.

By Mrs. CLINTON:

S. 2586. A bill to establish regional skills alliances, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mrs. HUTCHISON):

S. 2587. A bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee schedule for drug administration services furnished to medicare beneficiaries; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. LEVIN, and Mr. BINGAMAN):

S. 2588. A bill to authorize appropriations for fiscal year 2005 and succeeding fiscal years for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. GRAHAM of Florida, Mr. SMITH, Mr. HATCH, Mr. CHAMBLISS, Mr. MILLER, Mr. DODD, and Mr. CONRAD):

S. 2589. A bill to clarify the status of certain retirement plans and the organizations which maintain the plans; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Ms. LANDRIEU):

S. 2590. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 2591. A bill to provide for business incubator activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2592. A bill to provide crop and livestock disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN (for herself, Mr. REID, Mr. GRAHAM of Florida, Mr. KERRY, Ms. MIKULSKI, Mr. REED, Mr. SARBANES, Mr. BREAUX, Ms. COLLINS, Ms. LANDRIEU, Mrs. MURRAY, and Mrs. CLINTON):

S. 2593. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 2594. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. HARKIN, Mr. ROBERTS , Mr. KENNEDY, Mr. REED, Mrs. MURRAY, Mr. JEFFORDS, Mr. ENZI, and Mr. DODD):

S. 2595. A bill to establish State grant programs related to assistive technology and protection and advocacy services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 2596. A bill to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself, Ms. MIKULSKI, Mr. CORZINE, Mrs. CLINTON, Mr. LEAHY, Ms. STABENOW, Mr. SARBANES, and Mr. NELSON of Florida):

S. 2597. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices for covered outpatient drugs sold by retail pharmacies that participate in the medicaid program for each postal Zip Code, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. INOUYE):

S. 2598. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself and Mr. KYL):

S. 2599. A bill to strengthen anti-terrorism investigative tools, to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Mrs. BOXER, Mr. SPECTER, Mr. ALEXANDER, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. COLLINS, Mr. CORZINE, and Mr. PRYOR):

S. 2600. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on Rules and Administration.

By Mr. LAUTENBERG:

S. 2601. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself and Mr. BENNETT):

S. 2602. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mr. ALLEN, Mr. HOLLINGS , and Mr. SUNUNU):

S. 2603. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. BREAUX):

S. 2604. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-ins gains for subchapter S corporations; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2605. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Florida:

S. Res. 391. A resolution designating the second week of December 2004 as ''Conversations Before the Crisis Week''; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. Res. 392. A resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LIEBERMAN , Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTENBERG, and Mr. VOINOVICH):

S. Res. 393. A resolution expressing the sense of the Senate in support of United States policy for a Middle East peace process; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 394. A resolution to authorize testimony and representation in United States v. Daniel Bayly, et al; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 395. A resolution to authorize testimony, document production, and legal representation in Ulysses J. Ward v. Dep't of the Army; considered and agreed to.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Res. 396. A resolution commemorating the 150th anniversary of the founding of The Pennsylvania State University; considered and agreed to.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. LUGAR, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BIDEN):

S. Res. 397. A resolution expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government; considered and agreed to.

By Mr. FRIST:

S. Con. Res. 120. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. THOMAS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator

from Illinois (Mr. DURBIN) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 344

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

S. 488

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 617

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 738

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 738, a bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

S. 875

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1010

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1735

At the request of Mr. CAMPBELL, his name was withdrawn as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1945

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2062

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2062, 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. 2138

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. MILLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2278

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2363

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2422

At the request of Mr. SMITH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2422, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 2433

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2433, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 2447

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2447, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 2522

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2529

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2529, a bill to extend and modify the trade benefits under the African Growth and Opportunity Act.

S. 2533

At the request of Ms. MIKULSKI, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Alabama (Mr. SHELBY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 2535

At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2535, a bill to amend title XVIII of the Social Security Act to modernize the medicare program by ensuring that appropriate preventive services are covered under such program.

S. 2566

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2569

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2569, a bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mr. BREAUX):

S. 2572. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I rise to introduce the Positive Aging Act of 2004 to improve the accessibility and quality of mental health services for our rapidly growing population of older Americans with my colleagues Senators BREAUX and COLLINS. Representatives PATRICK KENNEDY and ILEANA ROS-LEHTINEN are also introducing a companion bill in the House this afternoon.

My colleagues JOHN BREAUX and PATRICK KENNEDY introduced this bill initially to focus on mental health programs, and with constituent input we decided to broaden it to involve the aging community as well. I want to acknowledge our partners from both the mental health and aging organizations who have collaborated with us and been working hard on these issues for a long time.

Our significant success in extending the life span of older adults has created a set of challenges related to the quality of life for American's senior citizens. It is critically important now to focus on making the extra years of life as productive and healthy as possible. This legislation is designed to do just that. It puts mental health services on a par with other primary care services in community settings that are easily accessible to the elderly. I firmly believe we must integrate mental health services with other essential primary care.

The Surgeon General's report on mental health in 1999 told us that disability due to mental illness in the elderly population is fast becoming a major public health problem. Depression, dementia, anxiety, and substance abuse are growing problems among older Americans that result in functional dependence, long-term institutional care and reduced quality of life.

Nearly 20 percent of those over age 55 experience mental illnesses that are not a part of ''normal'' aging, and are all too frequently undetected and untreated. The real tragedy is that we can effectively treat many of these conditions, but in far too many instances we are not making such treatments available. Unrecognized and untreated mental illness among elderly adults can be traced to gaps in training of health professionals, and in our failure to fully integrate mental health screening and treatment with other health services. Far too often physicians and other health professionals fail to recognize the signs and symptoms of mental illness. More troubling, knowledge about effective interventions is simply not accessible to many primary care practitioners.

Research has shown that treatment of mental illnesses can reduce the need for other health services and can improve health outcomes for those with other chronic diseases. These missed opportunities to diagnose and treat mental diseases are taking a huge toll on the elderly and increasing the burden on their families and our health care system.

I know there are a number of reasons for our failure to meet the mental health needs of our seniors. Regrettably, acknowledging and seeking mental health care can be impeded by the stigma associated with mental illness. In addition, Medicare benefit discrimination related to coverage of mental health services continues to be a barrier to appropriate care for the elderly.

Finally, the lack of coverage for prescription drugs in Medicare has until now imposed significant financial burdens on many older Americans. Notwithstanding the addition of a limited Medicare drug benefit, there remains the potential that drugs needed for the treatment of mental illness will be treated unfairly through formulary restrictions, prior authorization, and higher out-of-pocket expenses. We must be especially vigilant in our oversight of this benefit to prevent such discrimination on behalf of the millions of older Americans with mental illnesses.

The bill we are introducing today provides new authorities and resources to the Administration on Aging (AOA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) in the Department of Health and Human Services. For over 35 years, the AOA has provided home and community-based services to millions of older persons through the programs funded under the Older Americans Act. SAMHSA provides block grants to the States and other financial support to develop and apply best practices in the identification and treatment of mental diseases at the community level. Working together these agencies have the potential for strengthening and extending the delivery of mental health services to older Americans.

This legislation focuses on getting mental health services to community sites where primary care and other social services are provided. It will promote the integration of mental health services and the use of evidence-based practice protocols. This approach has the advantage of building on existing structures and programs, and ''mainstreaming'' mental health care for these vulnerable populations.

The bill authorizes AOA to make formula grants to the states for the development and operation of systems for providing mental health screening and treatment services to older Americans. These funds may also be used for outreach programs to increase public awareness of the availability and effectiveness of mental health assessments and treatment. Priority will be given to areas that are medically underserved and include significant numbers of older adults. States will be required to coordinate projects with existing community agencies and voluntary organizations offering services to the targeted populations.

This legislation also establishes new grant authorities at AOA to support development and operation of projects for screening and treating mental illness among seniors in rural and urban areas.

Multidisciplinary teams of mental health professionals relying on evidence-based intervention and treatment protocols are required to deliver these services. To the maximum extent possible, the grants will be coordinated with activities in senior centers, adult day care programs, and naturally occurring retirement centers (NORCs).

This legislation also authorizes two new grant programs at SAMHSA to provide new resources to support mental health screening and treatment services in clinical settings. Primary care sites serving a geriatric patient population such as public or private nonprofit community health centers or private practices would be eligible for one of these new grant programs.

The other program will provide support for geriatric mental health outreach teams to foster collaboration between clinical sites and senior centers, assisted living facilities, and other social or residential service centers.

Since the projects supported by these new grant programs are based in clinical settings, these funds will help to inform primary care practitioners and increase their capabilities in screening and treatment for mental illness. These projects build on existing health care delivery systems and extend their reach to low-income seniors in the community.

I expect these demonstrations will be a catalyst for breaking down the barriers that have limited access to mental health services and retarded the dissemination of evidence-based protocols in the primary care setting. I have specifically set a priority for projects to serve a variety of populations, including racial and ethnic minorities and low-income populations, in both rural and urban areas.

Finally, we have included in this bill several administrative provisions to raise the profile of mental health services for older adults at AOA and SAMHSA. A new Office of Older Adult Mental Health Services is established at AOA to provide a senior level focus for initiatives to improve the access of seniors to appropriate mental health screening and treatment services. At SAMHSA, the bill creates a new deputy director for geriatric mental health services within the Center for Mental Health Services to develop and implement targeted programs for older adults.

There are practical and immediate opportunities to improve mental health care for older Americans. This legislation can help to target our resources on identifying and treating a population at high risk for disability and dependence.

We have an obligation to take what is known about effective treatments and improve the quality of life and overall health of millions of seniors. It's not only the right thing to do; it's also an investment that will return enormous dividends in terms of more economical use of health resources, improved patient outcomes, and a better quality of life for older Americans. 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. 2572

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 ''Positive Aging Act of 2004''.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

''(44) MENTAL HEALTH SCREENING AND TREATMENT SERVICES.—The term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals that are—

''(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substances and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(i) by or under the auspices of the Secretary; or

''(ii) by academicians with expertise in mental health and aging; and

''(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

''(i) improve patient outcomes; and

''(ii) assure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.''.

SEC. 102. OFFICE OF OLDER ADULT MENTAL HEALTH SERVICES.

Section 301(b) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)) is amended by adding at the end the following:

''(3) The Assistant Secretary shall establish within the Administration an Office of Older Adult Mental Health Services, which shall be responsible for the development and implementation of initiatives to address the mental health needs of older individuals.''.

SEC. 103. GRANTS TO STATES FOR THE DEVELOPMENT AND OPERATION OF SYSTEMS FOR PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LACKING ACCESS TO SUCH SERVICES.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) in section 303 (42 U.S.C. 3023), by adding at the end the following:

''(f) There are authorized to be appropriated to carry out part F (relating to grants for programs providing mental health screening and treatment services) such sums as may be necessary for fiscal year 2005 and each of the 5 succeeding fiscal years.'';

(2) in section 304(a)(1) (42 U.S.C. 3024(a)(1)), by inserting ''and subsection (f)'' after ''through (d)''; and

(3) by adding at the end the following:

''PART F—MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS

''SEC. 381. GRANTS TO STATES FOR PROGRAMS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the development and operation of—

''(1) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

''(2) programs to—

''(A) increase public awareness regarding the benefits of prevention and treatment of mental disorders; and

''(B) reduce the stigma associated with mental disorders and other barriers to the diagnosis and treatment of the disorders.

''(b) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this section shall allocate the funds to area agencies on aging to carry out this part in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

''(1) that are medically underserved; and

''(2) in which there are a large number of older individuals.

''(c) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

''(1) coordinate services described in subsection (a) with other community agencies, and voluntary organizations, providing similar or related services; and

''(2) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

''(d) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in subsection (a).''.

SEC. 104. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) by inserting before section 401 (42 U.S.C. 3031) the following:

''TITLE IV—GRANTS FOR EDUCATION, TRAINING, AND RESEARCH'';

and

(2) in part A of title IV (42 U.S.C. 3032 et seq.), by adding at the end the following:

''SEC. 422. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

''(a) DEFINITION.—In this section, the term 'rural area' means—

''(1) any area that is outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(2) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in rural areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public

agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

''(1) information describing—

''(A) the geographic area and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available;

''(C) using telecommunications technologies as appropriate and available; and

''(D) in coordination with other providers of health care and social services (such as senior centers and adult day care providers) serving the area; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under sections 381 and 423, and sections 520K and 520L of the Public Health Service Act.''.

SEC. 105. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3032 et seq.), as amended by section 104, is further amended by adding at the end the following:

''SEC. 423. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

''(a) DEFINITIONS.—In this section:

''(1) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'naturally occurring retirement community' means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place (and become older individuals) while residing in such area.

''(2) URBAN AREA.—The term 'urban area' means—

''(A) a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(B) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in naturally occurring retirement communities located in urban areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

''(1) information describing—

''(A) the naturally occurring retirement community and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available; and

''(C) in coordination with other providers of health care and social services serving the retirement community; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to grants made under this section with programs and activities receiving funds pursuant to grants made under sections 381 and 422, and sections 520K and 520L of the Public Health Service Act.''.

TITLE II—PUBLIC HEALTH SERVICE ACT AMENDMENTS

SEC. 201. DEMONSTRATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended—

(1) in subsection (b) of section 520(b) (42 U.S.C. 290bb–31(b))—

(A) by striking ''and'' at the end of paragraph (14);

(B) by striking the period at the end of paragraph (15) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following:

''(16) conduct the demonstration projects specified in section 520K.''.; and

(2) by adding at the end the following:

''SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public and private nonprofit entities for projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, the project to be carried out by the entity shall provide for collaborative care within a primary care setting, involving psychiatrists, psychologists, and other licensed mental health professionals (such as social workers and advanced practice nurses) with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

''(1) screening services by a mental health professional with at least a masters degree in an appropriate field of training;

''(2) referrals for necessary prevention, intervention, follow-up care, consultations, and care planning oversight for mental health and other service needs, as indicated; and

''(3) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

''(c) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(d) DURATION.—A project may receive funding pursuant to a grant under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

''(e) APPLICATION.—To be eligible to receive a grant under this section, a public or private nonprofit entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2005 and each fiscal year thereafter.''.

SEC. 202. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 201, is further amended by adding at the end the following:

''SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

''(1) mental health service providers of a State or local government;

''(2) outpatient programs of private, nonprofit hospitals;

''(3) community mental health centers meeting the criteria specified in section 1913(c); and

''(4) other community-based providers of mental health services.

''(b) REQUIREMENTS.—To be eligible to receive a grant under this section, an entity shall—

''(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substance and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(A) by or under the auspices of the Secretary; or

''(B) by academicians with expertise in mental health and aging;

''(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

''(3) coordinate and integrate the services provided by such team with the services of social service, mental health, and medical providers at the site or sites where the team is based in order to—

''(A) improve patient outcomes; and

''(B) to assure, to the maximum extent feasible, the continuing independence of older adults who are residing in the community.

''(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

''(1) senior centers;

''(2) adult day care programs;

''(3) assisted living facilities; and

''(4) recipients of grants to provide services to senior citizens under the Older Americans Act of 1965,

under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for) any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) COORDINATION.—The Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under section 520K and sections 381, 422, and 423 of the Older Americans Act of 1965.

''(g) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2005 and each fiscal year thereafter.''.

SEC. 203. DESIGNATION OF DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Older Adult Mental Health Services, who shall be responsible for the development and implementation of initiatives of the Center to address the mental health needs of older adults. Such initiatives shall include—

''(1) research on prevention and identification of mental disorders in the geriatric population;

''(2) innovative demonstration projects for the delivery of community-based mental health services for older Americans;

''(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

''(4) development of model training programs for mental health professionals and care givers serving older adults.''.

SEC. 204. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health service Act (42 U.S.C. 269aa–1(b)(3)) is amended by adding at the end the following:

''(C) In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists.''.

SEC. 205. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before the period the following: '', and to providing treatment for older adults with alcohol or substance abuse or addiction, including medication misuse or dependence''.

SEC. 206 CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1912(b)(4) of the Public Health Service Act (42 U.S.C. 300x–1(b)(4)) is amended to read as follows:

''(4) TARGETED SERVICES TO OLDER INDIVIDUALS, INDIVIDUALS WHO ARE HOMELESS, AND INDIVIDUALS LIVING IN RURAL AREAS.—The plan describes the State's outreach to and services for older individuals, individuals who are homeless, and individuals living in rural areas, and how community-based services will be provided to these individuals.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted on or after the date that is 180 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from New York in introducing the Positive Aging Act, which will help to increase older Americans' access to quality mental health screening and treatment services in community-based care settings.

The legislation we are introducing today is particularly important for States, like Maine, that have a disproportionate number of elderly persons. Maine currently is our Nation's seventh ''oldest'' State. Moreover, our older population will continue to grow in the future and, by the year 2025, one in five Mainers will be over the age of 65.

One of the most daunting public health challenges facing our Nation today is how to increase access to quality mental health services for the more than 44 million Americans with severe, disabling mental disorders that can devastate their lives and the lives of the people around them.

What is often overlooked, however, is the prevalence of mental illness among our Nation's elderly. Studies have shown that more than one in five Americans aged 65 and older—including more than 32,000 Mainers—experience mental illness, and that as many as 80 percent of elderly persons in nursing homes suffer from some kind of mental impairment.

Particularly disturbing is that fact that the mental health needs of older Americans are often overlooked or not recognized because of the mistaken belief that they are a normal part of aging and therefore cannot be treated.

While older Americans experience the full range of mental disorders, the most prevalent mental illness afflicting older people is depression. Ironically, while recent advances have made depression an eminently treatable disorder, only a minority of elderly depressed persons are receiving adequate treatment. Unfortunately, the vast majority of depressed elderly don't seek help. Many simply accept their feelings of profound sadness and do not realize that they are clinically depressed.

Those who do seek help are often underdiagnosed or misdiagnosed, leading the National Institute of Mental Health to estimate that 60 percent of older Americans with depression are not receiving the mental health care that they need. Failure to treat this kind of disorder leads to poorer health outcomes for other medical conditions, higher rates of institutionalization, and increased health care costs.

Untreated depression can even lead to suicide. The sad fact is that Americans over 65 are more likely to commit suicide than any other age group. Among those over 85, the suicide rate is twice the national average. What is particularly disturbing about these statistics is that studies have shown that 40 percent of older people who commit suicide have had a visit with their primary care provider within one week of their death. Seventy percent of these elderly suicide victims had a primary care visit within 30 days of their death.

Fortunately, important research is being done that is helping to develop innovative approaches to improve the delivery of mental health care for older

adults by integrating it into primary care settings. This research demonstrates that older adults are more likely to receive appropriate mental health care if there is a mental health professional on the primary care team, rather than simply referring them to a mental health specialist outside the primary care setting. Multiple appointments with multiple providers in multiple settings simply don't work for older patients who must also cope with concurrent chronic illnesses, mobility problems, and limited transportation options. The research also shows that there is less stigma associated with psychiatric services when they are integrated into general medical care.

The Positive Aging Act builds upon this research and authorizes funding for a range of projects that integrate mental health screening and treatment services into community sites and primary health care settings, including community health centers, senior centers, and assisted living facilities. Moreover, the evidence-based services under this legislation will be provided by interdisciplinary teams of mental health professionals working in collaboration with other providers of health and social services.

Among other provisions, our legislation authorizes the creation of an Office of Older Adult Mental Health Services in the Administration on Aging to develop and implement initiatives to address the mental health needs of older adults. In addition, the Administration on Aging would be authorized to provide grants to States for the development and testing of model mental health delivery systems for the diagnosis and treatment of mental illness and the elderly. It would also be authorized to award demonstration grants to projects targeted to providing screening and mental health services for seniors residing in rural areas, as well as grants to encourage the collaboration between mental health and other health and social services providers in providing screening and treatment services.

The legislation also authorizes the Substance Abuse and Mental Health Services Administration (SAMHSA) to award demonstration grants which would support the integration of evidence-based mental health services by geriatric mental health specialists into primary care settings and support the establishment of community-based mental health treatment outreach teams in settings where older adults reside or receive social services.

The Positive Aging Act will help to promote the mental health and well-being of our older citizens. It is an investment that will return tremendous dividends in terms of improved quality of life, better patient outcomes, and more efficient use of health care dollars. The legislation has been endorsed by the American Association for Geriatric Psychiatry, the National Council on Aging, the American Nurses Association, the American Psychological Association, the American Psychiatric Association and the National Association of Social Workers, and I urge all of our colleagues to join us as cosponsors.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 2574. A bill to provide for the establishment of the National Institutes of Health, Police, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce the NIH Security Act. The National Institutes of Health (NIH) is one of America's most successful investments. NIH saves lives and helps Americans to live longer and live better. Research funded by NIH has made breakthroughs on many different fronts, from cutting edge bioterrorism research to mapping the human genome. Much of the research depends on experts working with hazardous chemicals or biological substances. We must make sure NIH is safe and secure—both to protect important research that may save future lives, and to make sure hazardous materials don't fall into the wrong hands.

The main NIH campus and its satellite facilities contain approximately 3,000 research laboratories—2,500 of which are approved for the use of radioisotopes. NIH has 21 high-containment laboratories and two high-containment animal facilities. And NIH is constructing additional high-containment laboratories in order to tackle the challenging issue of defending the country against bioterrorism.

We count on the NIH Police to protect this national treasure. Yet NIH Police officers are overworked and underpaid. Security at NIH facilities may be at risk because NIH is having trouble recruiting and retraining qualified police officers, and because the Police Department is not authorized to protect all of NIH's facilities.

That's why I am introducing this bill to improve security at NIH by giving the NIH Police the authority they need to do their job and the pay and benefits they deserve for a job well done. This legislation does three things. It establishes a permanent police force at NIH. It expands their jurisdiction to cover all of NIH's campuses. And it gives NIH Police officers the same pay and retirement benefits that other Federal law enforcement officers have.

Historically, NIH Police salaries have been among the lowest for law enforcement officers in the Washington-Metropolitan area. From 1998–2002, the NIH Police had a 70 percent attrition rate. Most officers left for positions in other Federal and local law enforcement agencies that offered better pay and benefits. The constant turnover is having a devastating effect on morale, and it's costing taxpayers hundreds of thousands of dollars in overtime pay and lost training costs. That's because NIH invests in specialized training to make sure their officers are prepared to respond to potential biological, chemical, and nuclear disasters. But other agencies are able to lure these officers away. After spending the money to give their officers the training they need, NIH isn't able to give them the pay and benefits they deserve. My bill will ensure that NIH Police officers are getting the same pay and retirement benefits as other Federal law enforcement officers.

My bill also gives NIH Police officers the authority to carry firearms, serve warrants and conduct investigations on all properties under the custody and control of the NIH. Currently, the NIH Police's jurisdiction is limited to the main campus in Bethesda, leaving thousands of employees and numerous laboratories without their protection. NIH currently employs unarmed security guards at its satellite facilities in Maryland and across the country. These security guards do the best they can, but they don't have the authority to enforce laws, and they aren't as highly trained as the NIH Police.

NIH is serious about security. Dr. Zerhouni, the Director of NIH, fully recognizes the need for a highly quality police force to protect NIH and the surrounding community, and fully supports this legislation. Let's give the NIH Police the resources they need to make sure NIH is safe and secure. This is an important issue that must be addressed. I urge my colleagues to pass this important bill quickly, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2574

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 ''NIH Security Act''.

SEC. 2. NATIONAL INSTITUTES OF HEALTH POLICE.

(a) ESTABLISHMENT.—The Director of the National Institutes of Health (in this section referred to as the ''Director of NIH'') shall establish a permanent police force, to be known as the National Institutes of Health Police (in this section referred to as the ''NIH Police''), for the purpose of performing law enforcement, security, and investigative functions for property under the jurisdiction, custody, and control of, or occupied by, the National Institutes of Health.

(b) APPOINTMENT OF OFFICERS.—

(1) IN GENERAL.—The Director of NIH shall appoint a Chief, a Deputy Chief, and such other officers as may be necessary to carry out the purpose of the NIH Police.

(2) OFFICERS ABOVE MAXIMUM AGE.—The Director of NIH may appoint officers of the NIH Police without regard to standard maximum limits of age prescribed under section 3307 of title 5, United States Code. Officers appointed under this paragraph—

(A) may include the Chief and Deputy Chief of the NIH Police;

(B) shall have the same authorities and powers as other officers of the NIH Police;

(C) shall receive the same pay and benefits as other officers of the NIH Police; and

(D) shall not be treated as law enforcement officers for purposes of retirement benefits.

(c) POWERS.—Each officer of the NIH Police may—

(1) carry firearms, serve warrants and subpoenas issued under the authority of the United States, and make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States, if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

(2) conduct investigations within the United States and its territories for offenses that have been or may be committed on property described in paragraph (1) or (2) of subsection (d); and

(3) protect in any area of the United States or its territories the Director of NIH and other officials, as authorized by the Director of NIH.

(d) JURISDICTION.—Officers of the NIH Police may exercise their powers—

(1) on all properties under the custody and control of the National Institutes of Health;

(2) on other properties occupied by the National Institutes of Health, as determined by the Director of NIH; and

(3) as authorized under paragraphs (2) and (3) of subsection (c).

(e) PAY, BENEFITS, RETIREMENT.—

(1) IN GENERAL.—Subject to subsection (b)(2)(D) and paragraph (2)(A), all officers of the NIH Police appointed under subsection (b) are—

(A) law enforcement officers as that term is used in title 5, United States Code, without regard to any eligibility requirements prescribed by law; and

(B) eligible for all pay and benefits prescribed by law for such law enforcement officers.

(2) PAY; RANKS.—

(A) PAY.—The officers of the NIH Police shall receive the same pay and benefits, as determined by the Director of NIH, as officers who hold comparable positions in the United States Park Police. For purposes of this subparagraph, the Chief of the NIH Police is deemed comparable to the Assistant Chief in the United States Park Police, and the Deputy Chief of the NIH Police is deemed comparable to the Deputy Chief in the United States Park Police.

(B) RANK.—The Chief and Deputy Chief of the NIH Police shall have ranks not lower than a colonel and a lieutenant colonel, respectively. Other ranks and equivalences shall be determined by the Director of NIH or the Director's designee.

By Mrs. BOXER (for herself and Mr. SMITH):

S. 2575. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal and local government officials to provide recommendations on how to carry out those activities; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, I am introducing today with my colleague, Senator GORDON SMITH, a bill that addresses an ecological crisis in California and Oregon that quite literally threatens to change the face of our States, as well as others. The beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan and Shreve's oak trees—among the most familiar and best loved features of California's landscape—are dying from a disease known as Sudden Oak Death Syndrome (SODS).

Caused by an exotic species of the Phytophthora fungus—the fungus responsible for the Irish potato famine—SODS first struck a small number of tan oaks in Marin County in 1995. Now the disease has spread to other oak species from Big Sur in the south to Humboldt County in the north. The loss of trees is approaching epidemic proportions, with tens of thousands of dead trees appearing in thousands of acres of forests, parks, and gardens. As the trees die, enormous expanses of forest, some adjacent to residential areas, are subject to extreme fire hazards. Dead oak trees near homes significantly increase fire hazards, so residents who built their homes around or among oak trees are in particular danger.

Yet, the spread of the fungus-like pathogen that causes SODS is not limited to oak trees. It has also been found on rhododendron plants in California nurseries, bay trees, wild huckleberry plants and other nursery stock and small fruit trees. Due to genetic similaries, this pathogen potentially endangers Red and Pin oak trees on the East Coast, as well as the Northeast's lucrative commercial blueberry and cranberry industries.

SODS has already had serious economic and environmental impacts. After the initial discovery of the Sudden Oak Death, the U.S. Department of Agriculture (USDA) imposed a quarantine on oak products and some nursery stock in 10 counties in Northern California and Curry County, Oregon. Subsequently, two other counties in Northern California were also put under quarantine. The discovery of the pathogen that causes SODS in two Southern California nurseries in March 2004 led the USDA to impose restrictions on the interstate movement of host and potential host plants—as well as plants within 10 meters of these plants—from all nurseries in California. To date, 17 States and Canada have placed their own restrictions on the importation of California's nursery stock, and some States have banned plants from California altogether.

If left unchecked, SODS could cause major damage to our commercial nurseries, as well the health, productivity and biodiversity of our forests. California is the nursery industry's lead producer of horticultural plants, valued at $2 billion a year. The State's oak woodlands provide shelter, habitat, and food to over 300 wildlife species. They also reduce soil erosion and help moderate extremes in temperature. Not only does SODS put all these benefits at risk, but dead and infected trees from this disease increase the threat of wildfire, threatening our communities.

More needs to be known about the pathogen that causes SODS. Scientists are struggling to better understand SODS, how the disease is transmitted, and what the best treatment options might be. In 2000, the U.S. Forest Service, the University of California, the State Departments of Forestry and Fire Protection, and County Agricultural Commissioners created an Oak Mortality Task Force to help coordinate research, management, monitoring, education, and public policies aimed at addressing SODS. Although we have learned a great deal about SODS since the, adequate Federal support is needed if we are to stop the spread of this disease before it is too late.

That is why I am introducing the Sudden Oak Death Syndrome Control Act of 2004, which is based on legislation I introduced in 2001 and which passed the Senate in 2002. The Sudden Oak Death Syndrome Control Act of 2004 would authorize $44.2 million annually over the next five years for creation of a Sudden Oak Death research and monitoring program, management and treatment activities, fire prevention activities, and education and outreach. The bill would also provide funding for a comprehensive national survey of the fungus-like pathogen that causes SODS and a risk assessment of the threat posed by this pathogen to natural and managed plant resources. Combined with the efforts of state and local officials, this legislation will help to prevent the dire predictions from becoming a terrible reality.

This bill is endorsed by the American Nursery & Landscape Association, the California Association of Nurseries and Garden Centers, the Nursery Growers Association of California, the state, local and private members of the California Oak Mortality Task Force, and the Marin County Board of Supervisors.

I thank Senator SMITH for working with me on this bill and for joining me in introducing it. I urge my colleagues to join us in this effort to help ensure the protection of our nation's commercial nursery industry and precious woodlands.

I ask unanimous consent that letters from these organizations be printed in the RECORD.

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

AMERICAN NURSERY & LANDSCAPE ASSOCIATION,
Washington, DC, June 23, 2004.

Hon. GORDON SMITH,
Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOXER AND SMITH: The American Nursery & Landscape Association is the national trade organization representing nursery growers, landscape professionals, and retail garden centers in the U.S. On behalf of our industry of small and family businesses, we wish to thank you for your work to prepare and introduce legislation to address the current and expected challenges associated with the serious plant pathogen Phytophthora ramorum.

As you well know, the potential risks posed by P. ramorum to American forests, landscape, nurseries, and other agricultural producers necessitate strong federal leadership in such areas as survey and detection, risk mitigation, and research. Your legislative efforts will help to ensure the focus and

funding necessary for a cohesive federal and state cooperative response.

We would like to commend the performance of your staff contacts, Laura Cimo and Matt Hill. Both have been professional, accessible, and open to suggestions toward improving the legislative language in preparation for its introduction.

ANLA is pleased to support your impending legislation, as a critical step toward solving the P. ramorum crisis. Please let us know how ANLA can be of further assistance.

Sincerely,

CRAIG J. REGELBRUGGE,
Senior Director of Government Relations.

CALIFORNIA ASSOCIATION OF NURSERIES AND GARDEN CENTERS,
Sacramento, CA 95834.

Re Sudden Oak Death Syndrome Control Act of 2004.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We thank you for all of your efforts on the issue of Sudden Oak Death and especially your legislation, the Sudden Oak Death Syndrome Control Act of 2004, which we strongly endorse and support.

As you well know, many states closed their borders to all nursery plants in California after Sudden Oak Death was discovered in a southern California nursery. These blockades have included all plants, even those without the ability to transmit the pathogen, and they have included nurseries that the U.S. Department of agriculture has certified are free of Sudden Oak Death.

Quite clearly, there is much that needs to be learned about Sudden Oak Death so that regulations are based on risk and not on fear. Your much-needed legislation will improve both the research into the pathogen, its role relating to Sudden Oak Death, and the management and treatment of the disease. Significantly, your legislation will compel a ''comprehensive and biologically sound national survey.'' Only by such a rigorous survey can policymakers understand the risk posed by the pathogen. After all, states that have barred California nursery plants may already harbor Sudden Oak Death but without a national survey they have every incentive to avoid even looking for the pathogen.

Again, thank you for drafting this important legislation.

Very truly yours,

ROBERT H. FALCONER,
Executive Vice President.

CALIFORNIA OAK MORTALITY TASK FORCE,
Sacramento, CA, June 24, 20004.

Re Sudden Oak Death Syndrome Control Act of 2004.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The California Oak Mortality Task Force applauds your efforts to secure federal funding for research, monitoring, regulations, management and educational activities necessitated by Sudden Oak Death (Phytophthora ramorum). Resources are urgently needed to address this aggressive exotic pathogen in California and Oregon and protect other parts of the United States and other countries from becoming infested.

The California Oak Mortality Task Force represents over 75 organizations cooperating to limit the spread of the pathogen that causes Sudden Oak Death, a disease that has killed tens of thousands of tanoak, coast live oak, and black oak in coastal California. The pathogen also infects rhododendron, camellia and huckleberry, important nursery and agricultural plants.

There is much that urgently needs to be done to prevent further damage and protect commerce and natural resources. Some of the highest priorities:

Research to understand how the pathogen spreads, assess the potential for ecological, horticultural and agricultural damage, and improve diagnostic tools and treatments

Regulation enforcement to limit pathogen spread via commodities

Management that includes eradication protocols for new areas, fire prevention treatments for high risk areas, and diagnostic services

Monitoring/surveys to determine extent of damage, distribution and spread

Educatioal programs for professionals, land managers and homeowners to recognize the problem and determine what can be done about it, including Information and explanation of quarantine measures.

The state, local, and private members of the task force support your efforts to address Sudden Oak Death and protect the oak woodlands of the United States. Please contact Lucia Briggs, Coordinator of the CA Oak Mortality Task Force (lbriggs@nature.berkelkey.edu) if we can assist you.

Sincerely,

MARK R. STANLEY,
Chairperson, California Oak Mortality Task Force.

THE BOARD OF SUPERVISORS OF MARIN COUNTY,
San Rafael, CA, June 16, 2004.

Re ''Sudden Oak Death Syndrome Control Act of 2004''—SUPPORT.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: As President of the Marin County California Board of Supervisors, I write to indicate our strong support of your efforts with regard to the ''Sudden Oak Death Syndrome Control Act of 2004,'' which would authorize $44.2 million for FY2005 through FY2009, as compared to the $14.25 million already authorized for FY2003 through FY2007.

The legislation addresses the ever expanding need for resources for local, state and federal agencies to deal with the economic, environmental and policy impacts created by the infestation of this devastating plant disease. Marin County has lost tens of thousands of trees and has been at the center of this problem for several years as one of the original 12 California Counties placed under state and federal quarantine.

The recent documentation of Sudden Oak Death (SOD) infestation in commercial nurseries in Southern California has elevated the problem. The transmission of the disease across state lines, carried on nursery stock, to a number of states in the southern and eastern United States has triggered multiple state SOD quarantines against California and created enforcement and communication problems nationwide.

Funding increases proposed in the bill would provide much needed improvements in communication and intergovernmental coordination between USDA, APHIS, State Plant Quarantine Officials, California Agricultural Commissioners and Nursery Sock Producers. It would fund a national risk assessment to determine the possible biological and economic impacts of the disease. The bill would also address the need to strengthen domestic quarantine inspections to determine if the disease may be moving into the United States on nursery stock originating from Europe.

The Marin County Board of Supervisors strongly supports your proposed ''Sudden Oak Death Syndrome Control Act of 2004'' and thank you for your continued support in dealing with this critical issue.

Sincerely,

STEVE KINSEY,
President.

By Mr. FEINGOLD:

S. 2576. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I introduce the Health Care Reform Expedited Procedures Act of 2004, legislation that requires Congress to act on what may be the most pressing domestic policy issue of our time, namely health care reform.

I travel to each of Wisconsin's 72 counties every year to hold town hall meetings. Year after year, the number one issue raised at these Listening Sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. The frustration I hear, the anger and the desperation, have convinced me that we must change the system.

So many people now come to tell me that they used to think government involvement was a terrible idea, but not anymore. Now they tell me that their businesses are being destroyed by health care costs, and they want the government to step in. These costs are crippling our economy just as the Nation is struggling to rebound from the loss of millions of manufacturing jobs.

Our health care system has failed to keep costs in check. Costs are skyrocketing, and there is simply no way we can expect businesses to keep up. So in all too many cases, employers are left to offer sub-par benefits, or to wonder whether they can offer any benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

One option that could help employers, especially small businesses, reduce their health care costs is to have them form health care cooperatives, where employers lower costs by purchasing care as a group. I have introduced a bill in the Senate to make it easier for business to create these cooperatives.

But this legislation certainly isn't the magic bullet that can address the whole problem. We need to come up with more comprehensive ways to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that demand more and more of their monthly income. People tell me that they don't understand how anyone can afford these astronomical premiums, and what can you say to that?

We can say that it's time to move toward universal coverage. I believe we can find a way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial

spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is ending a system where nearly 44 million Americans are uninsured, and where those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

We can't tolerate a system that strands so many Americans without the coverage they need. This system costs us dearly: Even though almost 44 million Americans are uninsured, the United States devotes more of its economy to health care than other industrial countries.

Leaving this many Americans uninsured affects all of us. Those who are insured pay more because the uninsured can't afford to pay their bills. And those bills are exceptionally high, because the uninsured wait so long to see a doctor. The uninsured often live sicker, and die earlier, than other Americans, so they also need a disproportionate amount of acute care.

In 2001 alone, health care providers provided $35 billion worth of uncompensated care. While providers absorb some of those costs, inevitably some of the burden is shifted to other patients. And of course the process of cost-shifting itself generates additional costs.

We are all paying the price for our broken health care system, and it is time to bring about change.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go.

I don't think we can ignore any of these proposals. We need to consider all of these as we address our broken health care system.

As a former State legislator, I come to this debate knowing that States are coming up with some very innovative solutions to the health care problem. So in addition to the approaches already mentioned, I think we really need to look at what our States are doing, and add to the menu of possibilities an approach under which each State decides the best way to cover its residents.

I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that States have a better idea about what the health care needs of their residents are, and that they understand what types of reform will work best for their state. So I am in favor of a state-based universal health care system, where States, with the Federal Government's help, come up with a plan to make sure that all of their residents have health care coverage.

This approach would achieve universal health care, without the Federal Government dictating to all of the states exactly how to do it. The federal government would provide states with the financial help, technical assistance and oversight necessary to accomplish this goal. In return, a State would have to make sure that every resident has coverage at least as good as that offered in the Federal Employee Health Benefits Program, FEHBP—in other words, at least as good as the health insurance members of Congress have.

States would have the flexibility to expand coverage in phases, and would be offered a number of Federal ''tools'' to choose from in order to help them achieve universal coverage. States could use any number of these tools, or none of them, instead opting for a Federal contribution for a state-based ''single-payer'' system. In addition to designing and implementing a plan to achieve universal care, states would also be required to provide partial funding of these plans. The Federal Government would approve each State plan, and would conduct oversight of the implementation of these plans.

Federal tools that States could choose from to help expand health coverage could include an enhanced Medicaid and SCHIP federal match for expanding coverage to currently uninsured individuals; refundable and advanceable tax credits for the purchase of health insurance for individuals and/or businesses; the establishment of a community-rated health pool, similar to FEHBP, to provide affordable health coverage and expanded choices for those who enroll; and assistance with catastrophic care costs.

States could be creative in the state resources they use to expand health care coverage. For example, a state could use personal and/or employer mandates for coverage, use state tax incentives, create a single-payer system or even join with neighboring states to offer a regional health care plan.

The approach I have set forth would guarantee universal health care, but still leave room for the flexibility and creativity that I believe is necessary to ensure that everyone has access to affordable, quality health care.

As I have noted, there have been a number of interesting proposals to move us to universal health care coverage. While I will be advocating the state-based approach that I have just outlined, others have proposed alternative approaches that certainly merit consideration and debate.

And this brings us to the legislation I am introducing today, because, the reason we haven't reformed our health care system isn't because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the millions who are uninsured, Washington refuses to address the problem in a comprehensive way.

That is why I am introducing this bill. My legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chairs of the Health, Education, Labor, and Pensions Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the next Congress. If a committee chair fails to introduce a bill within the first month, then the ranking minority party member of the respective committee may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committees have 60 calendar days not including recesses of 3 days or more to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not prejudge what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act.

It has been 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

It has been 10 years since we've had any debate on comprehensive health care reform. We cannot afford any further delay. I urge my colleagues to support the Health Care Reform Expedited Procedures Act of 2004.

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

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

S. 2576

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 ''Health Care Reform Expedited Procedures Act of 2004''.

SEC. 2. SENATE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar-days after the commencement of the first session of a Congress, the chair of the Senate Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each introduce a bill to provide universal health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the title of the bill shall be ''To reform the system of the United States and to provide insurance coverage for all Americans.''; and

(ii) the bill shall reach the goal of providing health care coverage to 95 percent of Americans within 10 years.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance shall be referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60 calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the chamber's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice shall first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces his or her intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the Senate until disposed of. A motion to limit debate is in order and is not debatable.

(2) ONLY BUSINESS.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

(3) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the first session of a Congress, the chair of the House Committee on Energy and Commerce, the chair of the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide universal health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall reach the goal of providing healthcare coverage to 95 percent of Americans within 10 years.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Speaker's ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce will be referred to that committee and the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60 days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the House Majority Leader and House Minority Leader will, on introduction, be placed directly on the Calendar of the Whole House on the State of the Union.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces his or her intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF A QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) COMMITTEE OF THE WHOLE.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

(3) LIMIT DEBATE.—A motion to further limit debate is in order and is not debatable.

(4) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

By Ms. STABENOW (for herself and Mrs. HUTCHISON):

S. 2587. A bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee scheduled for drug administration services furnished to medicare beneficiaries; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Ensuring Quality and Access to Cancer Care Act of 2004. I want to thank my colleague, Senator HUTCHISON, for working with me on this critical issue. Regardless of how we feel about the new Medicare law, I believe we all agree that there are legitimate concerns about changes in cancer care reimbursement. Critical services that help patients and their families may be in jeopardy because Medicare reimbursement is scheduled to be drastically cut in 2005.

I believe that these changes will be disruptive to patients' care. It is especially urgent in Michigan, which is ranked fourth in the Nation in number of residents with cancer.

Doctors administer more than 70 percent of all cancer chemotherapy in their offices, but the new Medicare law drastically cuts doctors' reimbursement for drug administration. Changes in the reimbursement system will

mean that doctors will likely be paid dramatically less for chemotherapy. Preliminary estimates indicate that roughly $4.2 billion will be taken out of cancer care in the United States over the next 10 years.

Many critical services are paid for through drug administration reimbursement because they are not covered by Medicare. These include specially-trained oncology nurses and related staff; the handling, storage, and preparation of the toxic chemotherapy agents; and cognitive, nutrition, and support care services that are important indices of quality cancer care.

The result could be fewer and fewer doctors will treat cancer patients, leaving them without access to the best care possible. Furthermore, patients may lose access to vital support services.

Congress clearly recognized that questions related to the impact of the Medicare law on patient access needed to be answered. That's why the Medicare law included a temporary one-year increase in physicians' practice expenses. But access problems will likely emerge in 2005 when the temporary aid and drug reimbursement decrease significantly. And several programs to help oncologists and patients will not begin until 2006.

The ''Ensuring Quality and Access to Cancer Care Act of 2004'' would merely extend the 1-year transitional period built into the law for an additional year. It's a fair compromise so that we have time to answer important questions regarding the impact of the payment reductions. And it will ensure that policy changes do not disrupt patient access to quality cancer care.

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. 2587

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 ''Ensuring Quality and Access to Cancer Care Act of 2004''.

SEC. 2. TRANSITIONAL ADJUSTMENT TO PHYSICIAN FEE SCHEDULE FOR DRUG ADMINISTRATION SERVICES FURNISHED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 303(a)(4)(B)(ii) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2237) is amended by striking ''3 percent'' and inserting ''32 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 303(a)(4) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2237).

By Mr. ALEXANDER (for himself and Ms. LANDRIEU):

S. 2590. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, today, Senator LANDRIEU and I are introducing the Americans Outdoors Act of 2004, bipartisan legislation that will provide nearly $1.5 billion annually to help Americans in every State enjoy the great American outdoors.

The Americans Outdoors Act would provide a reliable stream of funding by collecting a conservation royalty on revenues from drilling for oil and gas on offshore Federal land. It would use this conservation royalty to fully fund three existing Federal programs: the so-called State side of the Land and Water Conservation Fund, $450 million annually; wildlife conservation, $350 million annually to fully fund that Federal program; and to fully fund urban parks initiatives, another $125 million. It would also provide an additional $500 million each year for coastal impact assistance, including wetlands protection.

In addition, Senator LANDRIEU and I intend to offer an amendment to our legislation that would fully fund the $450 million per year Federal side of the Land and Water Conservation Fund, but only after we have consulted further with our colleagues to develop a consensus.

We offer this legislation because there is nothing more central to the American character than the great American outdoors. We offer it because we want to provide a conservation legacy for the next generation. We believe there is a huge conservation majority in America and in the Senate that will support this legislation.

In 1985, when I was Governor of Tennessee, President Ronald Reagan asked me to chair the President's Commission on American Outdoors. Gilbert Grosvenor, president of the National Geographic Society, was vice-chairman. Patrick Noonan of the Conservation Fund and other distinguished Americans served on the commission. President Reagan himself was an outdoorsman. The President challenged his commission to look ahead for a generation and tell the country how we can have appropriate places to do what we want to do outdoors.

In the report of our commission in 1987, we found many threats to the opportunity to enjoy the outdoors: exotic pollutants, loss of space through urban growth, and disappearance of wetlands. Changing lifestyles and new technology presented new challenges as well as opportunities. Differences in needs and Federal land ownership between the eastern and western States created challenging conflicts to resolve.

In our report we emphasized that most outdoors recreation occurs close to home, near towns or cities where 80 percent of us live. We therefore recommended more land trusts, greenways, city parks and scenic byways.

We suggested that most of this action be accomplished by a prairie fire of local concern rather than by action in Washington, DC, but we did recommend that Congress dedicate at least $1 billion a year from offshore oil and gas drilling revenues to provide a steady, reliable flow of funds to the Land and Water Conservation Fund.

Much of what we recommended has happened and is now law.

But it is now time to build on the commission's work of 20 years ago and look ahead for another generation.

By fully funding State wildlife grants, urban parks and the State programs of the Land and Water Conservation Fund, the Americans Outdoors Act of 2004 will continue that legacy. It will enlarge on the legacy by providing new funds for coastal assistance, including wetlands protection.

It will do so through a new steady stream of funding by creating what I think of as a ''conservation royalty.'' This new conservation royalty is not such a new idea at all. This conservation royalty is modeled after the existing State royalty for onshore oil and gas drilling that was created in the Mineral Lands Leasing Act of 1920. That act gives 50 cents of every dollar from drilling—and in the case of Alaska, 90—as a royalty to the State in which the drilling occurs.

In a similar way, The Americans Outdoors Act of 2004 would create a conservation royalty of about 25 percent for revenues of the funds collected from offshore drilling on Federal lands. Some of the royalty would go to the States where the drilling occurs. More would go to all states for parks, game and fish commissions and projects funded by the Land and Water Conservation Fund.

The idea is very simple: if drilling for oil and gas creates an environmental impact, it is wise to use some of the proceeds to create an environmental benefit. In 2001, the Federal Government received $7.5 billion in oil and gas revenues from federal offshore leases. This revenue comes from the Outer Continental Shelf, which supplies more oil to the United States than any other country, including Saudi Arabia.

Chairman PETER DOMENICI has scheduled a hearing in the Energy and Natural Resources Committee on July 13. In the meantime Senator LANDRIEU and I will continue our discussion with other committee members and other colleagues to create a consensus.

There is at least one piece of unfinished business. At some point in the process, Senator LANDRIEU and I will offer an amendment to our own legislation that will fully fund—at $450 million a year—the Federal side of the Land and Water conservation Fund. It was this provision in earlier legislation that helped to cause the legislation not to be enacted by the Senate. We believe

that by listening to our colleagues and developing more flexibility among states in how these dollars might be spent, we can develop legislation that will pass the Senate.

We are glad to see that Congressmen YOUNG and MILLER have introduced a similar piece of legislation in the House of Representatives. We look forward to working with them.

We are pleased tat already more than two dozen national organizations representing millions of Americans have expressed their support for the American outdoors Act of 2004. These organizations range from the U.S. Conference of Mayors, to the National Wildlife Federation, to Ducks Unlimited, and the City Parks Alliance. We invite all Americans and our colleagues of both political parties, to join with us in providing a legacy for the next generation to enjoy the great American outdoors.

Someone once said that Italy has its art, England its history, and the United States has the great American outdoors. Our magnificent land, as much of our love of liberty, is at the core of our character. It has inspired our pioneer spirit, our resourcefulness and our generosity. Its greatness has fueled our individualism and optimism, and made us believe that anything is possible. It has influenced our music, literature, science and language. It has served as the training ground of our athletes and philosophers, of poets and defenders of American ideals.

That is why there is a conservation majority—a large conservation majority—in the United States of America. That is why, I believe, that when this bill comes to the floor, there will be a large conservation majority in the U.S. Senate.

Mr. President, I ask unanimous consent that a list of the more than two dozen organizations—from the United States Conference of Mayors, to the National Wildlife Federation, to Ducks Unlimited, to the Conservation Council, and many others—representing millions of Americans in support of the Americans Outdoors Act of 2004 be printed in the RECORD.

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

LIST OF AMERICANS OUTDOORS BILL SUPPORTERS

National Governors Association has a policy consistent with this bill. National Governors Association has not formally endorsed the bill.

US Conference of Mayors
National Wildlife Federation
International Association of Fish and Wildlife Agencies
Outdoor Industry Association
American Sportfishing Association
National Wild Turkey Federation
United States Soccer Foundation
United States Soccer Federation
National Marine Manufacturers Association
American Planning Association
American Society of Landscape Architects
Americans for Our Heritage and Recreation
City Parks Alliance
The Conservation Fund
National Association of State Outdoor Recreation Liaison Officers
National Association of State Park Directors
National Council of Youth Sports
National Recreation and Park Association
Outdoor Industry Association
SGMA International
Smart Growth International
Archery Trade Association
Theodore Roosevelt Conservation Partnership
Boone and Crockett Club
The Wildlife Society
AZ Antelope Foundation
AZ Desert Bighorn Sheep Society
AZ Wildlife Conservation Council
BASS/ESPN Outdoors
WILDEATS Enterprises
Association of Native Americans
Trout Unlimited
Ducks Unlimited
PA BASS Federation
Western Clinton Sportsmen's Association
Hodgman, Inc
Federation of Fly Fishers
The Conservation Council
State of Louisiana

Mr. ALEXANDER. 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. 2590

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Americans Outdoors Act of 2004''.

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

Sec. 1. Short title; table of contents.
TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES
Sec. 101. Disposition.
TITLE II—COASTAL IMPACT ASSISTANCE
Sec. 201. Coastal Impact Assistance Program.
TITLE III—LAND AND WATER CONSERVATION FUND
Sec. 301. Apportionment of amounts available for State purposes.
Sec. 302. State planning.
Sec. 303. Assistance to States for other projects.
Sec. 304. Conversion of property to other use.
Sec. 305. Water rights.
TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE
Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Wildlife Conservation and Restoration Account.
Sec. 404. Apportionment to Indian tribes.
Sec. 405. No effect on prior appropriations.
TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM
Sec. 501. Expansion of purpose of Urban Park and Recreation Recovery Act of 1978 to include development of new areas and facilities.
Sec. 502. Definitions.
Sec. 503. Eligibility.
Sec. 504. Grants.
Sec. 505. Recovery action programs.
Sec. 506. State action incentives.
Sec. 507. Conversion of recreation property.
Sec. 508. Treatment of transferred amounts.
Sec. 509. Repeal.

TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES

SEC. 101. DISPOSITION.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

''SEC. 9. DISPOSITION OF REVENUES.

''(a) IN GENERAL.—For each of fiscal years 2005 through 2010, the Secretary of the Treasury shall deposit in the Treasury of the United States all qualified outer continental shelf revenues (as defined in section 31(a)).

''(b) TRANSFER FOR CONSERVATION ROYALTY EXPENDITURES.—For each of fiscal years 2005 through 2010, from amounts deposited for the preceding fiscal year under subsection (a), the Secretary of the Treasury shall transfer—

''(1) to the Secretary to make payments under section 31, $500,000,000;

''(2) to the Land and Water Conservation Fund to provide financial assistance to States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), $450,000,000;

''(3) to the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) for deposit in the Wildlife Conservation and Restoration Account, $350,000,000; and

''(4) to the Secretary to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $125,000,000. ''.

TITLE II—COASTAL IMPACT ASSISTANCE

SEC. 201. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

''SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State; and

''(B) not more than 200 miles from the geographic center of any leased tract.

''(2) COASTAL POPULATION.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

''(3) COASTAL STATE.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

''(4) COASTLINE.—The term 'coastline' has the meaning given the term 'coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

''(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

''(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

''(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

''(8) PRODUCING STATE.—

''(A) IN GENERAL.—The term 'producing State' means a coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract.

''(B) EXCLUSION.—The term 'producing State' does not include a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2002, unless the lease was in production on that date.

''(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States after January 1, 2003, from each leased tract or portion of a leased tract—

''(i) lying—

''(I) seaward of the zone covered by section 8(g); or

''(II) within that zone, but to which section 8(g) does not apply; and

''(ii) the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State.

''(B) INCLUSIONS.—The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

''(C) EXCLUSION.—The term 'qualified Outer Continental Shelf revenues' does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2002, unless the lease was in production on that date.

''(10) TRANSFERRED AMOUNT.—The term 'transferred amount' means the amount transferred to the Secretary under section 9 to make payments to producing States and coastal political subdivisions under this section for a fiscal year.

''(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—For each of fiscal years 2005 through 2010, the transferred amount shall be allocated by the Secretary among producing States and coastal political subdivisions in accordance with this section.

''(2) DISBURSEMENT.—In each fiscal year, the Secretary shall, without further appropriation, disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

''(3) ALLOCATION AMONG PRODUCING STATES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the transferred amount shall be allocated to each producing State in the proportion that, for the preceding 5-year period—

''(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

''(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

''(B) MULTIPLE PRODUCING STATES.—In a case in which more than 1 producing State is located within 200 miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

''(i) the nearest point on the coastline of the producing State; and

''(ii) the geographic center of the leased tract.

''(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—The Secretary shall pay 35 percent of the amount allocated under paragraph (3) to the coastal political subdivisions in the producing State.

''(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

''(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

''(I) the coastal population of the coastal political subdivision; bears to

''(II) the coastal population of all coastal political subdivisions in the producing State;

''(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

''(I) the number of miles of coastline of the coastal political subdivision; bears to

''(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

''(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

''(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all other coastal political subdivisions in the State of Louisiana.

''(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

''(E) EXCLUSION OF CERTAIN LEASED TRACTS.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2002, unless the lease was in production on that date.

''(5) NO APPROVED PLAN.—

''(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (3) or (4) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

''(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

''(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

''(c) COASTAL IMPACT ASSISTANCE PLAN.—

''(1) SUBMISSION OF STATE PLANS.—

''(A) IN GENERAL.—Not later than July 1, 2005, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

''(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

''(2) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

''(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

''(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

''(ii) the plan contains—

''(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

''(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

''(III) for each coastal political subdivision that receives an amount under this section—

''(aa) the name of a contact person; and

''(bb) a description of how the coastal political subdivision will use amounts provided under this section;

''(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

''(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

''(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

''(A) developed in accordance with this subsection; and

''(B) submitted to the Secretary for approval or disapproval under paragraph (4).

''(4) PROCEDURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

''(B) EXCEPTION.—For fiscal year 2005, the Secretary shall approve or disapprove a plan submitted under paragraph (1) not later than December 31, 2005.

''(d) AUTHORIZED USES.—

''(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

''(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

''(B) Mitigation of damage to fish, wildlife, or natural resources.

''(C) Planning assistance and the administrative costs of complying with this section.

''(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

''(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.''.

TITLE III—LAND AND WATER CONSERVATION FUND

SEC. 301. APPORTIONMENT OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) is amended—

(1) in the second sentence of subsection (a), by inserting ''(including facility rehabilitation, but excluding facility maintenance)'' after ''(3) development''; and

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

''(b) APPORTIONMENT AMONG THE STATES.—

''(1) DEFINITION OF STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'State' means—

''(i) each of the States of the United States;

''(ii) the District of Columbia;

''(iii) the Commonwealth of Puerto Rico;

''(iv) the Commonwealth of the Northern Mariana Islands;

''(v) the United States Virgin Islands;

''(vi) Guam; and

''(vii) American Samoa.

''(B) LIMITATION.—For the purposes of paragraph (3), the States referred to in clauses (iii) through (vii) of subparagraph (A)—

''(i) shall be treated collectively as 1 State; and

''(ii) shall each receive an apportionment under that paragraph based on the ratio that—

''(I) the population of the State; bears to

''(II) the population of all the States referred to in clauses (iii) through (vii) of subparagraph (A).

''(2) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 1 percent of the amounts made available for financial assistance to States for the fiscal year under this Act.

''(3) APPORTIONMENT.—

''(A) IN GENERAL.—Not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

''(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year—

''(i) 60 percent shall be apportioned equally among the States; and

''(ii) 40 percent shall be apportioned among the States based on the ratio that—

''(I) the population of each State (as reported in the most recent decennial census); bears to

''(II) the population of all of the States (as reported in the most recent decennial census).

''(4) LIMITATION.—For any fiscal year, the total apportionment to any 1 State under paragraph (3) shall not exceed 10 percent of the total amount apportioned to all States for the fiscal year.

''(5) STATE NOTIFICATION.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

''(6) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects in accordance with this Act.

''(B) LIMITATION.—Amounts apportioned to a State under paragraph (3) shall not be used for condemnation of land.

''(7) REAPPORTIONMENT.—

''(A) IN GENERAL.—Any portion of an apportionment to a State under this subsection that has not been paid or obligated by the Secretary by the end of the second fiscal year that begins after the date on which notification is provided to the State under paragraph (5) shall be reapportioned by the Secretary in accordance with paragraph (3).

''(B) LIMITATION.—A reapportionment under this paragraph shall be made without regard to the limitation described in paragraph (4).

''(8) APPORTIONMENT TO INDIAN TRIBES.—

''(A) DEFINITION.—In this paragraph, the term 'Indian tribe'—

''(i) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

''(ii) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) APPORTIONMENT.—For the purposes of paragraph (3), each Indian tribe shall be eligible to receive a share of the amount available under paragraph (3) in accordance with a competitive grant program established by the Secretary.

''(C) TOTAL APPORTIONMENT.—The total apportionment available to Indian tribes under subparagraph (B) shall be equal to the amount available to a single State under paragraph (3).

''(D) AMOUNT OF GRANT.—For any fiscal year, the grant to any 1 Indian tribe under this paragraph shall not exceed 10 percent of the total amount made available to Indian tribes under paragraph (3).

''(E) USE OF FUNDS.—Funds received by an Indian tribe under this paragraph may be used for the purposes specified in paragraphs (1) and (3) of subsection (a).

''(9) LOCAL ALLOCATION.—Unless the State demonstrates on an annual basis to the satisfaction of the Secretary that there is a compelling reason not to provide grants under this paragraph, each State (other than the District of Columbia) shall make available, as grants to political subdivisions of the State, not less than 25 percent of the annual State apportionment under this subsection, or an equivalent amount made available from other sources.''.

SEC. 302. STATE PLANNING.

(a) IN GENERAL.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) is amended by striking subsection (d) and inserting the following:

''(d) SELECTION CRITERIA; STATE ACTION AGENDA.—

''(1) SELECTION CRITERIA.—Each State may develop priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, if—

''(A) the priorities and criteria developed by the State are consistent with this Act;

''(B) the State provides for public participation in the development of the priorities and criteria; and

''(C) the State develops a State action agenda (referred to in this section as a 'State action agenda') that includes the priorities and criteria established under this paragraph.

''(2) STATE ACTION AGENDA.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the State, in partnership with political subdivisions of the State and Federal agencies and in consultation with the public, shall develop a State action agenda.

''(B) REQUIRED ELEMENTS.—A State action agenda shall—

''(i) include strategies to address broad-based and long-term needs while focusing on actions that can be funded during the 5-year period covered by the State action agenda;

''(ii) take into account all providers of conservation and recreation land in each State, including Federal, regional, and local government resources;

''(iii) include the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for the purposes of this Act;

''(iv) describe the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

''(v) include a certification by the Governor of the State that ample opportunity for public participation has been provided in the development of the State action agenda.

''(C) UPDATE.—Each State action agenda shall be updated at least once every 5 years.

''(D) CERTIFICATION.—The Governor shall certify that the public has participated in the development of the State action agenda.

''(E) COORDINATION WITH OTHER PLANS.—

''(i) IN GENERAL.—The State action agenda shall be coordinated, to the maximum extent practicable, with other State, regional, and local plans for parks, recreation, open space, fish and wildlife, and wetland and other habitat conservation.

''(ii) RECOVERY ACTION PROGRAMS.—

''(I) IN GENERAL.—The State shall use recovery action programs developed by urban local governments under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide to the conclusions, priorities, and action schedules contained in the State action agenda.

''(II) REQUIREMENTS FOR LOCAL PLANNING.—To minimize the redundancy of local outdoor conservation and recreation efforts, each State shall provide that, to the maximum extent practicable, the findings, priorities, and implementation schedules of recovery action programs may be used to meet requirements for local outdoor conservation and recreation planning that are conditions for grants under the State action agenda.

''(F) COMPREHENSIVE STATEWIDE OUTDOOR RECREATION PLAN.—A comprehensive statewide outdoor recreation plan developed by a State before the date that is 5 years after the date of enactment of this subparagraph shall remain in effect in the State until a State action agenda is adopted under this paragraph, but not later than 5 years after the date of enactment of that Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(e)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''or State action agenda'' after ''State comprehensive plan''; and

(B) in paragraph (1), by inserting ''or State action agenda'' after ''comprehensive plan''.

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking ''existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''.

(3) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking ''comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''.

(4) Section 6(a) of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–17(a)) is amended by striking ''State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required

by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''.

(5) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(A) by inserting ''or State action agendas'' after ''comprehensive statewide outdoor recreation plans''; and

(B) by inserting ''of 1965 (16 U.S.C. 460*l*–4 et seq.)'' after ''Fund Act''.

(6) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking ''(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)'' and inserting ''(16 U.S.C. 460*l*–8)''.

(7) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)—

(i) by inserting ''or State action agendas'' after ''comprehensive statewide outdoor recreation plans''; and

(ii) by striking ''(78 Stat. 897)'' and inserting ''(16 U.S.C. 460*l*–4 et seq.)''; and

(B) in subsection (b)(2)(B), by striking ''(relating to the development of statewide comprehensive outdoor recreation plans)'' and inserting ''(16 U.S.C. 460*l*–8)''.

(8) Section 206(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''; and

(B) in paragraph (2)(D)(ii), by striking ''statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)'' and inserting ''comprehensive statewide outdoor recreation plan or State action agenda that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''.

(9) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking ''statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended'' and inserting ''comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)''.

SEC. 303. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(e)) is amended—

(1) in paragraph (1), by striking '', but not including incidental costs relating to acquisition''; and

(2) in paragraph (2), by inserting before the colon the following: ''or to enhance public safety in a designated park or recreation area''.

SEC. 304. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)) is amended—

(1) by striking ''(3) No property'' and inserting the following:

''(3) CONVERSION OF PROPERTY TO OTHER USE.—

''(A) IN GENERAL.—No property''; and

(2) by striking the second sentence and inserting the following:

''(B) REQUIREMENTS FOR APPROVAL.—The Secretary shall approve a conversion under subparagraph (A) if—

''(i) the State demonstrates that there is no other prudent or feasible alternative;

''(ii) the property no longer meets the criteria in the comprehensive statewide outdoor recreation plan or State action agenda for an outdoor conservation and recreation facility because of changes in demographics; or

''(iii) the property must be abandoned because of environmental contamination that endangers public health or safety.

''(C) CONDITIONS.—A conversion under subparagraph (A) shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property that is—

''(i) of at least equal fair market value;

''(ii) of reasonably equivalent usefulness and location; and

''(iii) consistent with the comprehensive statewide outdoor recreation plan or State action agenda.''.

SEC. 305. WATER RIGHTS.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is amended by adding at the end the following:

''SEC. 14. WATER RIGHTS.

''Nothing in this title—

''(1) invalidates, preempts, or modifies any Federal or State water law or an interstate compact relating to water, including water quality and disposal;

''(2) alters the rights of any State to an appropriated share of the water of any body of surface water or groundwater, as established by interstate compacts entered into, legislation enacted, or final judicial allocations adjudicated before, on, or after the date of enactment of this Act; or

''(3) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to ensure adequate funding of the program established under the amendments to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) enacted by title IX of H.R. 5548 of the 106th Congress, as enacted by section 1(a)(2) of Public Law 106–553 (114 Stat. 2762, 2762A–118); and

(2) to ensure the conservation and sustainability of fish and wildlife to provide and promote greater hunting, angling, and wildlife viewing opportunities.

SEC. 402. DEFINITIONS.

Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).'';

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

''(3) INDIAN TRIBE.—The term 'Indian tribe'—

''(A) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

''(B) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).'';

(4) in paragraph (6) (as redesignated by paragraph (1)), by striking ''including fish'' and inserting ''(including, for purposes of section 4(d), fish)''; and

(5) in paragraph (10) (as redesignated by paragraph (1)), by striking ''includes the wildlife conservation and restoration program and''.

SEC. 403. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking ''SEC. 3. (a)(1) An'' and inserting the following:

''SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

''(a) IN GENERAL.—

''(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''Federal aid to wildlife restoration fund'' and inserting ''Federal Aid to Wildlife Restoration Fund''; and

(B) by striking paragraph (2) and inserting the following:

''(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the fund a subaccount to be known as the 'Wildlife Conservation and Restoration Account'.

''(B) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—

''(i) shall be deposited in the Account; and

''(ii) shall be available, without further appropriation, to carry out State wildlife conservation and restoration programs under section 4(d).''.

SEC. 404. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating the first subsection (c) as subsection (e); and

(2) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) APPORTIONMENT TO DISTRICT OF COLUMBIA, PUERTO RICO, TERRITORIES, AND INDIAN TRIBES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, the Secretary shall apportion from amounts available in the Account for the fiscal year—

''(i) to each of the District of Columbia and the Commonwealth of Puerto Rico, an amount equal to not more than ½ of 1 percent of amounts available in the Account;

''(ii) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, a sum equal to not more than ¼ of 1 percent of amounts available in the Account; and

''(iii) to Indian tribes, an amount equal to not more than 2¼ percent of amounts available in the Account, of which—

''(I) ⅓ shall be apportioned based on the ratio that the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

''(II) ⅔ shall be apportioned based on the ratio that the population of each Indian tribe bears to the total population of all Indian tribes.

''(B) MAXIMUM APPORTIONMENT TO INDIAN TRIBES.—For each fiscal year, the amounts apportioned under subparagraph (A)(iii) shall be adjusted proportionately so that no Indian tribe is apportioned a sum that is more than 5 percent of the amount available for apportionment under subparagraph (A)(iii) for the fiscal year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking ''sections 4(d) and (e) of this Act'' and inserting ''subsection (c) and (d) of section 4''.

(2) Section 4(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(b)) is

amended by striking ''subsection (c)'' and inserting ''subsection (e)''.

(3) Section 4(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(d)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and indenting the subclauses appropriately;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(iii) by striking ''(1) Any State'' and inserting the following:

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Any State'';

(iv) by striking ''To apply'' and inserting the following:

''(B) PLAN.—To apply'';

(v) in subparagraph (A) (as designated by clause (iii))—

(I) by inserting ''or Indian tribe'' before ''may apply''; and

(II) by striking ''develop a program'' and inserting the following: ''develop a program for the conservation and restoration of species of wildlife identified by the State'';

(vi) in subparagraph (B) (as designated by clause (iv))—

(I) in the matter preceding clause (i) (as redesignated by clause (ii)), by inserting ''or Indian tribe'' before ''shall submit''; and

(II) in clause (i) (as redesignated by clause (ii)), by inserting ''or Indian tribe'' after ''State'';

(vii) by redesignating subparagraph (D) as subparagraph (C); and

(viii) in subparagraph (C) (as redesignated by clause (vii))—

(I) in the matter preceding clause (i), by inserting ''a State or Indian tribe shall'' before ''develop and begin'';

(II) in clause (i), by inserting ''or Indian tribe'' before ''deems appropriate'';

(III) in clauses (ii), (iii), (iv), and (vii), by striking ''paragraph (1)'' and inserting ''subparagraph (A)'';

(IV) in clause (vi)—

(aa) by striking ''State wildlife conservation strategy'' and inserting ''wildlife conservation strategy of the State or Indian tribe''; and

(bb) by striking the semicolon at the end and inserting ''; and''; and

(V) in clause (vii), by inserting ''by'' after ''feasible'';

(B) in paragraph (2), by inserting ''or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting ''or Indian tribe'' after ''State'' each place it appears; and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking ''State's wildlife conservation and restoration program'' each place it appears and inserting ''wildlife conservation and restoration program of a State or Indian tribe''; and

(ii) in subparagraph (B)—

(I) by inserting ''or Indian tribe'' after ''each State''; and

(II) by striking ''State's wildlife conservation and restoration program'' and inserting ''wildlife conservation and restoration program of a State or Indian tribe''.

(4) Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended by striking ''section 4(c)'' and inserting ''section 4(e)''.

(5) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by inserting ''or obligated'' after ''used''; and

(ii) in subparagraph (B), by inserting ''or obligated'' after ''used''; and

(B) by striking ''section 4(c)'' each place it appears and inserting ''section 4(e)''

SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.

Nothing in this title or any amendment made by this title applies to or otherwise affects the availability or use of any amounts appropriated before the date of enactment of this Act.

TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM

SEC. 501. EXPANSION OF PURPOSE OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978 TO INCLUDE DEVELOPMENT OF NEW AREAS AND FACILITIES.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2502) is amended in the first sentence by striking ''recreation areas, facilities,'' and inserting ''recreation areas and facilities, the development of new recreation areas and facilities (including acquisition of land for that development),'' .

SEC. 502. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) by striking ''When used in this title the term—'' and inserting ''In this title:'';

(2) by redesignating paragraphs (1), (2), and (3) of subsection (d) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) as paragraphs (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), and (5), respectively, and moving the paragraphs to appear in numerical order;

(4) in each of paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (12), and (13) (as redesignated by paragraph (3))—

(A)(i) by inserting ''_____.—The term'' before the first quotation mark; and

(ii) by inserting in the blank the term that is in quotations in each paragraph, respectively; and

(B) by capitalizing the first letter of the term as inserted in the blank under subparagraph (A)(ii);

(5) in each of paragraphs (1), (3), (4), (6), (7), (8), (9), (10), and (12) (as redesignated by paragraph (3)), by striking the semicolon at the end and inserting a period;

(6) in paragraph (13) (as redesignated by paragraph (3)), by striking ''; and'' at the end and inserting a period;

(7) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:

''(2) DEVELOPMENT GRANT.—

''(A) IN GENERAL.—The term 'development grant' means a matching capital grant made to a unit of local government to cover costs of development, land acquisition, and construction at 1 or more existing or new neighborhood recreation sites (including indoor and outdoor recreational areas and facilities, support facilities, and landscaping).

''(B) EXCLUSIONS.—The term 'development grant' does not include a grant made to pay the costs of routine maintenance or upkeep activities.'';

(8) in paragraph (5) (as redesignated by paragraph (3)), by inserting ''the Commonwealth of'' before ''Northern Mariana Islands''; and

(9) by inserting after paragraph (10) (as redesignated by paragraph (3)) the following:

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

SEC. 503. ELIGIBILITY.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:

''(a) ELIGIBILITY FOR ASSISTANCE.—

''(1) DEFINITION OF GENERAL PURPOSE LOCAL GOVERNMENT.—For the purpose of determining eligibility for assistance under this title, the term 'general purpose local government' includes—

''(A) any political subdivision of a metropolitan, primary, or consolidated statistical area, as determined by the most recent decennial census;

''(B) any other city, town, or group of 1 or more cities or towns within a metropolitan statistical area described in subparagraph (A) that has a total population of at least 50,000, as determined by the most recent decennial census; and

''(C) any other county, parish, or township with a total population of at least 250,000, as determined by the most recent decennial census.

''(2) SELECTION.—The Secretary shall award assistance to general purpose local governments under this title on the basis of need, as determined by the Secretary.''.

SEC. 504. GRANTS.

Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

(1) in the first sentence, by striking ''rehabilitation and innovative'';

(2) in paragraph (1), by striking ''rehabilitation and innovation''; and

(3) in paragraph (2), by striking ''rehabilitation or innovative''.

SEC. 505. RECOVERY ACTION PROGRAMS.

Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in paragraph (2), by inserting ''development and'' after ''adequate planning for''.

SEC. 506. STATE ACTION INCENTIVES.

Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—

(1) in the first sentence, by inserting ''(a) IN GENERAL.—'' before ''The Secretary is authorized''; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—

''(1) IN GENERAL.—The Secretary and general purpose local governments are encouraged to coordinate the preparation of recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes or for other conservation or recreation purposes).

''(2) CONSIDERATIONS.—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(d)).''.

SEC. 507. CONVERSION OF RECREATION PROPERTY.

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:

''SEC. 1010. CONVERSION OF RECREATION PROPERTY.

''(a) IN GENERAL.—Except as provided in subsection (b), no property developed, acquired, improved, or rehabilitated using funds from a grant under this title shall, without the approval of the Secretary, be converted to any purpose other than a public recreation purpose.

''(b) APPROVAL.—

''(1) IN GENERAL.—The Secretary shall approve the conversion of property under subsection (a) to a purpose other than a public recreation purpose only if the grant recipient demonstrates that no prudent or feasible alternative exists.

''(2) APPLICABILITY.—Paragraph (1) applies to property that—

''(A) is no longer viable for use as a recreation facility because of changes in demographics; or

''(B) must be abandoned because of environmental contamination or any other condition that endangers public health or safety.

''(c) CONDITIONS.—Any conversion of property under this section shall satisfy such conditions as the Secretary considers necessary to ensure the substitution for the property of other recreation property that is—

''(1) at a minimum, equivalent in fair market value, usefulness, and location; and

''(2) subject to the recreation recovery action program of the grant recipient that is in effect as of the date of the conversion of the property.''.

SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended to read as follows:

''SEC. 1013. FUNDING.

''(a) TREATMENT OF AMOUNTS TRANSFERRED FROM GET OUTDOORS ACT FUND.—

''(1) IN GENERAL.—Amounts transferred to the Secretary under section 9(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338(b)(4)) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

''(2) UNPAID AND UNOBLIGATED AMOUNTS.—Any amount described in paragraph (1) that is not paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is made available under paragraph (1) shall be reapportioned by the Secretary among grant recipients under this title.

''(b) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 4 percent of the amounts made available to the Secretary for the fiscal year under subsection (a).

''(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under subsection (b), of the amounts made available for a fiscal year under subsection (a)—

''(1) not more than 10 percent may be used for innovation grants under section 1006;

''(2) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs under subsections (a) and (c) of section 1007; and

''(3) not more than 15 percent, in the aggregate, may be provided in the form of grants for projects in any 1 State.

''(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the percentage, not to exceed 25 percent, of any grant under this title that may be used for grant and program administration.''.

SEC. 509. REPEAL.

Sections 1014 and 1015 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513, 2514) are repealed.

Ms. LANDRIEU. Mr. President, I am pleased to join my colleague Senator ALEXANDER as we introduce this very significant conservation legislation. The junior Senator from Tennessee has been a long-time effective advocate for the environment and for conservation, not only in his own State of Tennessee but for our Nation.

The legislation we introduce today is a new, enhanced version of a piece of legislation that was introduced several years ago. We believe it is a very promising approach to launch one of the most significant conservation efforts ever considered by Congress. The American Outdoors Act is a landmark multiyear commitment to conservation programs directly benefiting all 50 States and hundreds of local communities. It creates a conservation royalty derived from the production of oil and gas on the Outer Continental Shelf and directs it toward the restoration of coastal wetlands, preservation of wildlife habitat, and it helps build and maintain local and State parks for our children, our children's children, for generations to come.

By enacting this legislation, we will make the most significant commitment of Federal resources to conservation ever and ensure a positive legacy of protecting and enhancing critical wildlife habitat, estuaries, marshlands, mountain ranges, open green spaces, and expanded recreational opportunity for Americans today and generations to come. The legislation builds on a great and notable effort made during the 106th Congress that was supported by Governors, mayors, and a coalition of over 5,000 organizations throughout the country. Unfortunately, despite our bipartisan and very deep and widespread support, our efforts were cut short before a final bill could be signed into law. Instead, a commitment was made by those who opposed the legislation last time to guarantee funding for these programs. And unfortunately, we all know the story and the outcome of those promises.

As we have painfully witnessed since then, these programs have not only been reduced, some of them have been eliminated completely, and are terribly underfunded in terms of the critical needs that are presented to us today.

What has happened is exactly what those of us who initiated the effort always anticipated. Each of these significant programs has been shortchanged and a number of them have been left out altogether or forced to compete with each other for Federal resources.

The legislation we are introducing today provides reliable, significant, and steady funding for the urgent and worthy conservation and outdoor recreation needs of our states and rapidly growing urban areas. What makes more sense than to take a portion of revenues from a depleting capital asset of the Nation—offshore Federal oil and gas resources—and reinvest them into sustaining the natural resources of our Nation: wetlands; parks and recreation areas and wildlife.

The Americans Outdoors Act dedicates assured funding for four distinct programs and honors promises made long ago to the American people. The four programs include:

Coastal impact assistance—$500 million to oil and gas producing coastal States to mitigate the various impacts of States that serve as the ''platform'' for the crucial development of Federal offshore energy resources from the Outer Continental Shelf as well as provide for wetland restoration. This program merely acknowledges the impacts to and contribution of States that are providing the energy to run our country's economy. The Outer Continental Shelf supplies 25 percent of our Nation's oil consumption, more than any other country including Saudi Arabia, with the promise of more, expected to reach 40 percent by 2008. Since this frontier was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to the nation's energy production as the OCS. The OCS accounts for more than 25 percent of our Nation's natural gas and oil production. With annual returns to the Federal Government averaging $5 billion annually, no single area has contributed as much to the Federal Treasury as the OCS. In fact, since 1953, the OCS has contributed $140 billion to the U.S. Treasury. Allocation to States would be based on their proximity to production. Thirty-five percent of the State's allocation would be shared with coastal political subdivisions based on a formula of 50 percent proximity to production, 25 percent miles of coastline and 25 percent coastal population;

$450 million for the State side of the Land and Water Conservation Fund, LWC, to provide stable funding to States for the planning and development of State and local parks and recreation facilities. The allocation to States would be 60 percent equally among all 50 States and 40 percent based on relative population. This program provides greater revenue certainty for State and local governments to help them meet their recreational needs through recreational facility development and resource protection—all under the discretion of State and local authorities while protecting the rights of private property owners;

Wildlife conservation, education and restoration—$350 million is allocated to all 50 States through the successful program of Pittman-Robertson for the conservation of nongame and game species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act. By taking steps now to prevent species from becoming endangered we are able to not only conserve the significant cultural heritage of wildlife enjoyment for the people of

this country, but also avoid the substantial costs associated with recovery for endangered species. Allocations to States would be based on a formula of ⅔ relative population and ⅓ relative land area; and

The Urban Parks and Recreation Recovery Program, UPARR—$125 million in the form of matching grants, 70 percent to provide direct assistance to our cities and towns so that they can focus on the needs of their populations within the more densely inhabited areas around the country where there are fewer green-spaces, playgrounds and soccer fields for our youth.

I would also like to acknowledge our interest in several programs that are not part of this initial package but will be considered as the bill moves through the process. For example, the Federal side of the Land and Water Conservation Fund which focuses primarily on Federal land acquisition. The goal of the Federal side of the LWCF was to share a significant portion of revenues from offshore development with States to provide for protection and public use of the natural environment. It is our intention to discuss this program with our colleagues on the Senate Energy and Natural Resources Committee with the goal of developing a compromise that will garner broad support. In addition, other worthy programs that are not part of the legislation we are introducing today but ideally would be part of a larger more comprehensive effort include Historic Preservation, Payment in Lieu of Taxes, PILT, and the Forest Legacy program.

While we confront a time of war, budget deficits and a struggling economy, setting aside a portion of oil and gas royalties to our states and localities for initiatives such as outdoor spaces or recreation facilities for our children to play could not be more crucial. Programs such as the State side of the Land and Water Conservation Fund are in fact the economic stimulus that our States and cities need in these times. The time has come to take the proceeds from a non-renewable resource for the purpose of reinvesting a portion of these revenues in the conservation and enhancement of our renewable resources. To continue to do otherwise, as we have over the last 50 years, is fiscally irresponsible.

As I said, the legislation we introduce today, therefore, provides a reliable, significant, and steady stream of funding that cannot be manipulated or tampered with at the whim of this or that, but will be there for conservation efforts that our local communities and States can count on to provide this great legacy and heritage for our grandchildren.

What makes more sense than taking a portion of the offshore oil and gas revenues that have generated almost $130 billion since the first well was drilled off of our shore on the Continental Shelf almost 100 years ago? What would make more sense than taking a small portion of that money and giving it back to the environment, back to our mountain ranges, to our marshes, to our coastal areas, protecting and preserving our great land for generations to come? The American Outdoors Act does exactly that.

It dedicates and assures funding for four distinct programs: Coastal impact assistance, of which Louisiana and other coastal States would benefit. Of course, we are proud to serve as oil and gas producers, helping us secure our energy independence from foreign sources, providing much critical feedstock, if you will, for our energy industry in the State, and expanding our economic opportunities. Because we produce so much oil and gas, we would deserve help with our vanishing coastline.

In addition, the other segment of this bill would fund the Land and Water Conservation Fund State side. As the Senator from Tennessee noted, he and I are firmly committed to also providing support and full funding for the Federal side of land and water, as this bill moves through the process.

Wildlife conservation, education, and restoration would be fully funded. That helps all of our States. The Urban Parks and Recreation Program, which has been so critical for quality-of-life issues and economic development in our cities, in our suburbs, our urban centers, would also be funded.

Time is not on our side. While other issues might be able to wait and other issues could maybe be funded gradually over time, for every month we delay, for every year we delay, we lose acres and acres, miles and miles of land we will never be able to recover.

Louisiana itself is literally washing away. We have lost the size of the State of Rhode Island off our coast in the last 100 years. If some foreign country attacked our country and tried to take a portion of land away from us, we would fight with every strength and every tool and every resource available. But we stand here literally in some ways twiddling our thumbs while this land is washed away into the Gulf of Mexico. And not just any land but very productive land and very necessary land, not just for Louisiana but for the entire United States.

I close with a quote from Teddy Roosevelt because it is appropriate. He was a great conservation President. Over 100 years ago he started many programs. I love taking my children to Theodore Roosevelt Island. We ride our bikes over there. I love telling them the story of Teddy Roosevelt.

I explain many stories about what he did, hunting in Louisiana, the history of the black bear, et cetera.

In his autobiography he wrote of his experiences in Coastal Louisiana:

> And to lose the chance to see frigate birds soaring in circles above the storm or, a file of pelicans winging their way homeward across the crimson afterglow of the sunset, or a myriad of terns flashing in the bright light of midday as they hover in a shifting maze above the beach, why, the loss is like the loss of a gallery of masterpieces of the artists of old time.

This is what he said when he recalled his trip to Breton Island Sound, the second of over 540 national wildlife heritage areas designated in the last 100 years. The land in this picture is gone. It no longer exists because we have twiddled our thumbs for almost 100 years.

Today we introduce a bill to stop us from twiddling our thumbs, direct our resources, get serious about conservation, serious about the taxpayer money, and do something with it that the overwhelming majority of the taxpayers would stand up and cheer, if they had the chance to vote on it.

I thank the Chair. It will be a pleasure working with the Senator from Tennessee as we lead this great effort.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2592. A bill to provide crop and livestock disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CONRAD. Mr. President, today I am joined by my colleague from North Dakota, Senator DORGAN, in introducing legislation intended to address the twin natural disasters that are threatening the livelihoods of farmers and ranchers across our State.

For much of North Dakota, the year began with great promise. Record high crop and livestock prices offered the potential for much needed improvement in farm income for producers throughout the State. The stage was set for increased returns from the marketplace, and a corresponding reduction in current costs under the 2002 Farm Bill.

Then Mother Nature intervened.

In early May, just as fieldwork was set to begin in earnest, many farmers in the northern part of the State were hit with a late snowfall and continued, unseasonably cool weather. That was followed by weeks of repeated rains, sometime several inches at a time. The deluge, and continued low temperatures, left fields soggy or underwater, and delayed and eventually prevented the planting of crops across huge swaths of the northern and northeastern part of the state, generating numerous reports of farmers being forced to abandon one-third, one-half, and even more of their crop ground.

As one hard struck farmer described the situation to me:

> Our 2004 crop is late again, due to cold wet ground since May 10. Heavy snow on May 11 and 12 and continuous rain is delaying all field work. If we don't get some help we will be forced to sell out. Input costs—fuel, fertilizer, and repairs never end. We haven't been able to seed a kernel of grain yet for 2004 due to too much water.

In the southwestern corner of North Dakota, the problem faced by livestock producers is just the opposite. Conditions are bone dry, and even though it's relatively early in the season, the land is parched, thanks to virtually no moisture since the start of the year and the lingering effect of a drought that has robbed the land of subsoil

moisture and that, for many producers, goes back two years or more.

Here's how one rancher explained what he's up against:

I am a registered Angus Producer in SW North Dakota. Our moisture situation is bad. We have had approximately 1″ of rain all spring if you count all the little showers together. The cool weather is the only thing that has saved what little forage there is in the pasture. There will be no hay crop and that includes trying to hay the ditches.

Another one wrote me:

I live in rural Sioux County North Dakota. I am a rancher. The drought situation is getting very serious. I am looking for options as far as feed & pasture for my cattle, but haven't found any yet. I have sold nearly half of my cattle since the dry conditions started in 2002. We appreciate any and all help that you can give us. This is cow country & I think we need to retain as much of our cattle numbers as we can.

These producers need real help and they need it urgently. That's why the bill I am introducing today follows closely the outline of disaster assistance legislation enacted in recent years, all in an effort to speed the delivery of crop and livestock assistance to those who livelihoods hang in the balance.

The essential provisions of the ''Agricultural Assistance Act of 2004'' are as follows:

First, in the case of crop losses, eligibility for assistance would be triggered by production losses exceeding 35 percent of normal yields. Under the bill, producers who had purchased crop insurance—which under the best of options covers only a portion of normal yields—would receive a payment equal to 50 percent of the ''established price'' for the crop. Those who did not purchase crop insurance would receive a payment equal to just 40 percent of the established price, and would be required to purchase crop insurance for each of the following two crop years. Assistance to individual producers would be limited as provided in previously-enacted disaster bills.

In the case of ranchers suffering grazing losses of 40 percent or more during three consecutive months, they would be eligible for payments to help defray the cost of purchasing feed. Payments under this program would similarly be limited as provided in past legislation.

Finally, I think it is important that in providing this assistance, we reinforce crop insurance as the foundation for agricultural risk management. This bill would do that. First, by not penalizing—as previous legislation did—those who had purchased crop insurance at higher coverage levels, and second, by decreasing the payment to those who purchased no crop insurance at all.

The natural disasters facing our farmers and ranchers demand immediate attention, and I urge the Congress, and the President, to act.

By Mr. LIEBERMAN:

S. 2594. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, our Nation wrestles with a medical mystery that affects the health and very lives of millions of Americans every year: Why do patients with similar ailments have such disparate outcomes?

Albert Einstein once said: ''I cannot believe that God plays dice with the world.'' I would never quibble with Einstein. And besides, I strongly believe that myself.

I also believe we should aspire to that ideal in the earthly institutions we create, like our health care system. Medical outcomes should not be a matter of luck. Treatment should be as predictable and equal as possible within the bounds of science and human fallibility.

But that is not the system we have today. Study after study shows that we have created a health care casino where the quality of care seems to have as much to do with the luck of the dice as anything else.

In America, good medical care for all should be a given—not a gamble.

That is why today I am introducing legislation I call FairCare. FairCare will give us the tools we need to begin eliminating these across-the-board problems of medical disparities among patients with identical ailments.

In the broadest sense, we know we have two problems—quality of care and disparity of care. While these problems are distinct and separate—solving either will help solve both.

Let me dramatize the kind of odds we are talking about when a patient enters the healthcare system. I would ask my colleagues to imagine for a moment that they are in a casino, rolling dice and need a five or a nine to win. The odds of you winning with either of those numbers is about 60 percent. Of course, that means you have a 40 percent chance of losing.

Now, if you enjoy gambling—and are not betting a lot of money—maybe that's fun. But would you bet your house on those odds? Or your children's college fund? Or your health—or your life?

Well, the odds in our imaginary dice game are the precise odds we send people into the health care system every day.

A recent study reported in the New England Journal of Medicine said that about 40 percent of patients reported medical errors in the care of either themselves or a loved one. The cost of these mistakes is staggering. Between 44,000 and 100,000 people die each year because of those medical mistakes.

To put those shocking numbers in perspective, imagine if you will that our nation experienced a day like September the 11th, at least twice a month, every month—for a year.

Overall, the cost of not getting it right the first time represents a yearly loss to the national economy of $17 to $29 billion. This is due largely to the medical complications that must be treated down the line because of the initial medical errors, as well as lost wages and productivity.

Now, while most Americans have problems finding high-quality health care at a reasonable cost, racial and ethnic minorities fare the worst.

Medical studies also show that:

When actors portrayed patients with identical complaints of chest pain, women and African Americans were 40 percent less likely to have their complaints taken seriously and be referred for further diagnostic tests.

Hispanics with asthma are almost twice as likely as white patients to face largely-avoidable emergency rooms visits or have the illness limit their daily activities.

Infants born to American Indians and Alaskan Natives are twenty-five percent more likely than the national average to die in the first year of life.

Asian American women are 20 percent less likely to get life-saving screening exams for cervical cancer than white women.

And many of these disparities persist, even when factors like income and access to health care are taken into account. Why is this? The answer is: We don't exactly know. But it is clear that we do not have a color blind healthcare system. And unequal treatment is Un-American. We cannot tolerate it. Rather, we must understand it, confront it, and fix it.

Besides, solving this medical mystery for the most severely affected minority groups will improve healthcare for everyone else as well. In other words, if we can dramatically increase the quality of medical care, unfair disparities will decline and all will benefit.

The clues to solving the problems of both medical quality and healthcare disparities are there. We just have to go find them. That will require gathering crucial information that will help us clearly identify the problems. Then we can help finance the solutions that will cure them.

That's why we need FairCare.

To begin, we need data—we need to see where we have quality problems and where we have disparities in care. FairCare will bring the medical and patient communities together to help us better measure healthcare quality in a scientific way that will give us our first comprehensive glimpse of where the problems lie.

Once glimpsed, FairCare can begin to fund improvement efforts developed by local hospitals and community health centers that fit the needs of their local neighborhoods. FairCare will use the reach and resources of Medicare to reward hospitals that improve quality and reduce disparities.

In recent testimony before the House Ways and Means Subcommittee on Health Care, Glenn Hackbarth, Chairman of Medicare Payment Advisory Commission, said he agreed with this approach. ''It is time for Medicare to take the next step in quality improvement and put financial incentives for quality directly into its payment systems,'' he said.

Under FairCare, community health centers not part of the Medicare system will be eligible for grants and bonuses. In other words, FairCare is a carrots program, not a sticks program—it rewards hospitals and health centers that perform—that make progress in implementing quality healthcare and reducing healthcare disparities.

We will also provide tax relief to help FairCare providers cover the cost of their malpractice insurance.

Taken together, FairCare will give our most overburdened and financially strapped healthcare providers—that act to deliver quality medicine—the help they need to give their communities the help they need. And when they succeed, we will all win. When they succeed, good medical care for all will be a given—not a gamble.

Just as God does not play dice with the world, we will no longer play dice with the lives of our most vulnerable—the sick and the ailing.

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

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

S. 2594

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Faircare Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
TITLE I—DEMOGRAPHIC DATA COLLECTION
Sec. 101. Data on race, ethnicity, highest education level attained, and primary language.
Sec. 102. Revision of HIPAA claims standards.
TITLE II—IMPROVED COLLECTION OF QUALITY DATA
Sec. 201. Authority of Agency for Healthcare Research and Quality.
''PART C—IMPROVED COLLECTION OF QUALITY DATA
''Sec. 921. General authority of the Agency to determine measures.
''Sec. 922. Use of hospital-specific measures.
''Sec. 923. Outpatient-specific measures.
''Sec. 924. Ranking of measures.
''Sec. 925. Advisory Committee on Quality.
''Sec. 926. Updates of conditions.
''Sec. 927. Reporting of measures.
''Sec. 928. Voluntary submission of data.
''Sec. 929. Authorization of appropriations.
Sec. 202. Office of national healthcare disparities and quality.
TITLE III—FAIRCARE HOSPITAL PROGRAM
Sec. 301. Faircare hospital program.
Sec. 302. Technical assistance grants.
TITLE IV—COMMUNITY HEALTH CENTERS.
Sec. 401. Authority of Bureau of Primary Health Care to develop new reporting standards.
Sec. 402. Faircare designation for health centers.
Sec. 403. Grants for technical assistance.
Sec. 404. Health disparity collaboratives.
TITLE V—REACH 2010
Sec. 501. Expansion of REACH 2010
TITLE VI—MALPRACTICE INSURANCE RELIEF
Sec. 601. Refundable tax credit for the cost of malpractice insurance for certain providers.
Sec. 602. Grants to non-profit hospitals.
Sec. 603. Grants for research into quality of care and medical errors.
Sec. 604. Authorization of appropriations.

SEC. 2. FINDINGS.

(a) EVIDENCE OF HEALTHCARE DISPARITIES.—With respect to evidence of healthcare disparities, Congress makes the following findings:

(1) Healthcare disparities affect the lives, health, and livelihood of Americans, and increase the overall cost of health care in the United States.

(2) Minority patients with chronic diseases have been found less likely to receive the necessary services required to manage effectively these illnesses, such as routine blood pressure checks or eye examinations, and are less likely to receive treatments to cure these conditions, such as heart surgeries or kidney transplants.

(3) Studies have shown that non-English speaking patients report more satisfaction with health encounters and have better health outcomes after encounters with healthcare providers who speak their primary language.

(4) The Institute of Medicine's report ''In the Nation's Compelling Interest'', concluded that racial and ethnic minority healthcare providers are significantly more likely than their white peers to serve minority and medically underserved communities, thereby helping to improve problems of limited minority access to care.

(5) Data from the National Center for Health Statistics demonstrates that minorities are less likely to receive routine cancer screenings even when they do have health insurance and access to healthcare providers, and once diagnosed with cancer, elderly minority patients are also less likely to receive appropriate treatment for pain associated with cancer.

(b) EVIDENCE OF INCONSISTENCIES IN HEALTHCARE QUALITY.—With respect to evidence of inconsistencies in healthcare quality, Congress makes the following findings:

(1) Inconsistent healthcare quality threatens the health of all Americans regardless of race, ethnicity, or socio-economic status.

(2) Studies by the RAND Corporation have shown that all patients in the United States have only a 55 percent possibility of receiving clinically appropriate care in the healthcare setting, despite the fact that the United States spends twice as much as other industrialized countries on health care.

(3) The control of hypertension is essential to reducing mortality from heart disease, stroke, and diabetes complications, yet, only 23 percent of Americans with hypertension are adequately treated.

(4) About 1 in 5 elderly Americans are prescribed inappropriate medications.

(5) Only 21 percent of Americans with diabetes get all recommended checkups.

(6) One of the safest, simplest, and most cost-effective ways to reduce cancer morbidity and mortality is to increase screening rates for selected cancers including colorectal cancers, yet, less than half of men and women over the age of 50 report screening for colorectal cancers.

(7) In the United States, over 1/4 of infants and toddlers of all races and ethnicities do not receive all recommended vaccines.

(8) Breakthroughs in treatments have enabled more patients to survive and live better, yet too many of these treatments are not being administered to all those who can benefit from them.

SEC. 3. DEFINITIONS.

In this Act:

(1) HEALTH DISPARITY POPULATIONS.—The term ''health disparity populations'' has the meaning given that term in section 485E(d) of the Public Health Service Act (42 U.S.C. 287c–31(d)).

(2) RACIAL AND ETHNIC MINORITY.—The term ''racial and ethnic minority'' has the meaning given the term ''racial and ethnic minority group'' in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6(g)(1)).

TITLE I—DEMOGRAPHIC DATA COLLECTION

SEC. 101. DATA ON RACE, ETHNICITY, HIGHEST EDUCATION LEVEL ATTAINED, AND PRIMARY LANGUAGE.

(a) PURPOSE.—It is the purpose of this section to promote data collection and reporting by race, ethnicity, highest education level attained, and primary language among federally supported health programs.

(b) AMENDMENT.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

''SEC. 249. DATA ON RACE, ETHNICITY, HIGHEST EDUCATION LEVEL ATTAINED, AND PRIMARY LANGUAGE.

''(a) REQUIREMENTS.—

''(1) IN GENERAL.—Each health-related program operated by or that receives funding or reimbursement, in whole or in part, either directly or indirectly from the Department of Health and Human Services shall, in accordance with the schedule described in subsection (e)—

''(A) require the collection, by the agency or program involved, of data on the race, ethnicity, highest education level attained, and primary language of each applicant for and recipient of health-related assistance under such program—

''(i) using, at a minimum, the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

''(ii) using the standards developed under subsection (d) for the collection of language data;

''(iii) where practicable, collecting data for additional population groups if such groups can be aggregated into the minimum race and ethnicity categories as defined by the Office of Management and Budget; and

''(iv) where practicable, through self-reporting;

''(B) with respect to the collection of the data described in subparagraph (A) for applicants and recipients who are minors or otherwise legally incapacitated, require that—

''(i) such data be collected from the parent or legal guardian of such an applicant or recipient; and

''(ii) the preferred language of the parent or legal guardian of such an applicant or recipient be collected; and

''(C) ensure that the provision of assistance to an applicant or recipient of assistance is not denied or otherwise adversely affected because of the failure of the applicant or recipient to provide race, ethnicity, highest education level attained, and primary language data.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit the use of information collected under this subsection in a manner that would adversely affect any individual providing any such information.

''(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) is protected—

''(1) under the same privacy protections as the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

''(2) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

''(c) COMPLIANCE WITH STANDARDS.—Data collected under subsection (a) shall be obtained, maintained, and presented (including for reporting purposes) in accordance with, at a minimum, the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

''(d) LANGUAGE COLLECTION STANDARDS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Minority Health, in consultation with the Office for Civil Rights of the Department of Health and Human Services, shall develop and disseminate Standards for the Classification of Federal Data on Preferred Written and Spoken Language.

''(e) SCHEDULE OF COMPLIANCE.—Data collection under subsection (a) shall be required within the following time periods:

''(1) With respect to medicare-related data (under title XVIII of the Social Security Act), such data shall be collected not later than 2 years after the date of enactment of this section, including data related to—

''(A) the Medicare Hospital Quality Initiative;

''(B) the Center for Medicare and Medicaid Services Abstraction or Reporting Tools (referred to in this section as 'CART');

''(C) all CART equivalent private databases used to submit data for the Medicare Hospital Quality Initiative or medicare billing (including data for both medicare and nonmedicare patients); and

''(D) all medicare billing communications.

''(2) With respect to data that is not currently mandated or collected and reported by the medicaid and State Children's Health Insurance Program (under titles XIX and XXI of the Social Security Act), such data shall be collected not later than 4 years after the date of enactment of this section.

''(3) With respect to data relating to biomedical and health services research that is described in subsection (a), such data shall be collected not later than 6 years after the date of enactment of this section.

''(4) With respect to data relating to all other programs described in subsection (a), such data shall be collected not later than 6 years after the date of enactment of this section.

''(f) TECHNICAL ASSISTANCE FOR THE COLLECTION AND REPORTING OF DATA.—

''(1) IN GENERAL.—The Secretary may, either directly or through grant or contract, provide technical assistance to enable a healthcare program or an entity operating under such program to comply with the requirements of this section.

''(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include assistance to—

''(A) enhance or upgrade information technology that will facilitate race, ethnicity, highest education level attained, and primary language data collection and analysis;

''(B) improve methods for health data collection and analysis including additional population groups beyond the Office of Management and Budget categories if such groups can be aggregated into the minimum race and ethnicity categories;

''(C) develop mechanisms for submitting collected data subject to existing privacy and confidentiality regulations; and

''(D) develop educational programs to inform health insurance issuers, health plans, health providers, health-related agencies, and the general public that data collection and reporting by race, ethnicity, and preferred language are legal and essential for eliminating health and healthcare disparities.

''(g) GRANTS FOR DATA COLLECTION BY COMMUNITY HEALTH CENTERS AND HOSPITALS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services and the Administrator of the Health Resources and Services Administration, is authorized to award grants for the conduct of 100 demonstration programs, 50 percent of which shall be conducted by community health centers and 50 percent of which shall be conducted by hospitals, to enhance the ability of such centers and hospitals to collect, analyze, and report the data required under subsection (a).

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a community health center or hospital shall—

''(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(B) provide assurances that the community health center or hospital will use, at a minimum, the racial and ethnic categories and the standards for collection described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity and available standards for language.

''(3) ACTIVITIES.—A grantee shall use amounts received under a grant under paragraph (1) to—

''(A) collect, analyze, and report data by race, ethnicity, highest education level attained, and primary language for patients served by the hospital (including emergency room patients and patients served on an outpatient basis) or community health center;

''(B) enhance or upgrade computer technology that will facilitate racial, ethnic, highest education level attained, and primary language data collection and analysis;

''(C) provide analyses of disparities in health and healthcare, including specific disease conditions, diagnostic and therapeutic procedures, or outcomes;

''(D) improve health data collection and analysis for additional population groups beyond the Office of Management and Budget categories if such groups can be aggregated into the minimum race and ethnicity categories;

''(E) develop mechanisms for sharing collected data subject to privacy and confidentiality regulations;

''(F) develop educational programs to inform health insurance issuers, health plans, health providers, health-related agencies, patients, enrollees, and the general public that data collection, analysis, and reporting by race, ethnicity, and preferred language are legal and essential for eliminating disparities in health and healthcare; and

''(G) develop quality assurance systems designed to track disparities and quality improvement systems designed to eliminate disparities.

''(4) COMMUNITY HEALTH CENTER; HOSPITAL.—In this subsection:

''(A) COMMUNITY HEALTH CENTER.—The term 'community health center' means a Federally qualified health center as defined in section 1861(aa)(4) of the Social Security Act.

''(B) HOSPITAL.—The term 'hospital' means a hospital participating in the prospective payment system under section 1886 of the Social Security Act and that is submitting quality indicators data in accordance with section 1886(b)(3)(B)(vii)(II) of the Social Security Act.

''(h) DEFINITION.—In this section, the term 'health-related program' means a program—

''(1) under the Social Security Act (42 U.S.C. 301 et seq.) that pays for healthcare and services; and

''(2) under this Act that provides Federal financial assistance for healthcare, biomedical research, health services research, and other programs designated by the Secretary.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2005, and such sums as may be necessary for each of fiscal years 2006 through 2015.''.

SEC. 102. REVISION OF HIPAA CLAIMS STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall revise the regulations promulgated under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), as added by the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), relating to the collection of data on race, ethnicity, highest education level attained, and primary language in a health-related transaction to require—

(1) the use, at a minimum, of the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

(2) the establishment of new data code sets for highest education level attained and primary language; and

(3) the designation of the racial, ethnic, highest education level attained, and primary language code sets as ''required'' for claims and enrollment data.

(b) DISSEMINATION.—The Secretary of Health and Human Services shall disseminate the new standards developed under subsection (a) to all health entities that are subject to the regulations described in such subsection and provide technical assistance with respect to the collection of the data involved.

(c) COMPLIANCE.—Not later than 1 year after the final promulgation of the regulations developed under subsection (a), the Secretary of Health and Human Services shall require that health entities comply with such standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2015.

TITLE II—IMPROVED COLLECTION OF QUALITY DATA

SEC. 201. AUTHORITY OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(3) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(4) by inserting after part B the following:

''PART C—IMPROVED COLLECTION OF QUALITY DATA

''SEC. 921. GENERAL AUTHORITY OF THE AGENCY TO DETERMINE MEASURES.

''(a) IN GENERAL.—The Agency, in consultation with the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Office for Civil Rights of the Department of Health and Human Services, and the Office of Minority Health, shall have the authority to develop a new set of quality measures for each of the most common treatment settings. Such settings shall include, but not be limited to, hospitals, outpatient facilities, community health centers, long term care facilities, and other independent health care facilities.

''(b) REQUIREMENTS.—The quality measures developed under subsection (a) shall—

''(1) as closely as possible reflect the healthcare priority areas determined by the Institute of Medicine, the National Quality Forum, the Quality Initiative, and other healthcare quality and health care disparity organizations as determined by the Secretary;

''(2) reflect the Institute of Medicine's goal of inclusiveness, improvability, and impact, addressing pervasive health and healthcare problems that produce a high level of morbidity and mortality, that disproportionally affect health disparity populations, and that have the potential for improvement with the consistent application of proven medical interventions; and

''(3) where practical, employ process measures of care.

''SEC. 922. USE OF HOSPITAL-SPECIFIC MEASURES.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Agency, in conjunction with the Centers for Medicare & Medicaid Services, shall develop a set of hospital quality measures.

''(2) USE.—The Secretary shall ensure that the Hospital Quality Initiative and the Robust Project Measures of the Centers for Medicare & Medicaid Services, and other Centers for Medicare & Medicaid Services directed quality initiatives use the hospital quality measures developed under paragraph (1).

''(b) SUBMISSION.—The information required under the measures developed under subsection (a) shall be submitted in accordance with section 1886(b)(3)(B)(vii) except that any reference to '2007' shall be deemed to be a reference to '2015'.

''SEC. 923. OUTPATIENT-SPECIFIC MEASURES.

''(a) IN GENERAL.—The Agency, in conjunction with the Bureau of Primary Health Care within the Health Resources and Services Administration, shall develop a set of outpatient quality measures. Such measures may be used as a supplement to existing demographic or quality reporting instruments or other quality reporting instruments utilized by the Health Resources and Services Administration.

''(b) VOLUNTARY SUBMISSION.—Submission of the supplementary information required under the measures developed under subsection (a) shall be voluntary.

''(c) DISCRETIONARY USE.—The measures developed under subsection (a) may be used as appropriate by the Hospital Quality Initiative and the Robust Project Measures and other Centers for Medicare & Medicaid Services-directed quality initiatives.

''SEC. 924. RANKING OF MEASURES.

''The Agency shall—

''(1) determine which of the quality measures developed under this part have the greatest potential to remedy healthcare disparities;

''(2) rank such quality measures according to such potential; and

''(3) rank such quality measures separately as applicable to hospitals and outpatients.

''SEC. 925. ADVISORY COMMITTEE ON QUALITY.

''(a) IN GENERAL.—The Agency shall establish an Advisory Committee on Quality (referred to in this section as the 'Advisory Committee') to recommend quality indicators for all quality data sets developed under this section. The Agency may designate a governmental or nongovernmental committee existing on the date of enactment of this part to serve as the Advisory Committee so long as the membership requirements of subsection (b) are complied with.

''(b) MEMBERSHIP.—The Advisory Committee shall be composed of not less than 10 members, including—

''(1) the Director;

''(2) the Administrator of the Centers for Medicare & Medicaid Services;

''(3) the Director of the Centers for Disease Control and Prevention;

''(4) the Administrator of the Health Resources and Services Administration;

''(5) the Director of the Office of Minority Health of the Department of Health and Human Services;

''(6) the Director of the Office for Civil Rights of the Department of Health and Human Services;

''(7) the Director of the Indian Health Service;

''(8) the chairperson of the Institute of Medicine National Roundtable on Healthcare Quality or other representatives of the Institute of Medicine;

''(9) the chairperson of the National Quality Forum;

''(10) the Director of the Joint Commission on Accreditation of Healthcare Organizations;

''(11) a representative of the Quality Initiative; and

''(12) other members to be appointed by the Secretary to represent other private, public, and non-profit stakeholders from medicine, healthcare, patient groups, and academia, who shall serve for a term of 3 years, and shall include a mix of different professions and broad geographic and culturally diverse representation

''(c) DUTIES.—The Advisory Committee shall—

''(1) for each 3 year period beginning with fiscal year 2005, report to the Agency recommendations of quality indicators for all quality data sets described in this part;

''(2) in making the recommendations described in paragraph (1), focus on how best to integrate the findings of the Institute of Medicine, the National Quality Forum, the Quality Initiative, and other healthcare quality and healthcare disparity organizations as determined by the Secretary into quality measures that can be used in carrying out sections 922 and 923; and

''(3) address issues of continuity of care between ambulatory care and inpatient settings to the maximum extent practicable.

''SEC. 926. UPDATES OF CONDITIONS.

''(a) IN GENERAL.—At least once during every 3-year period beginning in fiscal year 2006, the Secretary shall direct the Agency to update the list of measures as described in sections 922 and 923. Such updates shall be based on recommendations of the Advisory Committee established under section 925 and determined in consultation with the Centers for Medicare & Medicaid Services and the Health Resources and Services Administration.

''(b) REQUIREMENT.—For each period in which an update is undertaken under subsection (a), the Agency shall ensure that the recommendations referred to such subsection include measures for at least 4 additional conditions identified by the Institute of Medicine National Roundtable on Healthcare Quality, or measures developed by other healthcare disparity or healthcare quality organizations as determined by the Secretary, and not addressed by the quality reporting initiatives administered by the Secretary on the date of enactment of this part. The requirement of this section shall apply until there are measures for all Institute of Medicine priority areas.

''SEC. 927. REPORTING OF MEASURES.

''(a) IN GENERAL.—Not later than 5 years after the date of enactment of the Faircare Act, the Secretary shall enter into a contract with the Institute of Medicine to produce a report on the effectiveness of the quality measures developed by the Agency under this part in accurately assessing the quality of healthcare and healthcare disparities present in hospitals, community health centers, and other appropriate health care settings. Such report shall evaluate the progress made in improving the quality and consistency of healthcare and reducing healthcare disparities.

''(b) MANNER OF REPORTING.—All data reported under the Faircare Act (including data reported under this part) shall, to the maximum extent practicable, be reported by race, ethnicity, primary language, and highest educational level attained in accordance with section 249.

''SEC. 928. EFFECTIVENESS RESEARCH GRANTS.

''The Office of Minority Health shall have the authority to award grants to study the effectiveness of all measures and programs established under this part. The Office shall recommend ways to improve such measure and programs and to implement the findings of the study conducted under section 927.

''SEC. 929. PROTECTION OF DATA.

''(a) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to permit the use of information collected under this part in a manner that would adversely affect any individual providing any such information.

''(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to this part is protected—

''(1) under the same privacy protections as the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

''(2) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

''SEC. 929A. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2005 through 2007, and such sums as may be necessary for each of fiscal years 2008 through 2015.''.

SEC. 202. OFFICE OF NATIONAL HEALTHCARE DISPARITIES AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 904. OFFICE OF NATIONAL HEALTHCARE DISPARITIES AND QUALITY.

''(a) IN GENERAL.—There is established within the Agency an Office of National Healthcare Disparities and Quality (referred to in this section as the 'Office'). Such Office shall administer the development and submission of the annual National Healthcare Disparities Report (under section 903(a)(6)) and the National Healthcare Quality Report (under section 913(b)(2)) and carry out any other activities determined appropriate by the Secretary.

''(b) NATIONAL HEALTHCARE DISPARITIES AND QUALITY REPORTS.—

''(1) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Office, in consultation with the Advisory Committee under section 925, the Office of Minority Health, and the Office for Civil Rights of the Department of Health and Human Services, shall submit to the Secretary, the appropriate committees of Congress, and the public—

''(A) a report on the disparities in healthcare which shall include data using the quality measures developed by the Agency under part C; and

''(B) a report on general healthcare quality.

''(2) LIMITATIONS.—The reports under paragraph (1) shall not identify individual hospitals or healthcare providers but shall include regional and State level data. To the maximum extent practicable, such reports shall—

''(A) indicate variations in healthcare quality between States and regions; and

''(B) to the maximum extent practicable, include data reported by race, ethnicity, primary language, and highest educational level attained in accordance with section 249.

''(3) AVAILABILITY.—The Office shall make such reports available to States, tribal organizations, and territorial governments upon request.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2005 through 2007, and such sums as may be necessary for each of fiscal years 2008 through 2015.

''(c) ACTIVITIES RELATING TO BEST PRACTICES.—

''(1) REPORT.—The Office of National Healthcare Disparities and Quality shall annually publish a report that describes the specific activities undertaken by Faircare Level I institutions, as designated under section 330P of this Act or section 1898(b) of the Social Security Act, that have resulted in a decrease in healthcare disparities or improved quality. Such reports shall include recommendations for carrying out such activities at other healthcare institutions.

''(2) CONFERENCE.—In conjunction with the publication of each report under paragraph (1), Office of National Healthcare Disparities and Quality shall hold an annual conference at which personnel from the Faircare institutions described in paragraph (1) can interact, advise, and consult with other healthcare institutions.

''(3) TECHNICAL ASSISTANCE.—The Office of National Healthcare Disparities and Quality shall offer technical assistance to healthcare institutions in reducing healthcare disparities, including through the dissemination of information through the Office Internet website, the development of an electronic mail list of best practices, the maintenance of a database and clearinghouse of best practices, and through other activities determined appropriate by the Office.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $5,000,000 for each of fiscal years 2005 to 2007, and such sums as may be necessary for each of fiscal years 2008 through 2015.''.

TITLE III—FAIRCARE HOSPITAL PROGRAM

SEC. 301. FAIRCARE HOSPITAL PROGRAM.

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

(1) require the Administrator of the Center for Medicare & Medicaid Services to—

(A) determine which hospitals have successfully reduced healthcare disparities between health disparity populations and other patients and improved healthcare quality based on the Hospital Quality Initiative measures established by the Agency for Healthcare Research and Quality under part C of title IX of the Public Health Service Act, as added by title II;

(B) verify the accuracy of the data submitted by such hospitals for purposes of being designated as a Faircare Hospital; and

(C) designate such hospitals as Faircare hospitals; and

(2) provide such hospitals with increased payments under the medicare program.

(b) PROGRAM.—Title XVIII of the Social Security Act, as amended by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447), is amended by adding at the end the following new section:

''PERFORMANCE INCENTIVE PAYMENT PROGRAM

''SEC. 1898. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a program under which financial incentive payments are made in accordance with subsection (c) to subsection (d) hospitals (as defined in paragraph (2)) that have been designated under subsection (b).

''(2) SUBSECTION (d) HOSPITAL.—In this section, the term 'subsection (d) hospital' has the meaning given that term in section 1886(d)(1)(B).

''(b) DESIGNATION OF FAIRCARE HOSPITALS.—

''(1) IN GENERAL.—For each of fiscal years 2006 through 2014, the Secretary shall designate subsection (d) hospitals as follows:

''(A) LEVEL III FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level III Faircare hospital if the following requirements are met:

''(i) The subsection (d) hospital submitted data described in section 249 of the Public Health Service Act and part C of title IX of such Act to the Secretary in such form and manner and at such time specified by the Secretary under such section and part and all such data submitted relating to patient quality includes data on the race, ethnicity, highest education level attained, and primary language of such patients.

''(ii) The Secretary determines that the subsection (d) hospital has improved the rate of delivery of high quality care during the 24-month period preceding such determination. A hospital shall be determined to meet the requirement in the preceding sentence if the Secretary determines that the hospital has increased the frequency of appropriate care for the majority of the applicable measures during such 24-month period by at least 5 percentage points within each such measure.

''(B) LEVEL II FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level II Faircare hospital if the following requirements are met:

''(i) The requirements described in clauses (i) and (ii) of subparagraph (A) are met.

''(ii) The Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, has made a significant reduction in the disparities in the treatment of health disparity populations relative to other patients for—

''(I) the majority of the applicable measures; or

''(II) all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare equity by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

''(C) LEVEL I FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level I Faircare hospital if the following requirements are met:

''(i) The requirement described subparagraph (A)(i) is met.

''(ii) Either—

''(I) the requirement described in subparagraph (A)(ii) is met; or

''(II) the Secretary determines that the frequency of appropriate care provided by the subsection (d) hospital for each applicable measure is at least 10 percentage points greater than the national average for the frequency of appropriate care for each applicable measure.

''(iii) The Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, has had no significant disparity in the treatment of health disparity populations relative to other patients for all of the 75 percent highest ranked applicable measures, as ranked for their importance for healthcare equity by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

''(2) APPLICABLE MEASURES DEFINED.—For purposes of this subsection, the term 'applicable measures' means the Hospital Quality Initiative measures established by the Agency for Healthcare Research and Quality under part C of title IX of the Public Health Service Act.

''(3) HEALTH DISPARITY POPULATION DEFINED.—For purposes of this subsection, the term 'health disparity population' has the meaning given that term in section 485E(d) of the Public Health Service Act.

''(b) FINANCIAL INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), for purposes of subclauses (XIX) and (XX) of section 1886(b)(3)(B)(i) for each of fiscal years 2007 through 2015, in the case of a subsection (d) hospital that has been designated under subsection (b) for a fiscal year, the Secretary shall increase the applicable percentage increase for the subsequent fiscal year for such hospital—

''(A) in the case of a Level I Faircare hospital, by 4 percentage points (or 8 percentage points in the case of such a hospital who is also described in subparagraph (B) of section 1923(b)(1)(B));

''(B) in the case of a Level II Faircare hospital, by 2 percentage points (or 4 percentage points in the case of such a hospital who is also described in subparagraph (B) of section 1923(b)(1)(B));; and

''(C) in the case of a Level III Faircare hospital, by 1 percentage point (or 2 percentage points in the case of such a hospital who is also described in subparagraph (B) of section 1923(b)(1)(B)).

''(2) REDUCTION IN FINANCIAL INCENTIVE PAYMENTS IF INSUFFICIENT FUNDING AVAILABLE.—If the Secretary estimates that the total amount of increased payments under paragraph (1) for a fiscal year will exceed the funding available under subsection (d) for such increased payments for the fiscal year, the Secretary shall proportionately reduce the percentage points described in subparagraphs (A), (B), and (C) of paragraph (1) in order to eliminate such excess.

''(3) INCREASED PAYMENT NOT BUILT INTO THE BASE.—Any increased payment under paragraph (1) shall only apply to the fiscal year involved and the Secretary shall not

take into account any such increased payment in computing the applicable percentage increase under clause (i)(XIX) for a subsequent fiscal year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for making payments under subsection (b) such sums as may be necessary for each of fiscal years 2007 through 2015.''.

SEC. 302. TECHNICAL ASSISTANCE GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide technical assistance to eligible entities for the conduct of demonstration projects to improve the quality of healthcare and to reduce healthcare disparities.

(b) ELIGIBILITY.—To be eligible to receive technical assistance under subsection (a), an entity shall—

(1) be a hospital—

(A) that, by legal mandate or explicitly adopted mission, provides patients with access to services regardless of their ability to pay;

(B) that provides care or treatment for a substantial number of patients who are uninsured, are receiving assistance under a State program under title XIX of the Social Security Act, or are members of health disparity populations, as determined by the Secretary; and

(C)(i) with respect to which, not less than 50 percent of the entity's patient population is made up of racial and ethnic minorities; or

(ii) that serves a disproportionate percentage of local, minority racial and ethnic patients, or that has a patient population, at least 50 percent of which is limited English proficient; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) TYPES OF ASSISTANCE.—The type of technical assistance that may be provided under this section shall be determined by the Centers for Medicare & Medicaid Services. Such assistance may include competitively awarded grants and other forms of assistance.

(d) USE OF ASSISTANCE.—Assistance provided under this section shall be used to improve healthcare quality or to reduce healthcare disparities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2015.

TITLE IV—COMMUNITY HEALTH CENTERS.

SEC. 401. AUTHORITY OF BUREAU OF PRIMARY HEALTH CARE TO DEVELOP NEW REPORTING STANDARDS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Bureau of Primary Health Care within the Health Resources and Services Administration, shall have the authority to—

(1) incorporate the outpatient measures of the Agency for Healthcare Research and Quality as developed under part C of title IX of the Public Health Service Act (as added by title II) into a supplement to existing demographic or quality reporting instruments or other quality reporting instruments utilized by the Health Resources and Services Administration;

(2) verify the submission of data under this title (and the amendments made by this title); and

(3) award Faircare designations in accordance with section 339P of the Public Health Service Act (as added by section 402).

(b) DISTRIBUTION.—Not later than 1 year after the date of enactment of this Act, the standards described in subsection (a) shall be designed and distributed to health centers under section 339P of the Public Health Service Act (as added by section 402).

SEC. 402. FAIRCARE DESIGNATION FOR HEALTH CENTERS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399P. FAIRCARE DESIGNATION FOR HEALTH CENTERS.

''(a) DESIGNATION OF FAIRCARE HEALTH CENTERS.—

''(1) IN GENERAL.—For each of fiscal years 2006 through 2014, the Secretary shall designate health centers that receive Federal assistance as follows:

''(A) LEVEL III FAIRCARE HEALTH CENTER.—The Secretary shall designate a health center as a Level III Faircare health center if the following requirements are met:

''(i) The health center submitted data described in section 249 and part C of title IX to the Secretary in such form and manner and at such time specified by the Secretary under such section and part and all such data submitted relating to patient quality includes data on the race, ethnicity, highest education level attained, and primary language of such patients.

''(ii) The Secretary determines that the health center has improved the rate of delivery of high quality care during the 24-month period preceding such determination. A health center shall be determined to meet the requirement in the preceding sentence if the Secretary determines that the health center has increased the frequency of appropriate care for the majority of the applicable measures during such 24-month period by at least 5 percentage points within each such measure.

''(B) LEVEL II FAIRCARE HEALTH CENTER.—The Secretary shall designate a health center as a Level II Faircare health center if the following requirements are met:

''(i) The requirements described in clauses (i) and (ii) of subparagraph (A) are met.

''(ii) The Secretary determines that the health center, during the 24-month period preceding such determination, has made a significant reduction in the disparities in the treatment of health disparity populations relative to other patients for—

''(I) the majority of the applicable measures; or

''(II) all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare equity by the Agency for Healthcare Research and Quality under section 925.

''(C) LEVEL I FAIRCARE HEALTH CENTER.—The Secretary shall designate a health center as a Level I Faircare health center if the following requirements are met:

''(i) The requirement described subparagraph (A)(i) is met.

''(ii) Either—

''(I) the requirement described in subparagraph (A)(ii) is met; or

''(II) the Secretary determines that the frequency of appropriate care provided by the health center for each applicable measure is at least 10 percentage points greater than the national average for the frequency of appropriate care for each applicable measure.

''(iii) The Secretary determines that the health center, during the 24-month period preceding such determination, has had no significant disparity in the treatment of health disparity populations relative to other patients for all of the 75 percent highest ranked applicable measures, as ranked for their importance for healthcare equity by the Agency for Healthcare Research and Quality under section 925.

''(2) APPLICABLE MEASURES DEFINED.—For purposes of this subsection, the term 'applicable measures' means the measures determined applicable under section 401(a) of the Faircare Act.

''(3) HEALTH DISPARITY POPULATION DEFINED.—For purposes of this subsection, the term 'health disparity population' has the meaning given that term in section 485E(d).

''(b) ELIGIBILITY FOR BONUSES.—A health center that is designated as a Faircare health center under subsection (a) shall be eligible for the following annual bonuses in the fiscal year following the year in which the health center is designated as a Faircare health center under this section, with respect to assistance received under Federal health care programs:

''(1) With respect to a health center that is designated as a Level III Faircare health center, the Secretary shall determine the amount of such bonus which shall not be less than $200,000.

''(2) With respect to a health center that is designated as a Level II Faircare health center, the Secretary shall determine the amount of such bonus which shall not be less than $300,000.

''(3) With respect to a health center that is designated as a Level I Faircare health center, the Secretary shall determine the amount of such bonus which shall not be less than $500,000.

''(c) REDUCTION IN FINANCIAL INCENTIVE PAYMENTS IF INSUFFICIENT FUNDING AVAILABLE.—If the Secretary estimates that the total amount of bonuses under subsection (b) for a fiscal year will exceed the funding available under subsection (e) for such bonuses for the fiscal year, the Secretary shall proportionately reduce the amount of the bonus payments described in paragraphs (1), (2), and (3) of subsection (b) in order to eliminate such excess.

''(d) DEFINITION.—For purposes of this section, the term 'health center' means a Federally qualified health center as defined in section 1861(aa)(4) of the Social Security Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2015.''.

SEC. 403. GRANTS FOR TECHNICAL ASSISTANCE.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 402, is further amended by adding at the end the following:

''SEC. 399Q. GRANTS FOR TECHNICAL ASSISTANCE IN IMPROVING QUALITY.

''(a) IN GENERAL.—If a health center reporting data described in section 399P(a)(1)(A) for 3 or more years has demonstrated no improvement or a decrease in healthcare quality on at least 30 percent of all quality measures as designated under section 401(a) of the Faircare Act, such health center shall be given priority to receive technical assistance from the Bureau of Primary Health Care within the Health Resources and Services Administration.

''(b) TYPE OF ASSISTANCE.—The type of technical assistance that may be provided under subsection (a) shall be determined by the Bureau of Primary Health Care and may include competitively awarded grants and other forms of assistance.

''(c) USE OF ASSISTANCE.—Assistance provided under this section shall be used by the health center to improve healthcare quality or reduce healthcare disparities.

''(d) DEFINITION.—For purposes of this section, the term 'health center' means a Federally qualified health center as defined in section 1861(aa)(4) of the Social Security Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2015.''.

SEC. 404. HEALTH DISPARITY COLLABORATIVES.

(a) IN GENERAL.—The Bureau of Primary Health Care within the Health Resources and Services Administration shall—

(1) provide technical assistance and funding to the Health Disparity Collaboratives; and

(2) expand the provision of technical assistance and funding, at the discretion of the Bureau, to priority areas designated by the Agency for Healthcare Research and Quality in consultation with the Advisory Committee established under section 925 of the Public Health Service Act.

(b) FUNDING.—The Bureau of Primary Health Care within the Health Resources and Services Administration shall continue to fund collaboratives with a goal of adding at least 50 new health centers each year.

(c) DEFINITION.—For purposes of this section, the term 'health center' means a Federally qualified health center as defined in section 1861(aa)(4) of the Social Security Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2015.

TITLE V—REACH 2010

SEC. 501. EXPANSION OF REACH 2010

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall award grants and carry out other activities to expand the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program to support coalitions in all 50 States and territories.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

(1) be a coalition that is comprised of , at a minimum, a community-based organization and at least 3 other organizations, one of which is either a State or local health department or a university or research organization; and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF GRANTS.—Amounts provided under a grant under this section shall be used to support community coalitions in designing, implementing, and evaluating community-driven strategies to eliminate health disparities, with an emphasis on African Americans, American Indians, Alaska Natives, Asian Americans, Hispanic Americans, and Pacific Islanders.

(d) PRIORITY AREAS.—In carrying out the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program, the Director of the Centers for Disease Control and Prevention shall include the following priority areas:

(1) Cardiovascular disease.

(2) Immunizations.

(3) Breast and cervical cancer screening and management.

(4) Diabetes.

(5) HIV/AIDS.

(6) Infant mortality.

(7) Asthma.

(8) Obesity.

(9) At the discretion of the Director of the Centers for Disease Control and Prevention, any additional priority areas determined appropriate by the Agency for Healthcare Research and Quality in consultation with the Advisory Committee established under section 925 of the Public Health Service Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program, $200,000,000 for each of fiscal years 2005 to 2007, and such sums as may be necessary for each of fiscal years 2008 through 2015.

TITLE VI—MALPRACTICE INSURANCE RELIEF

SEC. 601. REFUNDABLE TAX CREDIT FOR THE COST OF MALPRACTICE INSURANCE FOR CERTAIN PROVIDERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. CERTAIN MALPRACTICE INSURANCE COSTS.

''(a) IN GENERAL.—In the case of an eligible health care provider, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of qualified malpractice insurance expenditures paid or incurred during the taxable year.

''(b) APPLICABLE PERCENTAGE.—For purposes of this section—

''(1) IN GENERAL.—The applicable percentage shall be—

''(A) 10 percent for any taxable year for which the person claiming the credit is an eligible health care provider, plus

''(B) 5 percent for each consecutive prior taxable year ending after the date of enactment of this section for which such person was an eligible health care provider.

''(2) LIMITATION.—The applicable percentage shall not exceed 25 percent.

''(c) ELIGIBLE HEALTH CARE PROVIDER.—For purposes of this section, the term 'eligible health care provider' means—

''(1) a public or private nonprofit hospital which is—

''(A) located in a medically underserved area (as defined in section 1302(7) of the Public Health Service Act) or in a health professional shortage area (as designated under section 332 of the Public Health Service Act), and

''(B) designated as a Level I Faircare Hospital under section 339P of the Public Health Service Act or section 1898 of the Social Security Act for the year in which such hospital's taxable year ends, and

''(2) a physician for whom not less than 66 percent of the practice for the taxable year is at a facility described in paragraph (1).

''(d) QUALIFIED MEDICAL MALPRACTICE INSURANCE EXPENDITURE.—The term 'qualified medical malpractice insurance expenditure' means so much of any professional insurance premium, surcharge, payment or other cost or expense required as a condition of State licensure which is incurred by an eligible health care provider in a taxable year for the sole purpose of providing or furnishing general medical malpractice liability insurance for such eligible health care provider.''.

(b) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 (relating to certain expenses for which credits are allowable) is amended by adding at the end the following new subsection:

''(d) CREDIT FOR MEDICAL MALPRACTICE LIABILITY INSURANCE PREMIUMS.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified medical malpractice insurance expenditures otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit allowable for the taxable year under section 36.

''(2) CONTROLLED GROUPS.—In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 41(f)(5)) or a trade or business which is treated as being under common control with other trades or business (within the meaning of section 41(f)(1)(B)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subparagraphs (A) and (B) of section 41(f)(1).''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ''or from section 36 of such Code''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item related to section 36 and inserting the following new items:

''Sec. 36. Certain malpractice insurance costs.

''Sec. 37. Overpayments of tax.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2005.

(f) AVAILABILITY OF CREDIT FOR TAX EXEMPT ORGANIZATIONS.—The Secretary of the Treasury shall administer the credit allowable under section 36 of the Internal Revenue Code of 1986 (as added by this section) in such a manner so as to minimize to the largest extent possible the administrative burden on tax exempt organizations claiming the credit.

SEC. 602. GRANTS TO NON-PROFIT HOSPITALS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to assist such entities in defraying qualified medical malpractice insurance expenditures.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a Faircare Level I non-profit hospital (as determined under section 1898(b) of the Social Security Act) in the preceding fiscal year;

(2) not be eligible to claim the tax credit under section 36 of the Internal Revenue Code of 1986;

(3) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT OF GRANT.—The amount of a grant awarded to an eligible entity under this section shall be—

(1) with respect to the first year of the grant, an amount equal to 10 percent of the qualified medical malpractice insurance expenditures of the entity for the year;

(2) with respect to the second year of the grant, an amount equal to 15 percent of the qualified medical malpractice insurance expenditures of the entity for the year;

(3) with respect to the third year of the grant, an amount equal to 20 percent of the qualified medical malpractice insurance expenditures of the entity for the year; and

(4) with respect to the fourth and subsequent years of the grant, an amount equal to 25 percent of the qualified medical malpractice insurance expenditures of the entity for the year.

(d) DEFINITION.—In this section, the term ''qualified medical malpractice insurance expenditure'' has the meaning given such term in section 36(d) of the Internal Revenue Code of 1986.

SEC. 603. GRANTS FOR RESEARCH INTO QUALITY OF CARE AND MEDICAL ERRORS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities to study the relationship between institutions that are designated as Faircare hospitals under section 1898(b) of the Social Security Act and medical errors or the rate of claims of malpractice.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall

prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, such sums as may be necessary for each of fiscal years 2005 through 2015.

STATEMENTS OF SUPPORT FOR THE LIEBERMAN FAIRCARE BILL

THE NATIONAL HEALTH LAW PROGRAM

''The National Health Law Program (NHeLP) commends the announcement of The Faircare Act. Recognizing that comprehensive and accurate data is critical to identifying and then eliminating health disparities, the Faircare Act would require race, ethnicity and primary language data collection throughout federally operated or funded health programs and provide crucial technical and financial assistance to healthcare providers to meet the challenges of eliminating health disparities.''

JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS

''The legislation comprehensively reflects current national research and programmatic initiatives such as those of the Joint Commission, private foundations, professional organizations, academic institutions, and state and national government agencies. For example, the Joint Commission has two externally funded research projects that are looking at issues related to culture and language. One, funded by the Commonwealth Fund, is looking at the impact of limited English proficiency on adverse medical events. Another, funded by The California Endowment, is looking at how hospitals across the nation are responding to issues of culture and language. In addition to research activities, the Joint Commission is engaging in field review of a proposed new standard to require the collection of information on patients' race, ethnicity, and primary language, is supporting the National Conference of Quality Health Care for Culturally Diverse Populations, and staff from the Joint Commission serve on a number of national advisory panels that are addressing issues of health care disparities, cultural and linguistic issues, and issues related to health literacy.''

''Financial incentives, as proposed in this legislation, are timely and appropriate. Based on focus group feedback, and input from Joint Commission advisory groups, the lack of incentive, competing priorities, and limited resources for providing culturally and linguistically appropriate services is the main barrier to implementation, secondary, only to the lack of awareness of the issue.''

THE PROGRESSIVE POLICY INSTITUTE

''Sen. Lieberman's FairCare Legislation would simultaneously make health care fairer and less wasteful by tackling one of the core problems with health care today: payment by procedure instead of performance. Too often, patients, especially minorities, do not receive basic high care quality like aspirin or beta-blockers for heart attack victims because providers can't charge for it. It's time for the federal government to make pay-for-performance a core feature of health care policy.''

PHYSICIANS FOR HUMAN RIGHTS

''Senator Lieberman's Faircare bill is an important step toward eliminating racial and ethnic disparities in healthcare by both assuring quality of care and reducing care inequities. Quality care means making the same healthcare available to all Americans regardless of race or ethnicity.''

THE OUT OF MANY, ONE COALITION

''We applaud Senator Lieberman's leadership in tying the elimination of health disparities to the improvement of healthcare quality in the Nation.''

NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE

''By establishing quantifiable standards, and providing incentives to meet those standards, Faircare: A Bill to Decrease Disparities in Healthcare Through Improving Healthcare Quality for All can help raise the quality and consistency of healthcare for all of us, not just some of us. The issue of disparities in healthcare is a national crisis, and the National Conference for Community and Justice (NCCJ) remains committed to working with decision-makers and community leaders to address this crisis on a national and regional level. It is a critical part of America's unfinished business, and through education and advocacy, we will bridge the divides of quality healthcare so that all people receive the information and treatment needed to lead healthy lives.''

By Mr. GREGG (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KENNEDY, Mr. REED, Mrs. MURRAY, Mr. JEFFORDS, Mr. ENZI, and Mr. DODD):

S. 2595. A bill to establish State grant programs related to assistive technology and protection and advocacy services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today, I join my esteemed colleague, the Senator from Iowa, Senator HARKIN, and other members, in introducing the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

For the past 6 months we have been working in a bipartisan fashion on the reauthorization of the Assistive Technology Act. Our proposed legislation is designed to remove barriers that people with disabilities encounter when attempting to access and purchase assistive technology. Working with the disability, business, and research and development communities, the Departments of Education, Labor, and Commerce, and the Small Business Administration, we have completely rewritten the Act to accomplish this goal. More specifically, our efforts focused on three fundamental changes: improving access by reducing bureaucracy; fostering private/public sector relationships; and stabilizing the State projects funding stream

In a March 1993 report to the President and the Congress on the ''Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities,'' the National Council on Disability heard repeatedly from witnesses at public forums about the abandonment of equipment by persons with disabilities who had no opportunity prior to purchase to try it out or see it demonstrated.

Current law authorizes State projects to conduct system change activities and provide information and referral services to people with disabilities and their families. Although these are necessary and important duties, they do not immediately impact and help a person with a disability obtain assistive technology that he or she may need today.

This bill modifies the current list of authorized activities by expanding the authority of the State assistive technology act programs to increase the ability of persons with disabilities to experience or obtain assistive technology. Our bill, written by members of the Committee on Health Education, Labor and Pensions, provides the State projects with a tangible set of mandatory activities, yet at the same time provides State flexibility to address emerging State needs.

Therefore, the new functions require States to provide citizens with access to device loan, reutilization, and financing programs, and equipment demonstration centers directly by developing such programs, or partnering with another entity in the State currently conducting these programs. The purpose of these programs is to provide individuals with disabilities the opportunity to receive proper assessments and evaluations for assistive technology, test and obtain information about various devices, borrow or rent devices and equipment before it is purchased, and be able to access low interest loans to purchase needed technology. Each of these new requirements will help make the most of limited public resources in an environment that emphasizes consumer choice in and control of assistive technology services and funding. Further, they demonstrate the benefits and costs of assistive technology.

Additionally, our bill intensifies outreach efforts to employers, providers of employment and adult services, school systems, and health care providers that have direct contact with persons with disabilities to inform them about the beneficial aspects of assistive technology. Finally, we authorize States to create an advisory board to provide enhanced flexibility, guide the actions of the State programs and establish State priorities to meet the specific assistive technology needs of State residents.

The Committee on Health Education, Labor and Pensions learned through several public forums held this and last year that employers are frequently confused by the vast array of assistive technology devices available to employees, the costs associated with purchasing assistive technology, and how or where to purchase assistive technology to meet the needs of potential employees or employees acquiring disabilities due to age, accidents and other causes. However, various studies paint a different picture. The Office of Disability Employment Policy of the Department of Labor funds the Job Accommodation Network (JAN), a free consulting service designed to increase the employability of people with disabilities. According to an ongoing JAN evaluation, 71 percent of the businesses

that used JAN for assistance on providing specific accommodation information for employees with disabilities found that the accommodation that the employee needed cost between $0.00 and $500.00.

This sent up a red flag, indicating that there is a disconnect or gap between the knowledge base as it currently exists and how that information reaches not only employers, but schools, school districts, hospitals and other entities. I imagine at schools and school officials in Berlin, NH, Clearmont, WY, Tribune, KS, or any other rural community would have a difficult time determining the assistive technology needs of a student with a disability without some type of assistance.

I am also sure that the same is true for small businesses. The Disability Business and Technical Assistance Centers (DBTACs), funded by the National Institute on Disability Rehabilitation and Research (NIDRR) Office of Special Education and Rehabilitative Services (OSERS) at the Department of Education, are regional Centers that provide training, information, and technical assistance on the Americans with Disabilities Act (ADA) to businesses, consumers, schools, and State and local governments. The DBTACs do wonderful work; however, a small business owner usually does not know where to go or where to send an employee if he or she needs an assessment or knowledge of various assistive devices so the small business can provide the necessary and appropriate assistive device.

According to statistics from the Small Business Administration office of Advocacy, small businesses pay 44.3 percent of the total private payroll in the United States, and have generated anywhere from 60 to 80 percent of net new jobs annually over the past decade. As a current high school student with disabilities graduates and looks for a job, there is a good chance that this young person will work for a small business. That being said, if the student has accommodation or technology needs, will the business know where to go for assistance?

There are quite a few State Assistive Technology Act projects that are currently conducting outreach and public awareness activities, providing technical assistance to the business community, but it is not occurring unilaterally across the Nation. While current law authorizes such activities it does not specifically state that public awareness activities should be focused on the business community.

This bill aggressively engages businesses, especially small businesses, by providing them with greater access to technical assistance so that they can accommodate employees with disabilities. Additionally, in an effort to improve access to assistive technology and to lower costs, the bill enhances competition and forges incentives for researchers and developers.

The bill accomplishes these goals by improving the utilization of federal dollars and collaborative efforts between the agency administering the Assistive Technology Act projects and other Federal departments and initiatives, such as the Small Business Administration's (SBA) and Department of Labor's (DOL) interagency initiative to improve employment opportunities for people with disabilities in small businesses.

This bill also strengthens relationships between federally funded programs, such as the Assistive Technology Act projects, with private sector employers and researchers, by directing the Office of Special Education and Rehabilitation Services at the Department of Education to make grants available to for-profit and non-profit entities to enhance public/private partnerships. These grant opportunities include creating grants to support the development of public service announcements, which can be modified for regional use, to reach out to small businesses, the aging population, and people with disabilities about the benefits of assistive technology. Grants can also fund a technical assistance provider to assist employers in addressing the needs of aging workers that are acquiring disabilities and may need assistive technology to maintain their current level of productivity.

When Congress passed the original Assistive Technology Act in 1988, Congressional intent was to provide States with time-limited Federal seed money to assist them in developing and implementing their own assistive technology programs. This Federal-State partnership has provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs. However, thousands of people with disabilities could lose access to this infrastructure if the Federal contribution comes to an end. Additionally, the bill drafters have recognized that for-profit and non-profit entities have not put the necessary time and energy into fostering relationships with the State programs, fearing that the Federal contribution would end, and the State programs would no longer exist.

Three years ago, with the introduction of the President's New Freedom Initiative in the winter of 2001, the Administration launched new comprehensive programs to tell America that individuals with disabilities are valued citizens. Traditionally, individuals with disabilities have been outcasts of society—seen as burdensome and institutionalized—and have not been permitted to contribute to society or expected to pursue the American Dream that so many of us take for granted.

This Administration recognizes and believes in the full participation of people with disabilities in all areas of society. This belief has been put into action by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, promoting increased access into daily community life, and helping members of this misunderstood and underutilized group of citizens achieve and succeed. Compassionate Conservatism is what I believe our President calls it.

As the New Freedom Initiative states, ''Assistive and universally designed technologies can be a powerful tool for millions of Americans with disabilities, dramatically improving one's quality of life and ability to engage in productive work. New technologies are opening opportunities for even those with the most severe disabilities.'' This new-found sense of purpose and urgency, occurring shortly after the Olmstead decision, has re-ignited the interest and support for a Federal-State partnership to provide comprehensive, statewide assistive technology services to individuals with disabilities.

Consequently, Congress must stabilize funding for the State programs by supporting State efforts to improve the provision of assistive technology for individuals with disabilities. Congress must also ensure that the Federal commitment to independent living, and the full participation of individuals with disabilities in society, guaranteed through the President's ''New Freedom Initiative,'' is upheld. In this instance, that translates into providing States with the necessary funding to maintain the comprehensive Statewide programs of technology-related assistance for individuals with disabilities of all ages. However, the drafters of this legislation also expect States to take ownership of and expand upon the comprehensive Statewide programs of technology-related assistance.

Therefore, this bill removes the sunset provision in the 1998 Act and creates a typical reauthorization cycle, while slightly increasing the State minimum allotment to offset some of the costs for the additional requirements.

I would like to thank Senator HARKIN, and his staff, particularly Mary Giliberti, for their hard work and dedication in putting together a bi-partisan bill that will assist thousands of individuals with disabilities access services and devices that they so desperately need. I would also like to thank Senators ROBERTS, DEWINE, WARNER, ENSIGN, KENNEDY, and REED, and their staff members, Jennifer Swenson, Mary Beth Luna, John (JK) Robinson, Lindsay Lovlien, Kent Mitchell, Connie Garner, Elyse Wasch, and Erica Swanson as they were on board and helped make this a bipartisan process from the beginning.

Senator HARKIN and I were determined to make this a bipartisan process from the beginning. We have crafted a bill that we are confident will be overwhelmingly supported by both Republicans and Democrats—and most importantly by the disability community, providers of disability related

services, States, employers and businesses, and the educational community.

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

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

S. 2595

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 ''Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Over 54,000,000 individuals in the United States have disabilities, with almost half experiencing severe disabilities that affect their ability to see, hear, communicate, reason, walk, or perform other basic life functions.

(2) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(3) Too many individuals with disabilities are outside the economic and social mainstream of society in the United States. For example, individuals with disabilities are less likely than their non-disabled peers to graduate from high school, participate in postsecondary education, work, own a home, participate fully in their community, vote, or use the computer and the internet.

(4) As President Bush's New Freedom Initiative states, ''Assistive and universally designed technologies can be a powerful tool for millions of Americans with disabilities, dramatically improving one's quality of life and ability to engage in productive work. New technologies are opening opportunities for even those with the most severe disabilities. For example, some individuals with quadriplegia can now operate computers by the glance of an eye.''.

(5) According to the National Council on Disability, ''For Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible.''.

(6) Substantial progress has been made in the development of assistive technology devices, universally designed products, and accessible information technology and telecommunications systems. Those devices, products, and systems can facilitate communication, ensure independent functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living. Access to such devices, products, and systems can also reduce expenditures associated with early childhood intervention, education, rehabilitation and training, health care, employment, residential living, independent living, recreation opportunities, and other aspects of daily living.

(7) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems of assistive technology, which have proven effective in assisting individuals with disabilities in accessing assistive technology devices and assistive technology services. Federal dollars fund statewide infrastructures that support equipment demonstration programs, short-term device loan programs, financial loan programs, equipment exchange and recycling programs, training programs, advocacy services, and information and referral services.

(8) Despite the success of the programs and services described in paragraph (7), individuals with disabilities who need assistive technology and accessible information technology continue to have a great need to know what technology is available, to determine what technology is most appropriate, and to obtain and utilize that technology to ensure their maximum independence and participation in society.

(9) The 2000 decennial Census indicates that over 21,000,000 individuals in the United States, more than 8 percent of the United States population, have a disability that limits their basic physical abilities such as walking, climbing stairs, reaching, lifting, or carrying. Nearly 12 percent of working-age individuals in the United States, or 21,300,000 of those individuals, have a disability that affects their ability to work.

(10) The combination of significant recent changes in Federal policy (including changes to section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), accessibility provisions of the Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), and the amendments made by the No Child Left Behind Act of 2001) and the rapid and unending evolution of technology require a Federal investment in State assistive technology systems to ensure that individuals with disabilities reap the benefits of the technological revolution and participate fully in life in their communities.

(b) PURPOSES.—The purposes of this Act are—

(1) to enhance the ability of the Federal Government to provide States with financial assistance that supports statewide—

(A) activities to increase access to, and funding for, assistive technology devices and assistive technology services, including financing systems and financing programs;

(B) device demonstration, device loan, and device re-utilization programs;

(C) training and technical assistance in the provision or use of assistive technology devices and assistive technology services;

(D) information systems relating to the provision of assistive technology devices and assistive technology services; and

(E) improved interagency and public-private coordination that results in increased availability of assistive technology devices and assistive technology services; and

(2) to provide States with financial assistance to undertake activities that assist each State in maintaining and strengthening cross-disability, full-lifespan State assistive technology programs, consistent with the Federal commitment to full participation and independent living of individuals with disabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCESSIBLE INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS.—The term ''accessible information technology and telecommunications'' means information technology or electronic and information technology as defined by section 1194.4 of title 36, Code of Federal Regulations (or any corresponding similar regulation or ruling) that conforms to the applicable technical standards set forth in sections 1194.21 through 1194.26 of such title (or any corresponding similar regulation or ruling).

(2) ADULT SERVICE PROVIDER.—The term ''adult service provider'' means a public or private entity that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

(A) entities and organizations providing residential, supportive, employment services, or employment-related services to individuals with disabilities;

(B) centers for independent living, such as the centers described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

(C) employment support agencies connected to adult vocational rehabilitation, including one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and

(D) other organizations or venders licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

(3) AMERICAN INDIAN CONSORTIUM.—The term ''American Indian consortium'' means a consortium established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(4) ASSISTIVE TECHNOLOGY.—The term ''assistive technology'' means technology designed to be utilized in an assistive technology device or assistive technology service.

(5) ASSISTIVE TECHNOLOGY DEVICE.—The term ''assistive technology device'' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(6) ASSISTIVE TECHNOLOGY SERVICE.—The term ''assistive technology service'' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(7) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ''capacity building and advocacy activities'' means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,
in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(8) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term ''comprehensive statewide program of technology-related assistance'' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(9) CONSUMER-RESPONSIVE.—The term ''consumer-responsive''—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

(10) DISABILITY.—The term ''disability'' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(11) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term ''individuals with disabilities'' means more than 1 individual with a disability.

(12) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(13) PROTECTION AND ADVOCACY SERVICES.—The term ''protection and advocacy services'' means services that—

(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(14) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(16) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In section 4(b):

(i) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term ''State'' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(17) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term ''State assistive technology program'', except as used in section 4(c)(2)(E), means a program authorized under section 4 or 6(a).

(18) TARGETED INDIVIDUALS AND ENTITIES.—The term ''targeted individuals and entities'' means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) underrepresented populations, including the aging workforce;

(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact with individuals with disabilities;

(D) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

(E) technology experts (including web designers and procurement officials);

(F) health, allied health, and rehabilitation professionals and hospital employees (including discharge planners);

(G) employers, especially small business employers, and providers of employment and training services;

(H) entities that manufacture or sell assistive technology devices;

(I) policymakers and service providers;

(J) entities that carry out community programs designed to develop essential community services in rural and urban areas, including AgrAbility projects, Rural Business-Cooperative Service programs, Community Development Financial Institution Fund programs, and other rural and urban programs; and

(K) other appropriate individuals and entities, as determined for a State by the State advisory council.

(19) TECHNOLOGY-RELATED ASSISTANCE.—The term ''technology-related assistance'' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in section 2(b)(2).

(20) UNDERREPRESENTED POPULATION.—The term ''underrepresented population'' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited English proficiency, older individuals, or persons from rural areas.

(21) UNIVERSAL DESIGN.—The term ''universal design'' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

SEC. 4. STATE GRANTS FOR ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants under subsection (b) to States to support activities that increase access to assistive technology and accessible information technology and telecommunications, for individuals with disabilities across the human lifespan and across the wide array of disabilities, on a statewide basis.

(2) PERIOD OF GRANT.—The Secretary shall provide assistance through such a grant to a State for not more than 5 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—From funds appropriated under section 10(a) for a fiscal year and available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area based on the corresponding allotment determined under paragraph (2).

(2) ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), from the funds described in paragraph (1), the Secretary shall allot not less than $500,000 to each State and not less than $150,000 to each outlying area for each fiscal year.

(B) LOWER APPROPRIATION YEAR.—For a fiscal year for which the amount of the funds described in paragraph (1) is less than $29,000,000, from those funds, the Secretary—

(i) shall allot to each State or outlying area the amount the State or outlying area received for fiscal year 2004 to carry out section 101 of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act; and

(ii) from any funds remaining after the Secretary makes the allotments described in clause (i), shall allot to each State an equal amount.

(C) HIGHER APPROPRIATION YEAR.—For a fiscal year for which the amount of the funds described in paragraph (1) is not less than $29,000,000, from those funds, the Secretary—

(i) from a portion of the funds equal to $29,000,000, shall make the allotments described in clauses (i) and (ii) of subparagraph (B);

(ii) from any funds remaining after the Secretary makes the allotments described in clause (i), shall allot to each outlying area an additional amount, so that each outlying area receives a total allotment of not less than $150,000 under this paragraph; and

(iii) from any funds remaining after the Secretary makes the allotments described in clauses (i) and (ii)—

(I) shall allot to each State an amount that bears the same relationship to 80 percent of the remainder as the population of the State bears to the population of all States; and

(II) from 20 percent of the remainder, shall allot to each State an equal amount.

(3) CARRYOVER.—Any amount paid to a State program for a fiscal year under this section shall remain available to such program for obligation until the end of the next fiscal year for the purposes for which such amount was originally provided, except that program income generated from such amount shall remain available to such program until expended.

(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—

(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—

(A) LEAD AGENCY.—The Governor shall designate a lead agency to control and administer the funds made available through the grant awarded to the State under this section.

(B) IMPLEMENTING ENTITY.—

(i) IN GENERAL.—The Governor shall designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the ''implementing entity''), if such implementing entity is different from the lead agency.

(ii) TYPE OF ENTITY.—In designating the implementing entity, the Governor may designate—

(I) a commission, council, or other official body appointed by the Governor;

(II) a public-private partnership or consortium;

(III) a public agency, including the immediate office of the Governor, a State oversight office, a State agency, a public institution of higher education, a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061 et seq.), or another public entity;

(IV) a council established under Federal or State law;

(V) an incorporated private nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code; or

(VI) another appropriate agency, office, or entity.

(iii) EXPERTISE, EXPERIENCE, AND ABILITY.—In designating the implementing entity, the Governor shall designate an entity with expertise, experience, and ability with respect to—

(I) providing leadership in developing State initiatives related to assistive technology and accessible information technology and telecommunications;

(II) responding to assistive technology and accessible information technology and telecommunications needs of individuals with disabilities with the full range of disabilities and of all ages; and

(III) promoting availability throughout the State of assistive technology devices, assistive technology services, and accessible information technology and telecommunications.

(C) CHANGE IN AGENCY OR ENTITY.—On obtaining the approval of the Secretary, the Governor may redesignate the lead agency, or the implementing entity, if the Governor shows to the Secretary good cause why the entity designated as the lead agency, or the implementing entity, respectively, should not serve as that agency or entity, respectively. The Governor shall make the showing in the application described in subsection (d) or other documentation requested by the Secretary.

(2) ADVISORY COUNCIL.—

(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-driven decisionmaking for, planning of, implementation of, and evaluation of the activities carried out through the grant.

(B) COMPOSITION AND REPRESENTATION.—

(i) INDIVIDUALS WITH DISABILITIES.—A majority, not less than 51 percent, of the members of the advisory council shall be individuals with disabilities that use assistive technology, or family members or guardians of such individuals.

(ii) COMPOSITION.—The advisory council shall be composed of—

(I) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;

(II) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

(III) a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821);

(IV) a representative of the State educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(V) a representative of the State agency for the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(VI) the Director of the State assistive technology program;

(VII) representatives of other State agencies, public agencies, and private organizations, as determined by the State; and

(VIII) individuals with disabilities, or parents, family members, or guardians of individuals with disabilities, who represent recipients of services from the entities identified in subclauses (I) through (VII).

(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

(D) PERIOD.—The members of the State advisory council shall be appointed not later than 90 days after the approval of the State application described in subsection (d).

(E) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies who carry out State assistive technology programs.

(d) APPLICATION.—

(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—The application shall contain information identifying and describing the lead agency referred to in subsection (c)(1)(A). The application shall contain information identifying and describing the implementing entity referred to in subsection (c)(1)(B), including information describing the expertise, experience, and ability of the entity.

(3) ADVISORY COUNCIL.—The application shall contain an assurance that an advisory council will be established in accordance with subsection (c)(2).

(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including—

(A) in cases determined to be appropriate by the State or the State advisory council, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity and a State or entity that receives a grant under section 6(a).

(5) IMPLEMENTATION.—The application shall include a description of—

(A) how the State will implement each of the required activities described in subsection (e), except as provided in subparagraph (A) or (B) of subsection (e)(1); and

(B) how the State will allocate and utilize grant funds to implement the activities.

(6) ASSURANCES.—The application shall include assurances that—

(A) the State will annually collect data related to the required activities in order to prepare the progress reports required under subsection (f);

(B) funds received through the grant—

(i) will be expended in accordance with this section, on initiatives identified by the advisory council described in subsection (c)(2);

(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

(iii) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with funds from other sources if funds had not been available through the grant; and

(iv) will not be commingled with State or other funds, except that the State may, subject to such documentation requirements as the Secretary may establish, pool funds received through the grant with other public or private funds to achieve a goal specified in an application approved under this section;

(C) the lead agency will control and administer the funds received through the grant;

(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant; and

(E) the State (including the State lead agency) will not use more than 10 percent of the funds received through the grant for indirect costs.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2),

except that the State shall not be required to carry out an activity if—

(A) another entity in the State is providing the same or a similar activity; or

(B) the advisory council described in subsection (c)(2) determines through a needs assessment that the residents of the State consider the activity to be unwarranted.

(2) REQUIRED ACTIVITIES.—

(A) STATE FINANCING SYSTEMS.—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals described in section 3(18)(A), such as—

(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services; or

(ii) support for the development of State-financed or privately financed alternative financing systems of subsidies (which may include studying the feasibility of, improving, administering, operating, providing capital for, or collaborating with an entity with respect to, such a system) for the provision of assistive technology devices (including related accessible information technology and telecommunications) and assistive technology services, such as—

(I) a low-interest loan fund;

(II) an interest buy-down program;

(III) a revolving loan fund;

(IV) a loan guarantee or insurance program;

(V) a program providing for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(VI) another mechanism that is approved by the Secretary.

(B) DEVICE DEMONSTRATIONS.—

(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801), demonstrate, assist individuals in making informed choices regarding, and provide experiences with, a variety of assistive technology devices and assistive technology services, using personnel who are familiar with such devices and services and their applications.

(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology venders, providers, and repair services.

(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of individuals with disabilities.

(D) DEVICE RE-UTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device re-utilization programs that provide for the exchange, repair, recycling, or other re-utilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

(E) TRAINING AND TECHNICAL ASSISTANCE.—

(i) IN GENERAL.—The State shall directly, or provide support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities to develop and disseminate training materials, conduct training, and provide technical assistance, for individuals from local settings statewide, including representatives of State and local educational agencies, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

(ii) AUTHORIZED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in clause (i), which may include—

(I) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals and entities in acquiring assistive technology;

(II) skills-development training in assessing the need for assistive technology devices and assistive technology services;

(III) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, accessible information technology and telecommunications, and accessible technology for e-government functions;

(IV) training in the importance of culturally competent and linguistically appropriate approaches to assessment and implementation; and

(V) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

(F) PUBLIC AWARENESS.—

(i) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals and entities relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) COLLABORATION.—The State shall collaborate with a training and technical assistance provider described in section 7(b)(1) to carry out public awareness activities focusing on infants, toddlers, children, transition-age youth, employment-age adults, seniors, and employers.

(iii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

(I) IN GENERAL.—The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

(II) CONTENT.—The system shall deliver information on—

(aa) assistive technology devices and accessible information technology and telecommunications products;

(bb) assistive technology services, with specific data regarding provider availability within the State; and

(cc) the availability of resources, including funding through public and private sources, to obtain assistive technology devices, accessible information technology and telecommunications products, and assistive technology services.

(G) INTERAGENCY COORDINATION AND COLLABORATION.—The State shall promote improved coordination of activities and collaboration among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others.

(H) TARGETED POPULATION ACTIVITY.—

(i) IN GENERAL.—The State shall directly, or in collaboration with public or private entities, carry out coordinated activities to improve access to assistive technology devices and assistive technology services for 1 State-chosen targeted population, consisting of—

(I) elementary and secondary school students, elementary and secondary education providers, and related personnel;

(II) adult service provider clients, adult service providers, and related personnel; or

(III) employees, employment providers, and related personnel.

(ii) REQUIRED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out targeted initiatives consisting of 2 or more of the required activities described in subparagraphs (A) through (F), including—

(I) public-awareness activities described in subparagraph (F); and

(II) training and technical assistance described in subparagraph (E) which shall include technical training described in subparagraph (E)(v).

(iii) OPTIONAL ACTIVITIES.—In carrying out activities under clause (i), the State may carry out State-identified improvement projects, which may include activities to—

(I) improve the timely acquisition or retention and utilization of appropriate assistive technology for students in transition;

(II) increase utilization of technology solutions to enhance community integration and aging in place; and

(III) increase integration of assistive technology and accessible information technology and telecommunications into the services provided at one-stop centers established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2831 et seq.).

(3) CONDITIONS.—

(A) COVERED STATE.—In this paragraph, a ''covered State'' means a State that received funds for an alternative financing mechanism under—

(i) title III of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act; and

(ii) a grant awarded under this section, to carry out activities described in paragraph (2)(A).

(B) REQUIREMENTS.—Each covered State shall meet the requirements of subparagraphs (B) and (C) of section 6(a)(5), except that references in those subparagraphs to a grant shall be considered to be references to the grant described in subparagraph (A)(ii).

(4) STATE FUNDS.—A State may use State funds to carry out activities described in paragraph (2)(A) for additional targeted individuals and entities (other than individuals and entities described in section 3(18)(A)) if the State advisory council described in subsection (c)(2) approves the additional targeted individuals and entities.

(f) PROGRESS REPORTS.—

(1) DATA COLLECTION.—States shall participate in data collection as required by law, including data collection required for preparation of the report described in paragraph (2).

(2) REPORTS.—

(A) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare and submit to the President and to Congress a report on the activities funded under this Act.

(B) CONTENTS.—The report shall include data collected pursuant to this section and section 6(a)(7). The report shall document, with respect to activities carried out under this section and section 6(a)—

(i) the number and dollar amount of financial loans made;

(ii) the number and type of assistive technology device demonstrations provided;

(iii) the number and type of assistive technology devices loaned through device loan programs;

(iv) the number and estimated value of assistive technology devices exchanged, repaired, recycled, or re-utilized (including redistributed through device sales, loans, rentals, or donations) through device re-utilization programs;

(v)(I) the number and general characteristics of individuals who participated in training (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) and the topics of such training; and

(II) to the extent practicable, the geographic distribution of individuals who participate in training or technical assistance activities;

(vi) the amount and nature of technical assistance provided to State and local agencies and other entities;

(vii) the number of individuals assisted through the public-awareness activities and statewide information and reference system;

(viii) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, accessible information technology and telecommunications, and assistive technology services, in the contexts of education, health care, employment, community living, and information technology and telecommunications, including e-government;

(ix) the outcomes of interagency coordination and collaboration activities carried out by the State that support access to assistive technology, including documenting—

(I) the type of, purpose for, and source of leveraged funding or other contributed resources from public and private entities, and the number of individuals served with those resources for which information is not reported under clauses (i) through (viii) or clause (x), and other outcomes accomplished as a result of such activities carried out with those resources; and

(II) the type of, purpose for, and amount of funding provided through subcontracts or other collaborative resource-sharing agreements with public and private entities, including community-based nonprofit organizations, and the number of individuals served through those agreements for which information is not reported under clauses (i) through (viii) or clause (x), and other outcomes accomplished as a result of such activities carried out through those agreements;

(x) measured outcomes of activities undertaken to improve access to assistive technology devices and assistive technology services for targeted populations; and

(xi) the level of customer satisfaction with, or the outcomes of, the services provided.

SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

(2) GENERAL AUTHORITIES.—In providing such services, protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), as determined by the Secretary.

(b) GRANTS.—

(1) RESERVATION.—For each fiscal year, the Secretary shall reserve such sums as may be necessary to carry out paragraph (4).

(2) POPULATION BASIS.—On October 1 of each year, from the funds appropriated under section 10(b) and remaining after the reservations required by paragraph (1) have been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and

(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than $50,000.

(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

(B) AMOUNT OF GRANTS.—The amount of such grants shall be the same as provided under paragraph (3)(A), as increased under paragraph (5).

(5) MINIMUM GRANT INCREASE.—For each fiscal year for which the total amount appropriated under section 10(b) is $4,419,000 or more, and such appropriated amount exceeds the total amount appropriated under such section (or a predecessor authority) for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase (if any) in the total amount appropriated under section 10(b) (or a predecessor authority) to carry out this section between the preceding fiscal year and the fiscal year involved.

(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

(d) CERTAIN STATES.—

(1) GRANT TO LEAD AGENCY.—Notwithstanding any other provision of this section, with respect to a State that, on November 12, 1998, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall pay the amount of the grant described in subsection (a), and made under subsection (b), to the lead agency designated under section 4(c)(1) for the State.

(2) DISTRIBUTION OF FUNDS.—A lead agency to which a grant is awarded under paragraph (1) shall determine the manner in which funds made available through the grant will be allocated among the entities that were providing protection and advocacy services in that State on the date described in such paragraph, and shall distribute funds to such entities. In distributing such funds, the lead agency shall not establish any additional eligibility or procedural requirements for an entity in the State that supports protection and advocacy services through a protection and advocacy system. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under this section.

(3) APPLICATION OF PROVISIONS.—Except as provided in this subsection, the provisions of this section shall apply to the grant in the same manner, and to the same extent, as the provisions apply to a grant to a system.

(e) CARRYOVER.—Any amount paid to a protection and advocacy system for a fiscal year under this section shall remain available to such system for obligation until the end of the next fiscal year for the purposes for which such amount was originally provided, except that program income generated from such amount shall remain available to such system until expended.

(f) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Secretary concerning the services provided and outcomes of services provided under this section to individuals with disabilities for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

SEC. 6. SUPPLEMENTARY GRANTS AND PROJECTS OF NATIONAL SIGNIFICANCE.

(a) SUPPLEMENTARY GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall award supplementary grants, on a competitive basis, to States or other entities to carry out 1 or more of the activities described in paragraph (6), either directly or through subgrants to or other collaborative mechanisms with public or private entities, to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase or have increased access to assistive technology devices and assistive technology services. The Secretary shall award such a grant to not more than 1 entity in each State.

(B) PERIOD OF GRANTS.—The Secretary shall award grants under this subsection for periods of 12 months.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall have received a grant under section 4 or under section 101 of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act.

(3) APPLICATIONS.—A State or entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the following:

(A)(i) A description of—

(I) the goals the State or entity has identified for the supplementary grant; and

(II) the activities the State or entity will carry out to achieve such goals, in accordance with the requirements of paragraphs (5) and (6).

(ii) A description of how the State or entity will measure whether the goals identified by the State or entity have been achieved by the end of the grant period.

(B) A description of the proposed use of funds to meet the identified goals.

(C) If the application is submitted by an entity other than the implementing entity for the State assistive technology program, a description of the mechanisms established to ensure coordination of activities and collaboration with the implementing entity.

(D) In the case of an application for a grant for an alternative financing loan program described in paragraph (6)(A), information identifying and describing—

(i) a consumer-based organization that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, that will administer the alternative financing loan program; and

(ii) a commercial lending institution, State financing agency, or other qualified entity who will facilitate implementation of the program.

(E) A description of resources that have been committed for the activities to be carried out under the grant and assurances that—

(i) the State or entity will provide any required non-Federal contributions toward the cost of the activities;

(ii) the State or entity will make every effort to continue the activities on a permanent basis;

(iii) the funds made available through the grant to support the activities will supplement and not supplant other funds available to provide such activities;

(iv) in the case of a grant for an alternative financing loan program described in paragraph (6)(A)—

(I) all funds that support the alternative financing loan program, including the grant funds, funds provided for the non-Federal contributions described in clause (i), funds repaid during the life of the program, and any interest or investment income resulting from the program, will be placed in a permanent separate account and identified and accounted for separately from any other funds;

(II) such account will be—

(aa) used only to support the alternative financing program;

(bb) administered by an organization that has individuals with disabilities involved in organizational decisionmaking at all organizational levels; and

(cc) administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person; and

(III) if the funds in the account are invested, the funds will be invested in low-risk securities in which a regulated insurance company may invest under the law of the State.

(4) PREFERENCES.—

(A) EXPERIENCE.—In awarding grants under this subsection for activities described in subparagraph (A) or (B) of paragraph (6), the Secretary shall give preference to a State entity or other entity that—

(i) has experience carrying out similar activities; or

(ii) received a grant under title III of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act, or a predecessor authority.

(B) NO PRIOR GRANT OR LOW GRANT TOTAL.—In awarding grants under this subsection for activities described in paragraph (6)(A), the Secretary may give preference to a State, or an entity in a State, where the State has not received a grant, or has received less than a total of $1,000,000 in grant awards, under title III of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act. In awarding grants under this subsection for activities described in paragraph (6)(B), the Secretary may give preference to a State, or an entity in a State, where the State has not operated a device loan program for assistive technology or assistive technology devices.

(C) LIMITATIONS.—A State, or an entity in a State, where the State has not received an alternative financing grant described in subparagraph (B) may not receive an initial grant under this subsection for activities described in paragraph (6)(A) in an amount greater than $1,000,000. A State, or an entity in a State, where the State has not operated a device loan program described in subparagraph (B) may not receive an initial grant under this subsection for activities described in paragraph (6)(B) in an amount greater than $1,000,000.

(5) CONDITIONS ON SUPPLEMENTARY GRANTS.—

(A) PAYMENTS TO STATES OR OTHER ENTITIES.—Subject to the conditions specified in this subsection, the Secretary shall make payments to the States or entities that are selected to receive supplementary grants awarded under this subsection.

(B) OBLIGATION AND EXPENDITURE.—A State or entity that receives a grant under this subsection shall obligate and expend the funds made available through the grant during the period of the grant.

(C) MATCHING REQUIREMENT.—With respect to the cost to be incurred by a State or entity that receives a grant under this subsection to carry out activities described in paragraph (6), a State or entity that receives such a grant in an amount of more than $500,000 shall make available non-Federal contributions in an amount not less than $1 for every $5 of Federal funds provided under the grant.

(D) INDIRECT COSTS.—No State or entity shall use more than 10 percent of the funds made available through a grant awarded under this subsection for indirect costs.

(6) ACTIVITIES.—The State or entity may use funds made available through a grant awarded under this subsection to carry out 1 or more of the following activities:

(A) ALTERNATIVE FINANCING LOAN PROGRAMS CAPITAL INFUSION GRANTS.—The establishment or expansion, and administration, of an alternative financing loan program to allow targeted individuals and entities described in section 3(18)(A) to purchase assistive technology devices and assistive technology services, accessible information technology and telecommunications, and related goods and services required for the independence and productivity of an individual with a disability. The program may include—

(i) a low-interest loan fund program;

(ii) an interest buy-down program;

(iii) a revolving loan fund program;

(iv) a loan guarantee or insurance program; or

(v) a program based on another financing mechanism that is approved by the Secretary.

(B) DEVICE LOAN PROGRAMS CAPITAL INFUSION GRANTS.—The expansion and administration of device loan programs to meet unique or comprehensive State needs, such as the expansion and administration of the programs through—

(i) joint funding agreements between the implementing entity for the State assistive technology program and educational agencies, vocational rehabilitation agencies, entities providing medical assistance, or other public or private entities who pay for assistive technology devices; or

(ii) a specialized State-specific funding stream or pool for the purchase of assistive technology to be loaned.

(C) STATE FUNDS.—A State may use State funds to carry out activities described in subparagraph (A) for additional targeted individuals and entities (other than individuals and entities described in section 3(18)(A)) if the State advisory council described in section 4(c)(2) and the consumer-based organization described in paragraph (3)(D) approve the additional targeted individuals and entities.

(7) PROGRESS REPORTS.—

(A) IN GENERAL.—Each State or entity that receives a grant under this subsection shall prepare and submit to the Secretary a status report not later than 7 months after the date on which the State or entity receives the grant and a final report not later than 18 months after the date on which the State or entity receives the grant. Each report shall document the progress of the State or entity in meeting the goals described in paragraph (3)(A)(i)(I).

(B) ALTERNATIVE FINANCING LOAN PROGRAM DATA REQUIRED.—A State or entity that receives a grant for an alternative financing loan program described in paragraph (6)(A) shall include in each report loan data with respect to the program for the period of the grant award, including—

(i) the number and dollar amount of loans made under that paragraph for—

(I) loan applications received;

(II) loan applications approved; and

(III) loan applications not approved;

(ii) the default rate of the loans;

(iii) the range of interest rates and average interest rate for the loans;

(iv) the range of income and average income of approved loan applicants for the loans;

(v) the types and dollar amounts of assistive technology financed through the loans; and

(vi) the outcomes of the loan program, including information relevant to the benefits to individuals utilizing the program.

(C) DEVICE LOAN PROGRAMS DATA REQUIRED.—A State that receives a grant for an device loan program described in paragraph (6)(B) shall include in each report loan data with respect to the program for the period of the grant award, including—

(i) the number and type of assistive technology devices loaned under that paragraph;

(ii) the general characteristics of borrowers (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors);

(iii) the purposes for which the loans were made; and

(iv) the outcomes of the loans, including information relevant to the benefits to individuals utilizing the program.

(8) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authority of a State to establish an alternative financing system under section 4.

(b) PROJECTS OF NATIONAL SIGNIFICANCE.—

(1) COMPETITIVE GRANT FOR DEVELOPMENT OF A NATIONAL PUBLIC-AWARENESS TOOLKIT.—

(A) PURPOSE.—The purpose of this paragraph is to support the development of a national public-awareness toolkit for dissemination to State assistive technology programs, in order to expand public-awareness efforts to reach targeted individuals and entities, as defined in subparagraphs (A), (B), (D), (F), (G), and (I) of section 3(18).

(B) COMPETITIVE TECHNICAL ASSISTANCE GRANT AUTHORIZED.—The Secretary may award a grant on a competitive basis to an eligible partnership, to enable the partnership to carry out the activities described in subparagraph (A).

(C) ELIGIBLE PARTNERSHIP.—To be eligible to receive the grant, the partnership—

(i) shall consist of—

(I) an implementing entity for a State assistive technology program or an organization or association that represents implementing entities for State assistive technology programs;

(II) a private or public entity from the media industry;

(III) a private entity from the assistive technology industry; and

(IV) a private employer or an organization or association that represents private employers; and

(ii) may include another entity determined by the Secretary to be appropriate.

(D) APPLICATIONS.—To be eligible to receive a grant under this paragraph, a partnership shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(E) USE OF FUNDS.—A partnership that receives a grant under this paragraph shall use the funds made available through the grant to develop a national public-awareness toolkit, which shall contain appropriate multimedia materials to reach targeted individuals and entities, as defined in subparagraphs (A), (B), (D), (F), (G), and (I) of section 3(18), for dissemination to State assistive technology programs.

(2) RESEARCH, DEVELOPMENT, AND EVALUATION.—

(A) COMPETITIVE RESEARCH, DEVELOPMENT, AND EVALUATION GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to carry out research, development, and evaluation of assistive technology.

(B) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this paragraph shall include—

(i) providers of assistive technology services and assistive technology devices;

(ii) public and private educational agencies serving students in kindergarten, elementary school, or secondary school;

(iii) institutions of higher education, including University Centers for Excellence in Developmental Disabilities Education, Research, and Service authorized under subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061 et seq.), or such institutions offering rehabilitation engineering programs, computer science programs, or information technology programs;

(iv) manufacturers of assistive technology and accessible information technology and telecommunications;

(v) consumer organizations concerned with assistive technology;

(vi) professionals, organizations, and agencies, providing services to individuals with disabilities; and

(vii) professionals, individuals, and organizations, providing employment services to individuals with disabilities.

(C) PRIORITY ACTIVITIES.—In awarding such grants, the Secretary shall give priority to funding projects that address 1 or more of the following:

(i) Developing standards for reliability and accessibility of assistive technology, and standards for interoperability (including open standards) of assistive technology with information technology, telecommunications products, and other assistive technology.

(ii) Developing and implementing measurements and tools that evaluate assistive technology for—

(I) conformity with reliability, accessibility and interoperability standards developed under clause (i);

(II) usability by individuals with disabilities to meet functional needs; or

(III) other characteristics that support increased functional performance of assistive technology.

(iii) Developing assistive technology that benefits individuals with disabilities or developing technologies or practices that result in the adaptation, maintenance, servicing, or improvement of assistive technology devices.

(D) INPUT.—An entity that receives a grant under this paragraph shall, in developing and implementing the project carried out through the grant, coordinate activities with the implementing entity for the State assistive technology program (or a national organization that represents such programs) and the State advisory council described in section 4(c)(2) (or a national organization that represents such councils).

(E) REPORT.—The entity shall prepare and submit a report to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) PERSONNEL PREPARATION CENTERS.—

(A) GRANTS.—The Secretary shall award grants, on a competitive basis, to public and private entities and institutions of higher education, including University Centers for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061 et seq.), to fund the establishment or expansion of personnel preparation centers.

(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this paragraph, an entity shall have—

(i) knowledge and skills to assess and evaluate the need for assistive technology devices and assistive technology services;

(ii) knowledge and skills to assist consumers in the selection and acquisition of the devices and services; and

(iii) experience training professionals in school districts, at early intervention service sites, and in adult service provider settings, in geographically diverse areas within the State.

(C) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a grant under this paragraph, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(ii) CONTENTS.—At a minimum, the application shall include—

(I) a description of the entity's knowledge and skills regarding assistive technology assessment and evaluation;

(II) a description of how the entity will collect training outcome data;

(III) a description of the manner in which the entity will carry out financial and programmatic responsibilities, including any shared responsibilities, in implementing the activities carried out under the grant;

(IV) a description of the relationship between the entity and school personnel, early intervention service personnel, and adult service provider personnel in the State; and

(V) a description of an advisory committee designated or established under subparagraph (E).

(D) USE OF FUNDS.—An entity that receives a grant under this paragraph shall use the funds made available through the grant to carry out the activities described in subparagraph (B).

(E) ADVISORY COMMITTEE.—

(i) IN GENERAL.—A council (which may be the advisory council described in section 4(c)(2)) shall be designated to serve as an advisory committee, or an advisory committee shall be established, to make recommendations for the training to be offered through the grant, the specific populations to receive the training, and the reporting requirements applicable to the entity under subparagraph (F).

(ii) COMPOSITION.—At a minimum, such advisory committee shall be composed of—

(I) consumers of assistive technology services and assistive technology devices;

(II) providers of assistive technology services and assistive technology devices;

(III) the implementing entity for the State assistive technology program; and

(IV) entities (other than the entity described in clause (i)) that receive grants under this paragraph.

(F) REPORTING REQUIREMENTS.—

(i) IN GENERAL.—An entity that receives a grant under this paragraph shall submit to the Secretary an annual report detailing outcomes achieved through activities carried out under the grant at such time, in such manner, and containing such information as the Secretary may require, after receiving the recommendations of the advisory committee described in subparagraph (E) for the entity.

(ii) CONTENTS.—At a minimum, the report shall include information on—

(I) the number and geographical distribution of teachers (broken down into general education and special education categories) and other school personnel who received training under this paragraph in the school year covered by the report;

(II) the number and geographical distribution of early intervention service personnel who received training under this paragraph in the year covered by the report; and

(III) the number and geographical distribution of adult service provider personnel who received training under this paragraph in the year covered by the report.

(4) PERIOD OF GRANTS.—The Secretary shall make grants under this subsection for periods of 12 months.

(5) CONDITIONS ON PROJECTS OF NATIONAL SIGNIFICANCE.—

(A) PAYMENTS TO PARTNERSHIPS AND ENTITIES.—Subject to the conditions specified in this paragraph, the Secretary shall make payments to the partnerships and entities that are selected to receive grants awarded under this subsection.

(B) OBLIGATION AND EXPENDITURE.—A partnership or entity that receives a grant under this subsection shall obligate and expend the funds made available through the grant during the period of the grant.

(C) MATCHING REQUIREMENT.—

(i) IN GENERAL.—With respect to the cost to be incurred by a partnership or entity that receives a grant under this subsection in carrying out the activities for which the grant was awarded, a partnership or entity that receives a grant under this subsection in an amount of more than $50,000 shall make available non-Federal contributions in an amount not less than $1 for every $3 of the portion of the grant amount that exceeds $50,000.

(ii) NON-FEDERAL CONTRIBUTIONS.—The partnership or entity may make the non-Federal contributions available in cash or in kind, fairly evaluated, including plant, equipment, or services.

SEC. 7. TRAINING, TECHNICAL ASSISTANCE, DATA-COLLECTION, REPORTING, AND INTERNET PROGRAMS.

(a) IN GENERAL.—In order to strengthen and support State assistive technology programs, and protection and advocacy systems authorized under section 5, the Secretary may award 1 or more grants, contracts, or cooperative agreements on a competitive basis under subsections (b) and (c) to provide training and technical assistance, and conduct data collection and reporting, about and for the State assistive technology programs and protection and advocacy systems.

(b) TRAINING AND TECHNICAL ASSISTANCE; DATA COLLECTION AND REPORTING.—

(1) STATE PROJECTS TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—

(A) IN GENERAL.—The Secretary shall award grants, contracts, and cooperative agreements to provide training and technical assistance concerning State assistive technology programs.

(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have personnel with—

(i) documented experience and expertise in administering State assistive technology programs, including developing, implementing, and administering the required and

discretionary activities described in sections 4 and 6(a); and

(ii) documented experience in and knowledge about banking, finance, and microlending.

(C) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(D) TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—In awarding the grant, contract, or cooperative agreement, the Secretary shall ensure that the recipient conducts a training and technical assistance program, taking into account the required input and collaborations described in subparagraph (E), through which the recipient—

(i) addresses State-specific information requests concerning assistive technology and accessible information technology and telecommunications from implementing entities for State assistive technology programs funded under this Act and public and private entities not funded under this Act, including—

(I) requests for information on effective approaches to developing, implementing, evaluating, and sustaining required and discretionary activities identified in sections 4 and 6(a), and requests for assistance in developing corrective action plans;

(II) requests for examples of Federal, State, and local policies, practices, procedures, regulations, interagency agreements, administrative hearing decisions, or legal actions that facilitate, and overcome barriers to, the provision of funding for, and access to, assistive technology devices, accessible information technology and telecommunications, and assistive technology services for individuals with disabilities; and

(III) other requests for training and technical assistance from State assistive technology programs funded under this Act and public and private entities not funded under this Act, and other assignments specified by the Secretary; and

(ii) provides State-specific and national training and technical assistance concerning assistive technology and accessible information technology and telecommunications to implementing entities for State assistive technology programs, including financing systems, funded under section 4, other entities funded under this Act (with respect to the required or discretionary activities that the entities carry out under this Act and especially with respect to the establishment or expansion, and administration (including evaluation and sustenance), of alternative financing loan programs under section 6(a)), and public and private entities not funded under this Act, including—

(I) annually providing a forum for exchanging information and promoting program and policy improvements in required activities of the State assistive technology programs;

(II) facilitating on-site and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that affect State assistive technology programs and individuals with assistive technology and accessible information technology and telecommunications needs;

(III) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology and accessible information technology and telecommunications needs;

(IV) sharing best practice and evidence-based practices among State assistive technology programs;

(V) maintaining an accessible website that includes a link to State assistive technology programs, Federal departments and agencies, and associations and developing a national toll-free number that links callers from a State with the State assistive technology program in their State;

(VI) developing or utilizing existing (as of the date of the award involved) model cooperative volume-purchasing mechanisms designed to reduce the financial costs of purchasing assistive technology for required and discretionary activities identified in sections 4 and 6(a), and reducing duplication of activities among State assistive technology programs; and

(VII) providing access to experts in the areas of banking, microlending, and finance, for implementing entities for State assistive technology programs and other entities funded under this Act to administer alternative financing loan programs, through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs.

(E) REQUIRED INPUT AND COLLABORATION.—In providing training and technical assistance under this paragraph, a recipient of a grant, contract, or cooperative agreement under this paragraph shall meet the following requirements:

(i) INPUT.—The recipient shall involve, in the planning and identification of priority issues and needs, the directors of State assistive technology programs and other individuals the Secretary determines to be appropriate, especially—

(I) individuals with disabilities who use, and understand the barriers to the acquisition of, assistive technology and accessible information technology and telecommunications;

(II) family members, guardians, advocates, and authorized representatives of such individuals;

(III) relevant employees from other Federal departments and agencies;

(IV) businesses; and

(V) venders and public and private researchers and developers.

(ii) COLLABORATION.—The recipient shall collaborate, in developing and implementing training and technical assistance activities identified as priorities, with other organizations, in particular—

(I) national organizations representing State assistive technology programs;

(II) organizations representing State officials and agencies engaged in the delivery of assistive technology and accessible information technology and telecommunications;

(III) the data-collection and reporting providers described in paragraph (2); and

(IV) other providers of national programs or programs of national significance funded under this Act.

(2) STATE PROJECTS DATA-COLLECTION AND REPORTING PROGRAM.—

(A) IN GENERAL.—The Secretary shall award grants, contracts, and cooperative agreements to conduct data collection and reporting concerning State assistive technology programs.

(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have personnel with—

(i) documented experience and expertise in administering State assistive technology programs;

(ii) experience in collecting and analyzing data associated with implementing required and discretionary activities;

(iii) expertise necessary to identify additional data elements needed to provide comprehensive reporting of State activities and outcomes; and

(iv) experience in utilizing data to provide annual reports to State policymakers.

(C) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(D) DATA-COLLECTION AND REPORTING PROGRAM.—In awarding the grant, contract, or cooperative agreement, the Secretary shall ensure that the recipient conducts a data-collection and reporting program that enhances and improves the operations and conduct of a State assistive technology program. The Secretary shall ensure that the recipient achieves that enhancement and improvement by using quantitative and qualitative data elements, measuring the outcomes of the required activities described in section 4(e), and measuring the accrued benefits of the activities to individuals who need assistive technology and accessible information technology and telecommunications.

(E) REQUIRED DATA ELEMENTS.—The core set of the data elements shall, at a minimum, include data elements for—

(i) the number and dollar amount of financial loans made;

(ii) the number and type of assistive technology device demonstrations provided;

(iii) the number and type of assistive technology devices loaned through device loan programs;

(iv) the number and estimated value of assistive technology devices exchanged, repaired, recycled, or re-utilized (including redistributed through device sales, loans, rentals, or donations) through device re-utilization programs;

(v)(I) the number and general characteristics of individuals who participated in training (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) and the topics of such training; and

(II) to the extent practicable, the geographic distribution of individuals who participated in training or technical assistance activities;

(vi) the amount and nature of technical assistance provided to State and local agencies and other entities;

(vii) the number of individuals assisted through the public-awareness activities and statewide information and reference system;

(viii) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under section 4;

(ix) the outcomes of interagency coordination and collaboration activities carried out by the State that support access to assistive technology;

(x) measured outcomes of activities undertaken to improve access to assistive technology devices and assistive technology services for targeted populations;

(xi) the outcomes of the services provided; and

(xii) the level of customer satisfaction with, or the outcomes of, the services provided.

(F) REQUIRED INPUT AND COLLABORATION.—In conducting data-collection and reporting activities under this paragraph, a recipient of a grant, contract, or cooperative agreement under this paragraph shall meet the following requirements:

(i) INPUT.—The recipient shall actively involve, in the development of the data-collection and reporting system, the directors of State assistive technology programs and

other individuals the Secretary determines to be appropriate, especially—

(I) individuals with disabilities who use, and understand the barriers to the acquisition of, assistive technology and accessible information technology and telecommunications;

(II) family members, guardians, advocates, and authorized representatives of such individuals;

(III) relevant employees from other Federal departments and agencies;

(IV) businesses; and

(V) venders and public and private researchers and developers.

(ii) COLLABORATION.—The recipient shall actively collaborate, in developing and implementing the system, with other organizations, in particular—

(I) national organizations representing State assistive technology programs;

(II) the training and technical assistance providers described in paragraph (1); and

(III) entities carrying out projects of national significance funded under section 6(b), as appropriate.

(3) STATE PROTECTION AND ADVOCACY SERVICES TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—

(A) GENERAL AUTHORITY.—The Secretary shall award grants, contracts, and cooperative agreements to provide training and technical assistance concerning protection and advocacy services.

(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph to provide training and technical assistance, an entity shall have personnel with documented experience related to protection and advocacy services.

(C) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(D) TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—

(i) TECHNICAL ASSISTANCE EFFORTS.—In awarding the grant, contract, or cooperative agreement, the Secretary shall ensure that the recipient conducts a technical assistance program through which the recipient—

(I) provides advocacy-related and management-related technical assistance;

(II) prepares publications, in numerous formats, on the funding of assistive technology through a variety of funding sources;

(III) makes available, through in-house resource libraries, documents related to the funding of assistive technology;

(IV) maintains a project website containing information concerning the funding of assistive technology, and containing publications and links to other web-based resources to support assistive technology advocacy efforts; and

(V) maintains a national assistive technology list serve.

(ii) TRAINING EFFORTS.—In awarding the grant, contract, or cooperative agreement, the Secretary shall ensure that the recipient conducts a training program through which the recipient—

(I) provides advocacy-related training through annual statewide or regional conferences and distance-training events; and

(II) provides management-related training at annual training events, assisting protection and advocacy managers and fiscal officers to meet grant obligations.

(iii) DATA COLLECTION AND REPORTING.—The recipient shall prepare and submit to the Secretary a report containing information on the activities carried out under this paragraph, including information on the following:

(I) Non-case services.

(II) Case services.

(III) Statistical information for individuals served.

(IV) Systemic activities and litigation.

(V) Priorities and objectives.

(VI) Agency administration.

(c) NATIONAL INFORMATION INTERNET SYSTEM.—

(1) IN GENERAL.—In order to provide information nationally on the availability of assistive technology, the Secretary may award 1 grant, contract, or cooperative agreement on a competitive basis to maintain, renovate, and update the National Public Internet Site established under section 104(c)(1) of the Assistive Technology Act of 1998 (29 U.S.C. 3014(c)(1)), as in effect on the date of enactment of this Act.

(2) ELIGIBLE ENTITY.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall be a nonprofit organization, for-profit organization, or institution of higher education, that—

(A) emphasizes research and engineering;

(B) has a multidisciplinary research center; and

(C) has demonstrated expertise in—

(i) working with assistive technology, accessible information technology and telecommunications, and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology, accessible information technology and telecommunications, and disability-related resources;

(iii) delivering to individuals with disabilities education, information, and referral services, including technology-based curriculum-development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private-sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(3) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(4) NATIONAL PUBLIC INTERNET SITE.—

(A) FEATURES OF INTERNET SITE.—The National Public Internet Site shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources and accessible information technology and telecommunications.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology and accessible information technology and telecommunications for all environments, including home, workplace, transportation, and other environments.

(II) INFORMATION ON ACCOMMODATING INDIVIDUALS WITH DISABILITIES.—The site shall include access to evidence-based research and best practices concerning how assistive technology and accessible information technology and telecommunications can be used to accommodate individuals with disabilities in the areas of education, employment, health care, community living, and telecommunications and information technology.

(III) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills and cognitive disabilities.

(iv) LINKS TO PRIVATE-SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private-sector resources and information, under agreements developed between the recipient of the grant, contract, or cooperative agreement and cooperating private-sector entities.

(v) LINKS TO PUBLIC-SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant public-sector resources and information, such as the Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subsection (b)(1)(D)(ii)(V), the Jobs Accommodation Network funded by the Office of Disability Employment Policy of the Department of Labor, and other relevant sites.

(B) MINIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—

(i) State assistive technology program demonstration sites where individuals may try out assistive technology devices;

(ii) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;

(iii) State assistive technology program device re-utilization program sites;

(iv) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and

(v) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

(5) INPUT.—While providing information (including technical assistance) under this subsection, the Secretary and recipient of the grant, contract, or cooperative agreement under this subsection shall consider the input of the directors of State assistive technology programs and other individuals the Secretary determines to be appropriate, especially—

(A) individuals with disabilities who use, and understand the barriers to the acquisition of, assistive technology and accessible information technology and telecommunications;

(B) family members, guardians, advocates, and authorized representatives of such individuals;

(C) relevant employees from other Federal departments and agencies involved in the procurement or development of assistive technology devices, or the provision of assistive technology services;

(D) employers of people with disabilities, especially small business employers; and

(E) venders and public and private researchers and developers.

SEC. 8. TECHNOLOGY INDUSTRY ASSESSMENT.

(a) IN GENERAL.—To better promote and serve the United States assistive technology industry, the Secretary may conduct a detailed assessment of the industry. Such assessment shall provide data and analysis

concerning the industry's market, products, and services, for better strategic and business modeling.

(b) CONTENTS.—The Secretary shall ensure that the assessment provides data and analysis including—

(1) data to better assess the industry's potential and provide metrics for future growth;

(2) information addressing strategies and certification practices of international trading partners; and

(3) details about programs within the Department of Commerce that facilitate assistive technology industry export efforts.

(c) CONSULTATION.—The Secretary shall conduct the assessment after consultation with the Under Secretary for Technology of the Department of Commerce members of the assistive technology industry, the Interagency Committee on Disability Research established under section 203 of the Rehabilitation Act of 1973 (29 U.S.C. 763), and other appropriate agencies.

SEC. 9. ADMINISTRATIVE PROVISIONS.

(a) GENERAL ADMINISTRATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act.

(2) COLLABORATION.—The Commissioner of the Rehabilitation Services Administration may make 1 or more grants to, or enter into 1 or more contracts, interagency agreements, or cooperative agreements with, the Director of the Office of Special Education Programs or the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services of the Department of Education, the Assistant Secretary for Disability Employment Policy in the Department of Labor, the Under Secretary for Technology in the Department of Commerce, the Administrator of the Small Business Administration, or the head of any other entity approved by the Secretary to assist in the administration of this Act.

(3) ADMINISTRATION.—In administering this Act, the Commissioner of the Rehabilitation Services Administration shall ensure the provision of assistive technology, through comprehensive statewide programs of technology-related assistance, to individuals of all ages, whether the individuals will use the assistive technology to obtain or maintain employment or for other reasons.

(b) REVIEW OF PARTICIPATING ENTITIES.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving goals that are consistent with the requirements of the grant programs under which the entities received the grants.

(c) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, the Secretary shall assist the entity, through technical assistance funded under section 7 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete termination of funding under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 4(c)(1).

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part E of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

(e) EFFECT ON OTHER ASSISTANCE.—This Act may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY; TRAINING, TECHNICAL ASSISTANCE, DATA-COLLECTION, REPORTING, AND INTERNET PROGRAMS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out sections 4 and 7 $36,000,000 for fiscal year 2005, and such sums as may be necessary for each of fiscal years 2006 through 2010.

(2) TRAINING, TECHNICAL ASSISTANCE, DATA-COLLECTION, REPORTING, AND INTERNET PROGRAMS.—

(A) IN GENERAL.—Of the amount appropriated under this subsection for a fiscal year, not more than $1,235,000 may be made available to carry out section 7.

(B) RESERVATIONS.—Of the amount made available to carry out section 7 for a fiscal year—

(i) not less than 45 percent shall be made available to carry out section 7(b)(1);

(ii) not less than 20 percent shall be made available to carry out section 7(b)(2);

(iii) not less than 15 percent shall be made available to carry out section 7(b)(3); and

(iv) not more than 20 percent shall be made available to carry out section 7(c).

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.—There are authorized to be appropriated to carry out section 5 $4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.

(c) SUPPLEMENTARY GRANTS AND PROJECTS OF NATIONAL SIGNIFICANCE.—There are authorized to be appropriated to carry out section 6 such sums as may be necessary for each of fiscal years 2005 through 2010.

SEC. 11. REPEAL.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is repealed.

Mr. HARKIN. Mr. President, today I join with my colleague from New Hampshire, Senator GREGG, and others to introduce the Assistive Technology Act of 2004.

Assistive technology and accessible information technology and telecommunication are so critical to the lives of people with disabilities. An NOD/Harris poll released today shows that 35 percent of individuals with disabilities surveyed indicated that they would not be able to take care of themselves at home without assistive technology. Over a quarter of individuals with disabilities reported that they would not be able to get around outside of their homes. Assistive technology and accessible information technology and telecommunication also provide opportunities in education, employment and civic and social participation that would not otherwise be available to some individuals with disabilities.

To quote the National Council on Disability—''For Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible.''

The Assistive Technology Act that we introduce today builds upon the successes of this law, dating back to 1988. The state Assistive Technology programs have been very effective in providing information, training, and technical assistance to a wide array of individuals in their states, including people with disabilities, their families, educators, health care professionals and others. The Assistive Technology Act has also authorized alternate finance programs that have offered low interest loans and other financing to people with disabilities who otherwise could not access the funds needed to buy their assistive technology.

The most recent data available, FY 02, indicates that the programs are making a substantial difference in their states. In that year, there were 92,000 equipment demonstrations provided, 38,000 devices loaned to individuals with disabilities and over 6,000 devices exchanged or recycled. Also over 6 million dollars was loaned to individuals with disabilities so they could purchase assistive technology, ranging from a hearing device to an accessible van. The AT programs also provided needed information to a wide array of individuals, answering 151,000 requests for assistance and training over 172,000 people.

In this reauthorization, we strengthen this successful program and provide authorization for increased appropriations to carry out the many activities that are needed in the states. We emphasize programs that will improve access to assistive technology devices and also increase attention to some federal priorities, including improving education, promoting community integration, and increasing employment opportunities for individuals with disabilities.

While there are many important initiatives in this bill, I will highlight a few of the most significant.

First, the bill authorizes a minimum of $500,000 for each state program and includes an authorization of 36 million dollars in 2005 which would allow each state to receive that minimum. These funds will be used to support all of the activities specified in the law.

The bill also strengthens some of the core functions of the state assistive technology programs, focusing training and technical assistance to ensure statewide access to information and an emphasis on skills development and technical training to improve service planning for individuals with disabilities.

It further requires States focus their efforts on one of three target populations. These populations include 1. elementary and secondary school students, providers and related personnel; 2. adult service provider clients, providers and related personnel; and 3. employees, employment providers, and related personnel.

States will be required to focus their energies on service planning for one of these populations so we can ensure that assistive technology is getting out to where it is needed most—in the schools, on the job and in the community. The Senate has recently passed the Individuals with Disabilities Act and the Workforce Investment Act and we continue to be concerned about implementation of the ADA and the Olmstead decision. This targeted effort aligns the Assistive Technology Act with these other initiatives.

The bill includes provisions designed to increase access to assistive technology and accessible information technology and telecommunications by requiring that assistive technology programs operate equipment loan, device reutilization, device demonstration, and financing systems. The bill also seeks to improve information about service providers and vendors of assistive technology and accessible information technology.

Because individuals with disabilities still experience significantly fewer employment opportunities than individuals without disabilities, the bill places an emphasis on educating and targeting employers and employees. One of the projects of national significance authorized in the bill includes development of public service announcements and other means of reaching employers and others with information regarding assistive technology.

For the first time, the bill addresses the need to coordinate state program activities with the businesses that develop and produce much of the assistive technology and accessible information technology. The bill authorizes a project of national significance in research and development and authorizes the Secretary to conduct a detailed assessment of the assistive technology industry.

The bill also recognizes the ongoing contribution of protection and advocacy services in making assistive technology available to individuals with disabilities and increases minimum authorization levels for this important function. Iowa has had a very successful advocacy program, which will be continued under this bill.

These are just a few of the many significant issues addressed in this bill. It is a very comprehensive effort due to the hard work of the many stakeholders that participated.

I want to thank my colleague, Senator GREGG, and his staff, particularly Aaron Bishop and Annie White, for their work on this bipartisan initiative. I also want to recognize the work of Senators KENNEDY, ROBERTS, REED and WARNER and their staff members, Kent Mitchell, Connie Garner, Jennifer Swenson, Elyse Wasch, Erica Swanson, and John Robinson because this has truly been a collaborative and bipartisan effort to reauthorize this important legislation.

As part of this reauthorization process, committee staff have had extensive bipartisan briefings and met with a very wide array of stakeholders. Stakeholders also participated in work groups designed to forge consensus on many of the issues addressed in this bill. As a result, I believe we have a very strong bill. I want to thank the many individuals with disabilities, family members, assistive technology programs, vendors, members of the information technology industry, the financial and business community, service providers, advocates, educators and others who gave generously of their time and worked so hard on this bill.

This bill continues the tradition of bipartisan cooperation that has marked significant disability legislation. Just as the ADA, IDEA and other bills have been bipartisan, so is this Assistive Technology Act of 2004. I look forward to moving ahead and getting it enacted into law.

Mr. KENNEDY. Mr. President, I am proud to join Senators Gregg and Harkin in the introduction of the Assistive Technology Act of 2004, which will continue and expand our Nation's promise to improve access to assistive technology for individuals in every State and territory.

In the Senate we are dedicated to breaking down barriers to equal education, to employment opportunities and to quality and affordable health care. Assistive technology enables people with disabilities to break down the physical and other barriers which prevent them from reaching their full potential.

For an individual with difficulty communicating, a hand-writing aid or a communication board can open up a whole new world of relationships. A wheelchair or scooter can give them the freedom to engage in activities otherwise impossible. And switches and other devices can transform their home into an accessible environment and allow them to perform daily household tasks essential to independent living.

Since 1988, the Assistive Technology Act has funded projects in every State and territory to raise awareness about the enormous potential of assistive technology, give individuals an opportunity to test products, and connect them with low-cost options for purchasing technology. Each project has a different focus, but all are providing these core services, and providing them well.

In Massachusetts, the Massachusetts Assistive Technology Project trains individuals with disabilities to be self-advocates. They monitor implementation of State and Federal laws. And they operate an Equipment Exchange Trading Post for individuals to exchange or sell assistive technology products. This is just a small sample of what they are doing. They deserve great credit, and so do the other projects across the nation.

The Assistive Technology Act of 2004 makes a commitment to continue these projects. It asks them to perform device demonstrations, equipment loans, device refurbishment, and provide financing systems such as low-cost loan programs. It mandates a new focus on training local personnel who work every day with people with disabilities in adult service provider settings, in schools, and in employment settings. It gives States the flexibility to which populations to focus on, but asks that they work to make the promise of the Individuals with Disabilities Education Act, the Workforce Investment Act, and the Olmstead decision a reality.

I know they are up to the challenge, and I will work to ensure they have the resources to make it happen. To that end, the act authorizes additional resources and sets a higher minimum appropriation of $500,000 for each State project. It is vital that any final legislation include this recognition that these life-changing services need real resources.

I commend Senators GREGG, HARKIN, and REED for their hard work on this legislation. I also commend all of the disability advocates, organizations and project directors who informed this legislation. I look forward to working with them and my colleagues in the House of Representatives to get a bill signed into law this year.

Mr. REED. Mr. President, I rise as an original cosponsor of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004. This important legislation reauthorizes the Assistive Technology, AT, Act, which helps States strengthen their capacity to address the assistive technology needs of individuals with disabilities and supports loan and device demonstration programs, for six years.

This legislation improves current law in several ways which will help individuals with disabilities gain access to the assistive technology devices and services that will help them lead full and productive lives. Importantly, the legislation removes the sunset provision included in the last reauthorization and increases the minimum State allotment to $500,000, ensuring that all States can continue this vital work. Assistive technology devices and services are increasingly necessary, particularly as our population ages and for soldiers returning from battle with injuries that used to be life ending.

I am particularly pleased that this legislation contains language I sought to address areas of need that I heard from assistive technology users, providers, advocates, and administrators in my State of Rhode Island. First, the bill enhances training activities to improve the capacity of local education,

early intervention, adult providers, and employers to assess, implement, and integrate AT devices. Secondly, funding is authorized for inventing and developing new AT devices and adapting, maintaining, servicing, and improving existing AT devices. Finally, the bill makes great strides to promote interagency coordination and collaboration to effectively deliver assistive technology devices and services.

I want to thank Senators GREGG, KENNEDY, and HARKIN for working so closely with me and my staff on this bill. It is my hope that we will be able to maintain this same cooperative, bipartisan spirit in which this bill was crafted as the reauthorization process moves forward.

By Mr. SCHUMER (for himself, Ms. MIKULSKI, Mr. CORZINE, Mrs. CLINTON, Mr. LEAHY, Ms. STABENOW, Mr. SARBANES, and Mr. NELSON of Florida)

S. 2597. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices for covered outpatient drugs sold by retail pharmacies that participate in the medicaid program for each postal Zip Code, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. 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. 2597

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 ''Prescription Drug Price Comparison for Savings Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Access to prescription drugs is important to all Americans.

(2) Many individuals cannot afford to purchase the drugs prescribed by their doctors. Others skip doses or split pills contrary to their doctor's orders because they cannot afford to refill their prescriptions.

(3) Individuals who use their limited financial resources to obtain needed drugs may do so by foregoing other expenditures important to their health and well-being.

(4) Among the objectives of the medicaid program set forth in section 1901 of the Social Security Act (42 U.S.C. 1396) is the objective to enable each State to furnish services to help low-income families and aged, blind, or disabled individuals ''attain or retain capability for independence or self-care''.

(5) Some States, such as Maryland, have established interactive Internet websites that use the usual and customary price information reported by pharmacies participating in the State's medicaid program to allow all residents of the State to comparison shop for prescription drugs.

(6) Requiring all States to collect from pharmacies that participate in the medicaid program the usual and customary price for prescription drugs sold by the pharmacies and to report that information to the Secretary of Health and Human Services in order that a national, interactive Internet website may be established and maintained for individuals to use to comparison shop for prescription drugs is consistent with the objectives of the medicaid program.

SEC. 3. STATE PLAN REQUIREMENT TO COLLECT AND REPORT USUAL AND CUSTOMARY PRICES FOR COVERED OUTPATIENT DRUGS SOLD UNDER THE MEDICAID PROGRAM.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking ''and'' at the end;

(2) in paragraph (67), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (67), the following:

''(68) provide that the State shall—

''(A) require each retail pharmacy which receives payments under the plan to report to the State concurrent with the filling of a prescription for a covered outpatient drug (as defined in section 1927(k)(2)) for an individual receiving medical assistance under this title—

''(i) the usual and customary price (as defined in section 1927(k)(10)) for the strength, quantity, and dosage form of the covered outpatient drug, as of the date the prescription is filled; and

''(ii) the postal Zip Code in which the retail pharmacy is located; and

''(B) submit the information reported under subparagraph (A) to the Secretary on such frequent basis as the Secretary shall require so as to allow for monthly updates of the information posted on the Internet website required to be established under section 5 of the Prescription Drug Price Comparison for Savings Act of 2004.''.

SEC. 4. USUAL AND CUSTOMARY PRICES FOR COVERED OUTPATIENT DRUGS.

(a) DEFINITION.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396r–8(k)) is amended by adding at the end the following:

''(10) USUAL AND CUSTOMARY PRICE.—The term 'usual and customary price' means the price a retail pharmacy would charge an individual who does not have health insurance coverage for purchasing a specific strength, quantity, and dosage form of a covered outpatient drug.''.

(b) INCLUSION OF INFORMATION IN ANNUAL REPORT TO CONGRESS.—Section 1927(i)(2)(E) of the Social Security Act (42 U.S.C. 1396r–8(i)(2)(E)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D), the following:

''(E) the range of usual and customary prices for specific strengths, quantities, and dosage forms of covered outpatient drugs, disaggregated by postal Zip Code;''.

SEC. 5. REQUIREMENT TO ESTABLISH AND MAINTAIN PRESCRIPTION DRUG PRICE COMPARISON WEBSITE.

(a) AUTHORITY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish and arrange for the maintenance of an Internet website that is designed to allow an individual to compare the usual and customary prices for a range of strengths and quantities of covered outpatient drugs sold by retail pharmacies that receive payments under the medicaid program for each postal Zip Code that corresponds to an area of a State.

(b) REQUIREMENTS.—The Internet website required to be established and maintained under this section shall consist of—

(1) the information submitted to the Secretary in accordance with section 1902(a)(68)(B) of the Social Security Act (42 U.S.C. 1396a(a)(68)(B)) (as added by section 3(a)(3)); and

(2) such other information as the Secretary determines is appropriate.

(c) DEFINITIONS.—In this section:

(1) COVERED OUTPATIENT DRUG.—The term ''covered outpatient drug'' has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. INOUYE):

S.2598. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Public Land Protection and Conservation Act of 2004. I am pleased to have my esteemed colleagues Senator FRANK LAUTENBERG, Senator CARL LEVIN, Senator DIANNE FEINSTEIN, Senator DANIEL INOUYE, and Senator RON WYDEN cosponsoring the bill with me. This legislation encourages Federal, State, and local agencies, non-governmental entities, and Indian tribes to work together through a cost-shared, cooperative grant program to control the spread of terrestrial invasive species. The bill authorizes the Secretary of the Interior to provide state assessment grants to inventory and prioritize invasive species problems. It provides additional grants to control invasive species on Federal land or adjacent areas. And most importantly, it provides rapid response funds for states to eradicate serious new outbreaks.

Invasive species cause devastating environmental, human health, and economic consequences throughout the Nation and world. They are responsible for damage to native ecosystems and vital industries, such as agriculture, fisheries, and ranching. The impacts of invasive species are estimated to cost the United States at least $100 billion each year. Invasive species threaten the existence of 42 percent of threatened and endangered species in the United States, and this is an issue that must be confronted.

The implications of the nationwide invasive species problem are enormous. Nowhere, however, are the impacts greater than in my home State of Hawaii, which has always been known for its biodiversity. Approximately 11,000 species are believed to have evolved from roughly 20,000 ancestors that successfully colonized at a rate of one every 35,000 years. Today, 20 to 50 new nonnative species arrive in Hawaii every year.

In total, unwanted alien pests are entering Hawaii at a rate that is about

two million times more rapid than the natural rate. Nonnative, invasive species comprise roughly 20 percent of the plants and animals in Hawaii. Invasive species are the number one cause of the decline of Hawaii's threatened and endangered species. This is a serious concern because Hawaii has more than 10,000 species found nowhere else on Earth. Of the 114 endangered species that have become extinct in the first 20 years of the Endangered Species Act, almost one-half were in Hawaii. The fragility of our native species is compounded by the fact that most introduced species have no natural predators in the state.

Let me give you just a few examples of invasive species problems in Hawaii. Control efforts for the Formosan ground termite are estimated to cost residents in Hawaii more than $150 million per year. Damage to our agricultural industry and the related control costs of the Mediterranean fruit fly are more than $450 million annually. Native birds in our rainforests are succumbing to malaria spread through introduced mosquitos.

Coqui frogs, accidentally imported on plants to Hawaii, can reach densities of 8,000 frogs per acre. Each one can produce a call at 90 decibels. The noise from 8,000 frogs at 90 decibels is equivalent to listening to a high-pitched jackhammer all night! Infestations of frogs are lowering property values and threatening Hawaii's export floriculture and nursery industries. Coqui frogs also consume more than 48,000 prey items per acre per night, depleting the food supply for threatened and endangered birds and spiders. Miconia, an invasive tree infesting over 15,000 acres of rainforest in Hawaii, eliminates the habitat of endangered plants and animals and causes serious erosion problems that threaten the water supply.

Miconia has overwhelmed all other species on these mountainsides. Miconia, like many invasives, is a major threat to native biodiversity.

The brown tree snake has invaded Guam and devastated native bird populations there. If it were to become established in Hawaii, economic costs have been estimated to exceed hundreds of millions of dollars.

Agriculture in Hawaii is threatened by the spread of the red imported fire ant, a serious problem in 14 southern states causing over $2 billion in annual damage. As you can see, the time to address the issue of invasive species is now, before there are even more serious problems.

My bill, the Public Land Protection and Conservation Act, authorizes the Secretary of the Interior to provide grants to states, nonprofit, and tribal entities to assess, control, and eradicate invasive species. There are three types of grants in this bill, one of which requires matching funds.

First, this legislation provides grants to states for assessment projects to identify, quantify, and prioritize invasive species threats. This step is a critical underpinning for invasives programs, but many states do not have the resources to carry out this assessment.

Second, the control grants supply appropriate public or private entities or Indian tribes with funding to carry out, in partnership with a Federal agency, an eradication, containment, or management project on Federal land or adjacent land. Control projects would receive a higher ranking for funding based on shared priorities in state and Federal plans, the extensiveness or severity of the invasive species impacts in a state, and whether the project fosters results through public-private partnerships, among other criteria.

Control grants are cost-shared with states. A maximum of 75 percent of funding shall be federally provided for control projects on adjacent land, with the exception of pilot or demonstration projects, or projects that conserve threatened or endangered species, which shall receive 85 percent federal funding. The Federal share of control projects carried out on Federal land shall be 100 percent.

Finally, rapid response funds, designated for States facing new outbreaks of invasive species, will provide timely resources to eradicate these organisms before they gain a foothold. Rapid response funds are critical to States in order to combat newly identified invasives.

The impacts of invasive species are already costing the United States an estimated $100 billion each year. The Department of the Interior, in its FY 2005 budget request acknowledges that invasive species pose an enormous threat to the ecological and economic health of the Nation. The Department states that the economic costs associated with invasive species are enormous already, and increasing. The Department of the Interior and U.S. Forest Service together received approximately $126 million in FY 2004, and the combined FY 2005 request is identical. Although I applaud the current efforts of the Department of the Interior and the U.S. Forest Service, we need a more coordinated attack on invasive species. The attack must have robust funding if we are to work in partnership with the states.

An estimated 5,000 to 6,000 invasive species are established in the United States. With 73 percent of the continental United States held in private lands, our Federal lands will not be adequately protected without public-private partnerships because invasive species know no boundaries.

My bill requires coordination between the National Invasive Species Council, the Department of the Interior, the U.S. Department of Agriculture, and state invasive species councils and plans. It provides the support necessary for agencies, organizations, and individuals to implement cooperative projects to address new threats and long-standing invasive species problems.

I am particularly pleased that the State of Hawaii is taking a leadership role in addressing invasive species problems as our State is intimately familiar with the serious impacts. Hawaii's Department of Land and Natural Resources, the State government, and each county's Invasive Species Councils are committed to a proactive approach to preserve the environmental heritage and economic security of our communities for generations to come. Each of these Councils now coordinates their activities on the State level through the formation of the Hawaii Invasive Species Council in 2003.

In addition to the Council, many public and private partnerships have been formed to protect our common natural resources. The East Maui Watershed Partnership brings together multiple public and private landowners and the County of Maui to control invasive species and protect 100,000 acres of our prime watershed areas. This is just one example of many highly successful and dedicated partnerships in Hawaii working to preserve our invaluable resources.

This legislation is supported by the State of Hawaii's Department of Land and Natural Resources, which has primary responsibility for land use, forests, wildlife and oceans. In his letter of support, the Chairperson of the DLNR, Mr. Peter Young, states that ''Increasing success in invasive species projects in Hawaii has come largely from the formation of strong partnerships between State, County and Federal agencies and private groups.'' The intent of this bill is to encourage partnerships like the East Maui Watershed Partnership and the Hawaii Invasives Species Council in their fight against invasives.

Most recently, the Hawaii State Legislature allocated $4 million of the $5 million requested by Governor Linda Lingle to support the Invasive Species Prevention and Control program. This request is part of the overall state proposal to earmark $20 million over the next four years. These actions demonstrate Hawaii's commitment to the problem. This money, however, is clearly not sufficient to control the nonnative species in Hawaii.

Despite their best efforts to reduce the devastation caused by invasive species, states lack the needed funds to adequately address this issue. The General Accounting Office (GAO) issued a report on September 5, 2003, documenting gaps and barriers in Federal invasive species legislation. The number one barrier identified in the report was insufficient Federal funding for state efforts to control invasive species. Another barrier identified was the inadequate amount of general information and research on invasive species. My legislation will provide States the desperately needed funding to start a serious battle against invasive species.

The GAO report also recommended authorizing the National Invasive Species Council as the most effective leadership structure for managing invasive species. I applaud Senators LEVIN and

DEWINE for addressing this issue in legislation they have introduced during the 108th Congress, the National Aquatic Invasive Species Act of 2003. I am a cosponsor of their bill, S. 525, because aquatic invasives are important in Hawaii. I am also a cosponsor of Senator LARRY CRAIG's Noxious Weed Control Act of 2003, S. 144, that focuses on terrestrial weeds. My bill, the Public Land Protection and Conservation Act of 2004, will fill a needed gap by addressing all invasive organisms, flora and fauna, in and around federal lands through public-private partnerships.

The National Environmental Coalition on Invasive Species, a coalition of representatives from major environmental organizations, has extended its full support for this legislation. Its letter of support calls this bill ''one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health.'' The bill is also supported by The Conservation Council of Hawaii, the National Wildlife Federation affiliate in Hawaii. I greatly appreciate their endorsements.

Lastly, I want to acknowledge my colleague in the House, Representative NICK RAHALL, for recognizing the gaps in national legislation for controlling and eradicating invasive species on Federal and adjacent lands through cooperative grants. He introduced H.R. 2310, the Species Protection and Conservation of the Environment Act, on June 3, 2003. His legislation provided a solid blueprint that inspired my bill, and I am eager to join him in the eradication of invasive species on Federal and adjacent lands.

There are increasingly severe problems and economic burdens associated with invasive species in our nation. Federal support to states to combat this problem at the ground level is crucial. If ever there was a time to commit to defending the security of our domestic resources for the future, it is now.

I ask unanimous consent that 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. 2598

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 ''Public Land Protection and Conservation Act of 2004''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage partnerships among Federal, State, and local agencies, nongovernmental entities, and Indian tribes to protect, enhance, restore, and manage public land and adjacent land through the control of invasive species by—

(1) promoting the development of voluntary State assessments to establish priorities for controlling invasive species;

(2) promoting greater cooperation among Federal, State, and local land and water managers and owners of private land or other interests to implement strategies to control and mitigate the spread of invasive species through a voluntary and incentive-based financial assistance grant program;

(3) establishing a rapid response capability to combat incipient invasive species invasions; and

(4) modifying the requirements applicable to the National Invasive Species Council.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROL.—The term ''control'' means—

(A) eradicating, suppressing, reducing, or managing invasive species in areas in which the species are present;

(B) taking steps to detect early infestations of invasive species on Public land and adjacent land that is at risk of being infested; and

(C) restoring native ecosystems to reverse or reduce the impacts of invasive species.

(2) COUNCIL.—The term ''Council'' means the National Invasive Species Council established by section 3 of Executive Order No. 13112 (64 Fed. Reg. 6184).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INVASIVE SPECIES.—The term ''invasive species'' means, with respect to a particular ecosystem, any animal, plant, or other organism (including biological material of the animal, plant, or other organism that is capable of propagating the species)—

(A) that is not native to the ecosystem; and

(B) the introduction of which causes or is likely to cause economic harm, environmental harm, or harm to human health.

(5) NATIONAL MANAGEMENT PLAN.—The term ''National Management Plan'' means the management plan referred to in section 5 of Executive Order No. 13112 (64 Fed. Reg. 6185) and entitled ''Meeting the Invasive Species Challenge''.

(6) PUBLIC LAND.—The term ''Public land'' means all land and water that is—

(A) owned by, or under the jurisdiction of, the United States; and

(B) administered by the Department of the Interior or the Forest Service.

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

(8) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia;

(C) the Commonwealths of Puerto Rico and the Northern Mariana Islands;

(D) the Territories of American Samoa, Guam, and the Virgin Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands; and

(G) the Republic of Palau.

SEC. 4. NATIVE HERITAGE ASSESSMENT AND CONTROL GRANT PROGRAM.

(a) ASSESSMENT GRANTS.—The Secretary may provide to a State a grant to carry out an assessment project consistent with relevant invasive species management plans of the State to—

(1) identify invasive species that occur in the State;

(2) survey the extent of invasive species in the State;

(3) assess the needs to restore, manage, or enhance native ecosystems in the State;

(4) identify priorities for actions to address those needs;

(5) incorporate, as applicable, the guidelines of the National Management Plan; and

(6) identify methods to—

(A) control or detect incipient infestations of invasive species in the State; or

(B) control or assess established populations of invasive species in the State.

(b) CONTROL GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to appropriate public or private entities and Indian tribes to carry out, in partnership with a Federal agency, control projects for the management or eradication of invasive species on Public land or adjacent land that—

(A) include plans for—

(i) monitoring the project areas; and

(ii) maintaining effective control of invasive species after the completion of the projects, including through the conduct of restoration activities;

(B) in the case of a project on adjacent land, are carried out with the consent of the owner of the adjacent land; and

(C) provide public notice to, and conduct outreach activities relating to the control projects in, communities in which control projects are carried out.

(2) PRIORITY.—In prioritizing grants for control projects, the Secretary shall consider—

(A) the extent to which a project would address—

(i) the priorities of a State for invasive species control; and

(ii) the priorities for invasive species management on Public land, such as the priorities for management on National Park System and National Forest System land;

(B) the estimated number of, or extent of infestation by, invasive species in the State;

(C) whether a project would encourage increased coordination and cooperation among 1 or more Federal agencies and State or local government agencies to control invasive species;

(D) whether a project—

(i) fosters public-private partnerships; and

(ii) uses Federal resources to encourage increased private sector involvement, including the provision of private funds or in-kind contributions;

(E) the extent to which a project would aid the conservation of species included on Federal or State lists of threatened or endangered species;

(F) whether a project includes pilot testing or a demonstration of an innovative technology that has the potential to improve the cost-effectiveness of controlling invasive species; and

(G) the extent to which a project—

(i) considers the potential for unintended consequences of control methods on native species; and

(ii) includes contingency measures to address the unintended consequences.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) not later than 180 days after the date on which funds are made available to carry out this Act, publish guidelines and solicit applications for grants under this section;

(2) not later than 1 year after the date on which funds are made available to carry out this Act, evaluate and approve or disapprove applications for grants submitted under this section;

(3) consult with the Council on—

(A) any projects proposed for grants under this section, including the priority of proposed projects for the grants; and

(B) providing a definition of the term ''adjacent land'' for purposes of the control grant program under subsection (b);

(4) consult with the advisory committee established under section 3(b) of Executive Order No. 13112 (64 Fed. Reg. 6184) on projects proposed for a grant under this section, including the scientific merit, technical merit, and feasibility of a proposed project; and

(5) if a project is conducted on National Forest System land, consult with the Secretary of Agriculture.

(d) GRANT DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall provide funding for the Federal share of the cost of a project for not more than 2 fiscal years.

(2) RENEWAL OF CONTROL PROJECTS.—

(A) IN GENERAL.—If the Secretary, after reviewing the reports submitted under subsection (f) with respect to a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for an additional 3 fiscal years.

(B) IMPLEMENTATION OF MONITORING AND MAINTENANCE PLAN.—The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (b) for not more than 10 years after the project is otherwise complete.

(e) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under subsection (b), the Secretary shall, to the maximum extent practicable, ensure that—

(1) at least 50 percent of control project funds are spent on land adjacent to Public land; and

(2) there is a balance of smaller and larger control projects conducted with grants under that subsection.

(f) REPORTING BY GRANT RECIPIENT.—

(1) ASSESSMENT PROJECTS.—Not later than 2 years after the date on which a grant is provided under subsection (a), a grant recipient carrying out an assessment project shall submit to the Secretary and the Governor of the State in which the assessment project is carried out a report on the assessment project.

(2) CONTROL PROJECTS.—A grant recipient carrying out a control project under subsection (b) shall submit to the Secretary—

(A) an annual synopsis of the control project; and

(B) a report on the control project not later than the earlier of—

(i) at least once every 2 years; or

(ii) the date on which the grant expires.

(3) CONTENTS.—A report submitted under this subsection shall include—

(A) a detailed accounting of—

(i) the funding made available for the project; and

(ii) any expenditures made for the project; and

(B) with respect to a control project—

(i) a chronological list of any progress made with respect to the project;

(ii) specific information on the methods and techniques used to control invasive species in the project area;

(iii) trends in the population size and distribution of invasive species in the project area; and

(iv) the number of acres of the native ecosystem protected or restored.

(g) COST-SHARING REQUIREMENT.—

(1) PROJECTS ON ADJACENT LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a control project carried out on adjacent land shall be not more than 75 percent.

(B) CERTAIN CONTROL PROJECTS.—The Federal share of a control project carried out on adjacent land that uses pilot testing, demonstrates an innovative technology, or provides for the conservation of threatened or endangered species shall be 85 percent.

(2) PROJECTS ON PUBLIC LAND.—The Federal share of the cost of the portion of a control project that is carried out on Public land shall be 100 percent.

(3) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of the costs of a control project the fair market value of services or any other form of in-kind contribution to the project made by a non-Federal entity.

(4) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(h) REPORTING BY SECRETARY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report that—

(A) describes the implementation of this section; and

(B) includes a determination whether the grants authorized under subsections (a) and (b) should be expanded to land and water that are owned and administered by Federal agencies other than the Department of the Interior or the Forest Service.

(2) CONTENTS.—A report under paragraph (1) shall include a review of control projects, including—

(A) a list of control projects selected, in progress, and completed;

(B) an assessment of project impacts, including—

(i) areas treated; and

(ii)(I) if feasible, a measurement of invasive species eradicated; or

(II) an estimate of the extent to which invasive species have been reduced or contained;

(C) the success and failure of control techniques used;

(D) an accounting of expenditures by Federal, State, regional, and local government agencies and other entities to carry out the projects;

(E) a review of efforts made to maintain an appropriate database of projects assisted under this section; and

(F) a review of the geographical distribution of Federal funds, matching funds, and in-kind contributions provided for projects.

SEC. 5. RAPID RESPONSE ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide financial assistance to States, local governments, public or private entities, and Indian tribes for a period of 1 fiscal year to enable States, local governments, nongovernmental entities, and Indian tribes to rapidly respond to outbreaks of invasive species that are at a stage at which rapid eradication or control is possible.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall—

(1) at the request of the Governor of a State—

(A) provide assistance under this section to the State, a local government, public or private entity, or Indian tribe for the eradication of an immediate invasive species threat in the State if—

(i) there is a demonstrated need for the assistance;

(ii) the invasive species is considered to be an immediate threat to native ecosystems, human health, or the economy, as determined by the Secretary; and

(iii) the proposed response of the State, local government, public or private entity, or Indian tribe to the threat—

(I) is technically feasible; and

(II) minimizes adverse impacts to native ecosystems and non-target species; or

(B) if the requirements under subparagraph (A) are not met, submit to the Governor of the State, not later than 30 days after the date on which the Secretary received the request, written notice that the State is not eligible for assistance under this section;

(2) determine the amount of financial assistance to be provided under this section, subject to the availability of appropriations, with respect to an outbreak of an invasive species;

(3) require that entities receiving assistance under this section monitor and report on activities carried out with such assistance in the same manner that control project grant recipients monitor and report on such activities; and

(4) expedite environmental and regulatory reviews to ensure that an outbreak of invasive species can be addressed within the 180-day period beginning on the date on which the State notifies the Secretary of the outbreak.

SEC. 6. RELATIONSHIP TO OTHER AUTHORITIES.

Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

SEC. 7. BUDGET CROSSCUT.

Not later than March 31, 2005, and each year thereafter, the Director of the Office of Management and Budget, in consultation with the Council, shall submit to Congress—

(1) a comprehensive budget analysis and summary of Federal programs relating to invasive species; and

(2) a list of general priorities, ranked in high, medium, and low categories, of Federal efforts and programs in—

(A) prevention;

(B) early detection and rapid response;

(C) eradication, control, management, and restoration;

(D) research and monitoring;

(E) information management; and

(F) public outreach and partnership efforts.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT GRANTS.—There are authorized to be appropriated to the Secretary to carry out assessment projects under section 4(a)—

(1) $25,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each of fiscal years 2006 through 2009.

(b) CONTROL GRANTS.—There are authorized to be appropriated to the Secretary to carry out control projects under section 4(b)—

(1) $175,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each of fiscal years 2006 through 2009.

(c) RAPID RESPONSE ASSISTANCE.—There are authorized to be appropriated to the Secretary to carry out section 5—

(1) $50,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each of fiscal years 2006 through 2009.

(d) CONTINUING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(e) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of amounts made available each fiscal year to carry out this Act, the Secretary may expend not more than 5 percent to pay the administrative expenses necessary to carry out this Act.

By Mr. CHAMBLISS (for himself and Mr. KYL):

S. 2599. A bill to strengthen anti-terrorism investigative tools, to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, and for other purposes; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise today to introduce a bill that will facilitate the sharing of information from Federal law enforcement agencies to State and local law enforcement. Right now, existing Federal law authorizes the FBI to obtain certain records and information, such as telephone records, bank records, and consumer credit records, in investigations of terrorist activities. One of the tools

that the FBI uses for this purpose is the National Security Letter (or NSL), which is, in effect, a limited type of administrative subpoena that is directed to the institutions that have these records. The statutes authorizing the use of NSLs generally require that the requested information be relevant to an investigation of international terrorism or clandestine intelligence activities, and these statues prohibit investigations based solely on First Amendment-protected activities of people known under the law as ''United States persons,'' which is a group consisting of U.S. citizens and permanent resident aliens.

Unfortunately, when the FBI receives records or information provided to it in response to NSLs, several different statutes govern the circumstances under which the Bureau may disseminate this information to other agencies. The standards differ from statute to statute—complicating the sharing of the information with other agencies that may need it for counterterrorism purposes—and a number of these provisions curiously are more restrictive about information sharing with other Federal agencies than with non-Federal agencies. The Information Sharing Improvement Act of 2004 (ISIA), which I introduce today along with my good friend from Arizona, JOHN KYL, would amend these statutes to allow the dissemination of information obtained through NSLs in conformity with consistent guidelines developed by the Attorney General.

The Information Sharing Improvement Act also amends a statute that authorizes sharing of national security-related investigative information with relevant Federal, State, and local officials, to make it clear that the statute applies regardless of whether the investigation in which the information was obtained is characterized as a ''criminal'' investigation or a ''national security'' investigation.

Finally, the Information Sharing Improvement Act would restore Homeland Security Act amendments that broaden the sharing of Federal grand jury information concerning threatened terrorist attacks with State and local authorities.

The Information Sharing Improvement Act does not expand the powers of the FBI or Federal prosecutors to acquire records or information, but it will improve their ability to share information—obtained under existing authorities—with Federal, State, and local agencies that need it to protect the public from terrorism.

By Mrs. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Mrs. BOXER, Mr. SPECTER, Mr. ALEXANDER, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. COLLINS, Mr. CORZINE, and Mr. PRYOR):

S. 2600. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation, with strong bi-partisan support, calling for the women's suffrage statue located in the Capitol Rotunda to include a likeness of Sojourner Truth. As many of my colleagues know, in the majestic Capitol Rotunda sits a monument honoring three pioneers of the women's suffrage movement, which led to the women of our great nation being granted the right to vote in 1920.

The monument features the busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony that were sculpted by Adelaide Johnson, who passed away in 1955. As the Architect of the Capitol has noted, the monument was presented to the Capitol as a gift from the women of the United States by the National Women's Party and was accepted on behalf of Congress by the Joint Committee on the Library on February 10, 1921. The unveiling ceremony was held in the Rotunda on February 15, 1921, the 101st anniversary of the birth of Susan B. Anthony, and was attended by representatives of over 70 women's organizations. The Committee authorized the installation of the monument in the Crypt, where it remained until, by act of Congress in 1996, it was relocated to the Capitol Rotunda in May 1997.

In addition to the wonderful busts of Stanton, Mott, and Anthony, one of the interesting features of the monument is the existence of a large slab of stone that was never sculpted. Looking at the monument, it is clear that it was intended for a fourth person—another pioneer of the women's suffrage movement—to be sculpted. The legislation I am introducing today calls for Sojourner Truth to be that person.

Born into slavery as one of the youngest of thirteen children of James and Elizabeth in Hurley, which is in Ulster County, New York, in approximately 1897, Sojourner Truth's given name was Isabella Baumfree. Almost all of her brothers and sisters had been sold to other slave owners. Some of her earliest memories were of her parents' stories of the cruel loss of their other children.

Isabella was sold several times to various slave owners and suffered many hardships under slavery, but throughout her life she maintained a deep and unwavering faith that carried her through many difficult times.

In 1817, the New York State Legislature passed the New York State Emancipation Act, which granted freedom to those enslaved who were born before July 4, 1799. Unfortunately, however, this law declared that many men, women and children could not be freed until July 4, 1827, ten years later. While still enslaved and at the demand of her then owner, John Dumont, Isabella married an older slave named Thomas, with whom she had at least five children—Diane, Peter, Hannah, Elizabeth, and Sophia.

As the date of her release came near—July 4, 1827—she learned that Dumont was plotting to keep her enslaved, even after the Emancipation Act went into effect. For this reason, in 1826, she ran away from the Dumont plantation with her infant child, leaving behind her husband and other children.

She took refuge with a Quaker family—the family of Isaac Van Wagenen—and performed domestic work for them as well as missionary work among the poor of New York City. While working for the Van Wagenen's, she discovered that a member of the Dumont family had sold her youngest son Peter to a plantation owner in Alabama. At the time, New York law prohibited the sale of slaves outside New York State and so the sale of Peter was illegal. Isabella sued in court and won his return. In doing so, she became the first black woman in the United States to take a white man to court and win.

Isabella had always been very spiritual, and soon after being emancipated, she had a vision that affected her profoundly, leading her—as she later described it—to develop a ''perfect trust in God and prayer.'' In 1843, deciding her mission was to preach the word of God, Isabella changed her name to Sojourner Truth—her name for a traveling preacher, one who speaks the truth—and left New York. That summer she traveled throughout New England, calling her own prayer meetings and attending those of others. She preached ''God's truth and plan for salvation.''

After months of travel, she arrived in Northampton, Massachusetts, and joined the Northampton Association for Education and Industry, where she met and worked with abolitionists such as William Lloyd Garrison, Frederick Douglas, and Olive Gilbert.

As we know, during the 1850s, slavery became an especially heated issue in the United States. In 1850, Congress passed the Fugitive Slave Law, which allowed runaway slaves to be arrested and jailed without a jury trial, and in 1857, the Supreme Court ruled in the Dred Scott case that those enslaved had no rights as citizens and that the government could not outlaw slavery in the new territories.

Nevertheless, these extraordinarily difficult times did not stop Sojourner Truth from continuing her mission. Her life story—''The Narrative of Sojourner Truth: A Northern Slave''—written with the help of friend Olive Gilbert, was published in 1850.

While traveling and speaking in states across the country, Sojourner Truth met many women abolitionists and noticed that although women could be part of the leadership in the abolitionist movement, they could neither vote nor hold public office. It was

this realization that led Sojourner to become an outspoken supporter of women's rights.

In 1851, she addressed the Women's Rights Convention in Akron, Ohio, delivering her famous speech ''Ain't I a Woman?'' The applause she received that day has been described as ''deafening.'' From that time on, she became known as a leading advocate for the rights of women. Indeed, she was one of the nineteenth century's most eloquent voices for the cause of anti-slavery and women's rights.

By the mid-1850s, Truth had earned enough money from sales of her popular autobiography to buy land and a house in Battle Creek, Michigan. She continued her lectures, traveling to Ohio, Indiana, Iowa, Illinois, and Wisconsin. When the Civil War erupted in 1861, she visited black troops stationed near Detroit, Michigan, and offered encouragement. After the Emancipation Proclamation of 1863, she worked in Washington as a counselor and educator for those who had been previously enslaved through the Freedman's Relief Association and the Freedmen's Hospital. It was during this time—in October 1864—that she met with President Abraham Lincoln.

Throughout the 1870s, Sojourner Truth continued to speak on behalf of women and African Americans. Failing health, however, soon forced Sojourner to return to her Battle Creek, Michigan home, where she died on November 26, 1883.

This brief recounting of Sojourner Truth's life story only begins to speak of her faith, courage, intelligence, and steadfastness in the face of extraordinary circumstances and volatile times in our Nation's history. Though she could neither read nor write, her eloquence commanded the attention of thousands of Americans, both black and white. It therefore comes as no surprise to learn that among her many friends, admirers and staunch supporters were Frederick Douglass, Amy Post, Olive Gilbert, Parker Pillsbury, Mrs. Francis Gage, Weldell Phillips, Willilam Lloyd Garrison, Laura Haviland, Lucretia Mott, and Susan B. Anthony.

The legislation I am introducing today pays tribute to Sojourner Truth by including her in the portrait monument with three of her fellow leading suffragettes. That is why this legislation has the strong bi-partisan support of so many of my colleagues and of many organizations, including the National Council of Women's Organizations.

I also want to take a moment to say a special thanks of appreciation to Dr. C. Delores Tucker, Chair of the National Congress of Black Women, who is the champion of this legislation and for all African American women, children and families today. I know that with her continued, unwavering support, this legislation will be enacted. I ask all of my colleagues to support it. Thank you.

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. 2600

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Sojourner Truth was a towering figure among the founders of the movement for women's suffrage in the United States, and any monument that accurately represents this important development in our Nation's history should include her.

(2) The statue known as the Portrait Monument, originally presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote and presently exhibited in the rotunda of the Capitol, portrays several early suffragists who were Sojourner Truth's contemporaries, but not Sojourner Truth herself, the only African American among the group.

SEC. 2. REVISION OF WOMEN'S SUFFRAGE STATUE.

Not later than the final day on which the One Hundred Ninth Congress is in session, the Architect of the Capitol shall enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol (commonly known as the ''Portrait Monument'') to include a likeness of Sojourner Truth.

Mr. SPECTER. Mr. President, I have sought recognition to co-sponsor legislation to add the likeness of Sojourner Truth to the statue commemorating women's suffrage located in the rotunda of the United States Capitol.

Sojourner Truth (1797?–1883) was the self-given name of a woman born into slavery. The year of her birth is uncertain, and is usually taken to be 1797. Originally Isabella Van Wagener, she escaped to Canada in 1827.

After New York State had abolished slavery in 1829, she returned and worked as a domestic servant for over a decade, and joined Elijah Pierson in evangelical preaching on street-corners. Later in life she became a noted speaker for both the Abolitionist movement and the women's rights movement. Perhaps one of her most famous speeches was Ain't I A Woman, a short but pointed commentary delivered in 1851 at the Women's Convention in Akron, Ohio.

During the American Civil War, she organized collection of supplies for the Union. In 1850, she worked with Olive Gilbert to produce a biography, the Narrative of Sojourner Truth.

This was a truly amazing woman who endeavored in her time to change the American experience both for her fellow freed slaves as well as women of all races. A courageous woman, Truth not only spoke out against the racial oppression that she had endured throughout her childhood but acted on her beliefs, inspiring men and women of all races with her personal strength, wisdom, and social activism.

Through her courage and perseverance, Sojourner Truth, her contemporaries, and future visionaries have led our nation and the world toward greater freedom and democracy for all. Three of these women—Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony—are already portrayed by the Portrait Monument, which was presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote. Her recognition, as an African-American would be an appropriate, noteworthy addition to the statue.

I am pleased to offer this legislation to finally honor Sojourner Truth in the rotunda of the U.S. Capitol and encourage the retelling of her inspirational story to the American people. This is a long overdue effort and I encourage my colleagues to support this legislation.

By Mr. LAUTENBERG:

2601. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise today to offer a bill that addresses a critical element of defense funding.

My bill will very simply compensate men and women from all services who will be deployed even after their service agreement has ended.

The so called ''Stop Loss'' policy that will keep over 10,000 troops forcefully conscripted is a direct result of perhaps the most dangerous error the administration made in its planning for the war in Iraq.

The administration gravely miscalculated the military personnel required in the post-invasion stage of the Iraq campaign. It drastically underestimated the challenges of the so called ''Reconstruction Phase'' and instead naively pretended we would be greeted as liberators, with sweets and tea.

The civilian leadership at the Pentagon failed to plan for adequate personnel to ensure the security of Iraq.

But this wasn't just failure by omission. This was a deliberate neglect of expert opinion, which warned the administration that hundreds of troops would be needed to secure a country the size of California. In January 2003, three star General Eric Shinseki told the White House, the Pentagon and the public that 300,000 troops were necessary to execute the war and post-war objectives.

Not only was his expert advice ignored, but he was also fired for offering a dissenting view.

In May 2003, the administration was given a second chance to bolster its troops in Iraq; it could have solicited the support of our major allies—such as Turkey, France, India and others—and NATO and urge a truly international coalition to maintain peace in Iraq.

Unfortunately, the opportunity to bolster our troops through a real multinational coalition was squandered and now it is too late.

In fact, our troop shortage is so dire in Iraq that we are paying non-military private contractors to perform typically military functions in Iraq—everything from serving meals to securing command centers.

We now have over 20,000 private security contractors in Iraq, which is approximately the same number of individuals as the international troops from the United Kingdom, Poland, Thailand, Italy and elsewhere who are in our coalition.

And now, the military is forced to rely on the policy of forcing individuals at the end of their service term to remain with their unit if it is deployed or will be deployed to the combat theaters.

The Pentagon has cleverly borrowed the corporate term ''Stop Loss'' to describe this new policy, which will affect over 10,000 new active duty and national guard and reservists.

I call the policy: ''Going Back on Your Word.'' With the Stop Loss orders, thousands of men and women are being forcibly maintained in the services, just as they were packing their bags and preparing to return home to civilian life.

Stop Loss has an extremely large impact on all troops, but especially impacts the National Guard and Reservists, many of whom have already been deployed much longer than they expected.

These men and women have put jobs and families on hold and now the Pentagon is delaying their return further.

My bill addresses the serious strain that is currently being placed on our young men and women in uniform and their families back home. It requires the Pentagon to reimburse service members $2,000 a month for each month that they are forcibly maintained in the Armed Services, after their term of enlistment has extended.

Critics might claim that this bonus will unfairly reward some troops and not others. But the Army and other services already have instituted many different types of bonus awards that compensate service members above and beyond the base military pay. For example, we routinely give hazardous danger pay and separation pay and recently we've initiated new bonuses for those who enlist as a recruiting tool.

It's only fair that we compensate the troops who have already been fighting on the front lines of our two combat theaters.

These American heroes being sent back to war deserve a $2,000 a month bonus each and every month they are serving.

While the richest among us have been rewarded with tax cuts, the soldiers, sailors, marines, and air men and women and their families are living paycheck to paycheck. This is just one example of how this war is requiring sacrifices from only a small, overburdened segment of American society.

It is not fair and my Military Fairness Act of 2004 will begin to redress the inequity in sacrifice:

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. 2601

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

SECTION 1. MONTHLY SPECIAL PAY FOR ACTIVE DUTY SERVICE EXTENDED BY STOP-LOSS ORDERS.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 327. Special pay: active duty service extended by stop-loss order

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

''(b) EXTENSION AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is $2,000 per month.

''(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''327. Special pay: active duty service extended by stop-loss order.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of March 20, 2003.

(c) FUNDING.—Amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance for fiscal year 2005 shall be available for the payment of special pay under section 327 of title 37, United States Code (as added by subsection (a))—

(1) during fiscal year 2005; and

(2) for the period beginning on the effective date specified in subsection (b) and ending on September 30, 2004.

By Mr. DODD (for himself and Mr. BENNETT):

S. 2602. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce the District of Columbia and United States Territories Circulating Quarter Dollar Program Act. I am proud to cosponsor this important legislation with my colleague, Sen. ROBERT BENNETT, R–UT.

This legislation will provide the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands the opportunity to put a design of their choice on the reverse side of a quarter coin. These jurisdictions were inadvertently excluded from the 50 States Quarter Commemorative Coin Program Act, Public Law 105–124, that gave each State the same right in 1997.

As part of the 50 State Quarter Program, over twenty-two billion quarter coins representing 27 states have been minted. All the coins are minted according to the year each State ratified the Constitution of the United States or were admitted into the Union. Although States have appropriate latitude, there are limitations as to what can be used as a design.

According to Public Law 105–124, the Secretary of the Treasury has the final approval of each design. The law gives clear guidance as to what is an acceptable design concept. Suitable design concepts include State landmarks, landscapes, historically significant buildings, symbols of State resources or industries, official State flora and fauna, State icons, and outlines of States. Among the examples of suitable coins already in circulation year New York's Statue of Liberty, Missouri's depiction of Lewis and Clark as they paddled down the Missouri River with the Gateway Arch in the background, and North Carolina's first successful airplane flight.

The District of Columbia has been the unfortunate target of acts of terror, yet citizens of the District have no one who can cast a vote in Congress on policies to protect their security. Citizens of Washington, D.C., pay income taxes just like every other American. In fact on a per capita basis, District residents have the second highest Federal tax obligation. And yet they have absolutely no say in how high those taxes will be or how their tax dollars will be spent.

This legislation is a reminder of the importance of including all Americans in the symbols of American citizenship. The residents of the District are American citizens, despite their lack of voting representation in the Congress.

I believe that the least that we can do is allow the residents of the District of Columbia, as citizens of the United States, to commemorate the symbols of their own jurisdiction.

The 50 States Commemorative Coin Program Act of 1997 states that ''Congress finds that it is appropriate and timely to honor the unique Federal Republic of 50 States that comprise the United States; and to promote the diffusion of knowledge among the youth

of the United States about the individual states, their history and geography, and the rich diversity of the national heritage'' and to encourage ''young people and their families to collect memorable tokens of all of the States for the face value of the coins.''

I believe that it is of significant importance to America's youth to better understand and honor the rich, vibrant history of our nation's capital and territories, as well as that of our states. I urge my colleagues to support this meaningful legislation.

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

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

S. 2602

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 ''District of Columbia and United States Territories Circulating Quarter Dollar Program Act''.

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

''(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

''(1) REDESIGN IN 2009.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009 shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

''(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(3) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Coinage Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by District of Columbia or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(6) OTHER PROVISIONS.—

''(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

''(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

''(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.''.

By Mr. SMITH (for himself, Mr. ALLEN, Mr. HOLLINGS, and Mr. SUNUNU):

S. 2603. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators ALLEN, HOLLINGS and SUNUNU to introduce the ''Junk Fax Prevention Act of 2004.'' This bill will strengthen existing laws by providing consumers the ability to prevent unsolicited fax advertisements and provide greater Congressional oversight of enforcement efforts by the Federal Communications Commission (FCC). This bill will also help businesses by allowing them to continue to send faxes to their customers in a manner that has proven successful with both businesses and consumers.

At the end of last summer, the FCC reconsidered its Telephone Consumer Protection Act (TCPA) rules and elected to eliminate the ability for businesses to contact their customers even where there exists an established business relationship. The effect of the FCC's rule would be to prevent a business from sending a fax solicitation to any person, whether it is a supplier or customer, without first obtaining prior written consent. This approach, while seemingly sensible, would impose significant costs on businesses in the form of extensive record keeping. Almost immediately after issuing this rule, the Commission stayed its implementation until January 1, 2005.

The purpose of this legislation is to preserve the established business relationship exception currently recognized under the TCPA. In addition, this bill will allow consumers to opt out of receiving further unsolicited faxes. This is a new consumer protection that does not exist under the TCPA today.

We believe that this bipartisan bill strikes the appropriate balance in providing significant protections to consumers from unwanted unsolicited fax advertisements and preserves the many benefits that result from legitimate fax communications. We hope that this body can pass this legislation in a timely manner, prior to January 1, 2005, when the FCC's stay expires.

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. 2603

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 ''Junk Fax Prevention Act of 2004''.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

''(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

''(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient; and

''(ii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile

machine that complies with the requirements under paragraph (2)(E); or''.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

''(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

''(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G))''.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

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

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

''(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

''(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

''(iii) the notice sets forth the requirements for a request under subparagraph (E);

''(iv) the notice includes—

''(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

''(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

''(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request during regular business hours; and

''(vi) the notice complies with the requirements of subsection (d);''.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

''(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

''(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

''(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

''(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;''.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

''(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii), except that the Commission may take action under this subparagraph only—

''(i) by regulation issued after public notice and opportunity for public comment; and

''(ii) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and''.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

''(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship to a period not shorter than 5 years and not longer than 7 years after the last occurrence of an action sufficient to establish such a relationship, but only if—

''(I) the Commission determines that the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

''(II) upon review of such complaints referred to in subclause (I), the Commission has reason to believe that a significant number of such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

''(III) the Commission determines that the costs to senders of demonstrating the existence of an established business relationship within a specified period of time do not outweigh the benefits to recipients of establishing a limitation on such established business relationship; and

''(IV) the Commission determines that, with respect to small businesses, the costs are not unduly burdensome, given the revenues generated by small businesses, and taking into account the number of specific complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines by small businesses; and

''(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-year period that begins on the date of the enactment of the Junk Fax Prevention Act of 2004.''.

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting '', in writing or otherwise'' before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U. S.C. 227) is amended by adding at the end the following:

''(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

''(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

''(2) the number of such complaints received during the year on which the Commission has taken action;

''(3) the number of such complaints that remain pending at the end of the year;

''(4) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(5) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(6) for each notice referred to in paragraph (5)—

''(A) the amount of the proposed forfeiture penalty involved;

''(B) the person to whom the notice was issued;

''(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

''(D) the status of the proceeding;

''(7) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(8) for each forfeiture order referred to in paragraph (7)—

''(A) the amount of the penalty imposed by the order;

''(B) the person to whom the order was issued;

''(C) whether the forfeiture penalty has been paid; and

''(D) the amount paid;

''(9) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

''(10) for each case in which the Commission referred such an order for recovery—

''(A) the number of days from the date the Commission issued such order to the date of such referral;

''(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

''(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.''.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

By Mr. SMITH (for himself and Mr. BREAUX):

S. 2604. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-ins gains for subchapter S corporations; to the Committee on Finance.

Mr. SMITH. Mr. President, I am very pleased today to introduce the Small Business Growth and Opportunity Act of 2004 along with my Finance Committee colleague, Senator BREAUX.

This legislation will allow S corporations to liquidate unproductive assets freeing up capital to be used to grow the business and create new jobs.

There are about 2.9 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax period of the corporate ''built-in gains'' tax.

Under current law, businesses that convert from C corporation to S corporation status are penalized by a double tax burden for a period of 10 years if they sell assets they owned as a C corporation. This tax penalty is imposed at the corporate level on top of normal shareholder-level taxes, making the sale and reinvestment of these assets prohibitively expensive. In some States, this double-tax burden can exceed 70 percent of the built-in gain.

Clearly this tax penalty is neither justifiable nor sustainable as a reasonable business matter. The built-in gains tax 1. limits cash flow and availability, 2. encourages excess borrowing because the S corporation cannot access the locked-in value of its own assets, and 3. prevents these small businesses from growing and creating jobs.

While I would like to see even more generous relaxation of these rules, for revenue considerations this bill will reduce the built-in gains recognition period, the holding period, from 10 years to 7 years. This three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year.

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

S. 2604

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

SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—The term 'recognition period' means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution.''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS EXCEEDING 7 YEARS.— Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 391—DESIGNATING THE SECOND WEEK OF DECEMBER 2004 AS ''CONVERSATIONS BEFORE THE CRISIS WEEK''

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee of the Judiciary:

S. RES. 391

Whereas 2,400,000 people in the United States die each year;

Whereas research shows that a majority of people in the United States would prefer to die at home, surrounded by family and other loved ones, free from pain, and with their wishes honored;

Whereas only 30 percent of people in the United States living with life-limiting illness experience the interdisciplinary care that hospice provides to patients and their caregivers;

Whereas studies have shown that too many people do not get the care they want, with 70 percent dying in hospitals and nursing homes suffering needlessly from high levels of pain due to poor pain and symptom management;

Whereas individuals need to have more information and support in order to make informed choices and share these end-of-life care wishes with their families, doctors, lawyers, and clergy;

Whereas all people in the United States have the ability to make their end-of-life care wishes clear through the execution of an advance directive, which includes a living will describing the kind of care they would like to receive and the appointment of a health care agent or proxy to speak for them if they cannot speak for themselves;

Whereas only 15 to 20 percent of people in the United States currently have an advance directive and most do not know that there are options for good pain and symptom management and quality end-of-life care, and thus do not ask for them;

Whereas honoring a dying person's preferences is a critical element of quality end-of-life care and the right of all people in the United States;

Whereas advance directive documents are valid in all 50 states and are available without charge on the Internet;

Whereas a ''Conversations Before the Crisis Week'', and activities planned to support this week, would encourage family members to designate time during the week to talk to their loved ones about their personal end-of-life wishes and to document those wishes formally through the completion of a living will and appointing a medical power of attorney; and

Whereas the Senate believes educating people in the United States about end-of-life care choices and encouraging conversations about these issues before there is a medical crisis is of the utmost importance: Now, therefore, be it

Resolved, That the Senate—

(1) designates the second week of December 2004 as 'Conversations Before the Crisis Week'; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. NELSON of Florida. Mr. President, last week my colleague Senator JAY ROCKEFELLER and I had the privilege of introducing the Advanced Directives Improvement and Education

Act of 2004, which would improve an individual's understanding of the importance of advance directives and give people the opportunity to discuss their options with their doctor.

The goals of the legislation are important. But as we make advance directives more accessible, we must also reach out to the many Americans who feel uncomfortable discussing serious illness and death and help them learn how to make their end-of-life health care plans.

Accordingly, today I am pleased to introduce a Resolution designating the second week of December 2004 to be ''Conversations Before the Crisis Week.'' During this week, there will be town hall meetings, television and radio shows, educational events, newspaper articles, legal clinics, and other activities taking place in communities across the country. This coordinated effort will bring the discussion of dying out of the shadows and into the public square. There are difficult questions to ask and the answers are neither simple nor universal. But it is essential that we discuss them and that each of us find the best answer we can for ourselves and our families.

The alternative is unacceptable: once a terminal illness or tragedy strikes, it is infinitely more difficult to sort through the complex and confusing emotional, spiritual, legal, and medical concerns. We must begin having these conversations before the crisis because it is important to plan for end-of-life care without the anger, sadness, fear, and pain that may accompany a terminal diagnosis, and because knowing what you want is the greatest gift you can give to those who love you and may have to make medical decisions for you.

It is my hope that as we talk more we will learn more; and as we learn more, we will demand more. If we demand better end-of-life care, we will get it. One example: Medicare has an excellent hospice benefit but only 25–30 percent of eligible Medicare beneficiaries use this service. Even people who do use the hospice benefit stay for an average of 28 days—too short to provide maximum benefit. Since Medicare allows people who need it to have over 180 days of hospice care, this is very surprising. By supporting this resolution, and creating a ''Conversations Before the Crisis Week,'' we can generate important public attention—attention that will help explain this mystery, and attention that will be crucial to helping people end their lives in a way that is as peaceful and as meaningful as possible.

SENATE RESOLUTION 392—CONVEYING THE SYMPATHY OF THE SENATE TO THE FAMILIES OF THE YOUNG WOMEN MURDERED IN THE STATE OF CHIHUAHUA, MEXICO, AND ENCOURAGING INCREASED UNITED STATES INVOLVEMENT IN BRINGING AN END TO THESE CRIMES

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 392

Whereas the Mexican border city of Ciudad Juarez has been plagued with the abduction, sexual assault, and brutal murders of more than 370 young women since 1993;

Whereas these abductions and murders have begun to spread south to the city of Chihuahua;

Whereas more than 90 of these murders show signs of being connected to 1 or more serial killers;

Whereas some of the victims are as young as 13 years old, and many were abducted in broad daylight in well-populated areas;

Whereas these murders have brought pain as the families and friends of the victims on both sides of the border struggle to cope with the loss of their loved ones;

Whereas many of the victims have yet to be positively identified;

Whereas the perpetrators of most of these heinous acts remain unknown;

Whereas the Mexican Federal Government has taken steps to prevent these abductions and murders, including setting up a commission to coordinate Federal and State efforts in Mexico, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

Whereas in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican authorities with training in investigation techniques and methods;

Whereas the government of the State of Chihuahua has jurisdiction over these crimes;

Whereas Mexico is a party to the following international treaties that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention of Belem do Para, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance; and

Whereas impunity for these crimes is a threat to the ability of Mexico to consolidate its growing democracy: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the abductions and murders of young women in Ciudad Juarez and the city of Chihuahua in the State of Chihuahua, Mexico, since 1993;

(2) expresses its sincerest condolences and deepest sympathy to the families of the young women killed in the State of Chihuahua, Mexico, since 1993, many of whom appear to be victims of 1 or more serial murderers;

(3) recognizes the courageous struggle of the victims' families in seeking justice for the victims;

(4) urges the President and Secretary of State to continue to express concern over these abductions and murders to the Government of Mexico and to request that the investigative and preventative efforts of the Mexican Government become part of the bilateral agenda between the Governments of Mexico and the United States;

(5) urges the President and Secretary of State to continue to express support for the efforts of the victims' families to seek justice for the victims, to express concern relating to the continued harassment of these families and the human rights defenders with which they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(6) supports multilateral efforts to create a DNA database that would allow families to positively identify the remains of the victims and encourages the Secretary of State to facilitate United States participation in such a DNA database;

(7) encourages the Secretary of State to continue to include in the annual Country Report on Human Rights of the Department of State all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of young women in the State of Chihuahua;

(8) recommends that the United States Ambassador to Mexico visit Ciudad Juarez and the city of Chihuahua to meet with the families of the victims, women's rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;

(9) condemns the use of torture as a means of investigation into these crimes;

(10) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;

(11) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and

(12) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues Senators HUTCHISON and LANDRIEU to submit a resolution to convey the deepest sympathy of the Senate to the families of the young women who have been tragically murdered in Ciudad Juarez and throughout the State of Chihuahua, and urge the governments of Mexico and the United States to work together to address this issue. This is an issue that has not only affected the people of Mexico, but has long troubled the communities in my home State and across the entire Southwest region. A similar resolution, H. Res. 466, has been introduced by Representative HILDA SOLIS and enjoys the bipartisan support of 125 cosponsors.

In 1993, the bodies of women began appearing in the deserts outside the city of Juarez, Mexico, marking the beginning of a horrendous epidemic that has plagued the United States-Mexico border region for more then 10 years. Since then, more than 370 women have

been killed. Many of the young women were abducted in broad daylight in well-populated areas, held captive for several days and subjected to physical violence, humiliation, and sexual torture, before having their mutilated bodies discovered days, or sometimes years, later in deserted areas.

Unfortunately, these murders have continued into this year. Most recently, on May 28, 14–year old Luisa Rocio Chavez Chavez was found murdered in the city of Chihuahua after disappearing the previous morning on her way home from the store. She had been raped and strangled to death, and her body was found partially clothed. And before that, on April 26, a 33-year old factory worker, Teresa Torbellin, was found after being beaten to death and dragged through bushes and desert, eventually being dumped in a deserted area outside the city. Like these deaths, nearly all of the cases remain unsolved. In fact, many of the bodies of victims have yet to be positively identified. One can only imagine how much pain and suffering this has caused the families and friends of these young women. I want to make sure that these deaths are never forgotten, and that the governments on both sides of the border continue to give this issue the attention that it so rightly deserves.

National and international human rights groups, as well as Mexico's own special prosecutor, Maria Lopez Urbina, have reported that many times bodies were misidentified, evidence was contaminated or lost, key witnesses were not properly interviewed, and autopsies were inadequately performed. Some reports have even suspected local, state, and federal authorities of being involved or complicit in the women's murders.

It is my understanding that President Vicente Fox has taken steps to address this issue, by setting up the Commission to Prevent and Eradicate Violence Against Women, which is responsible for coordinating Federal and State efforts in preventing violence of women in Ciudad Juarez and Chihuahua, and appointing a special prosecutor for punishing those responsible for the murders in Ciudad Juarez and Chihuahua. Although I am pleased that President Fox has taken the initiative on these fronts, I continue to believe that there needs to be a more coordinated effort on the part of the Mexican and U.S. governments. That is why I stand here today to submit this vitally important resolution.

Specifically, this resolution would condemn the abductions and murders of young women in the State of Chihuahua, Mexico, express the sincerest condolences and deepest sympathy of the Senate to the families of the young women, and urge a continued multilateral effort on the part of the governments of Mexico and the United States to address this issue.

To this end, it would urge the governments of Mexico and the United States to support efforts to further develop a DNA database that would allow families to positively identify the remains of the victims, and encourage the Secretary of State to continue to facilitate U.S. participation with such a DNA database.

It would also encourage the Secretary of State to urge the Mexican government to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders, and to impose appropriate punishment for those individuals found guilty of such crimes. Additionally, it would condemn the use of torture as a means of investigation.

Lastly, this resolution would condemn all senseless acts of violence against women across the world and express the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

This problem cannot be ignored. We have the chance to help end the suffering of these innocent families, and I hope that the Senate will join me in supporting this resolution.

SENATE RESOLUTION 393—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF UNITED STATES POLICY FOR A MIDDLE EAST PEACE PROCESS

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTENBERG, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas the Road Map, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas, on April 14, 2004, President Bush welcomed the plan of Israeli Prime Minister Ariel Sharon to remove certain military installations and all settlements from Gaza, and certain military installations and settlements from the West Bank;

Whereas under the Road Map, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, all Palestinian institutions, organizations, and individuals must end incitement against Israel, the Palestinian leadership must act decisively against terror (including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure), and Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister;

Whereas Prime Minister Sharon noted Israel's responsibilities under the Road Map include limitations on the growth of settlements, removal of unauthorized outposts, and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism;

Whereas there likely will be no security for Israelis or Palestinians until they and all states join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to Israel's security, and well-being as a Jewish State, including secure, recognized, and defensible borders, and to preserving and strengthening Israel's capability to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including to take actions against terrorist organizations that threaten Israel's citizens;

Whereas, after Israel withdraws from Gaza and parts of the West Bank, existing arrangements regarding control of airspace, territorial waters, and land passages relating to the West Bank and Gaza are planned to continue;

Whereas, as part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with United Nations Security Council Resolutions 242 and 338;

Whereas, in light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas Israeli Prime Minister Ariel Sharon has stated: ''the barrier being erected by Israel is a security rather than political barrier, is temporary rather than permanent, and should therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinian communities'';

Whereas an agreed just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel;

Whereas the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future;

Whereas the United States will join with others in the international community to assist in fostering the development of Palestinian democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved, That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map;

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

SENATE RESOLUTION 394—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. DANIEL BAYLY, ET AL.

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

S. RES. 394

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detailee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Henseler and Jim Pittrizzi are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal counsel is authorized to represent Tim Henseler and Jim Pittrizzi in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 395—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN ULYSSES J. WARD V. DEP'T OF THE ARMY

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

S. RES. 395

Whereas, in the case of Ulysses J. Ward v. Dep't of the Army, No. AT–0752–04–0526–I–1, pending before the Merit Systems Protection Board, testimony and documents have been requested from Joshua Thomas, a former employee of the office of Senator Lamar Alexander;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule X1 of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joshua Thomas is authorized to testify and produce documents in the case of Ulysses J. Ward v. Dep't of the Army, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joshua Thomas in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 396—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

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

S. RES. 396

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renown for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

SENATE RESOLUTION 397—EXPRESSING THE SENSE OF THE SENATE ON THE TRANSITION OF IRAQ TO A CONSTITUTIONALLY ELECTED GOVERNMENT

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LUGAR, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas June 30, 2004, marks Iraq's assumption of sovereignty and the beginning of the transition of Iraq to a free and constitutionally elected government, which is to be established by December 31, 2005;

Whereas the Senate congratulates the Iraqi people, expresses its appreciation to the Iraqi Interim Government, and reaffirms the United States desire for the people of Iraq to live in peace and freedom;

Whereas the successful transition of Iraq to a constitutionally elected government requires that Iraq develop the capacity to provide security to its citizens, defend its borders, deliver essential services, create a transparent and credible political process, and set the conditions for economic prosperity;

Whereas the people of Iraq have a long tradition of cultural and technological achievement and a talented and dedicated population;

Whereas the United States desires peace and prosperity for the citizens of Iraq;

Whereas more than three decades of dictatorial rule have deprived the people of Iraq of the benefits of that tradition and history, caused extraordinary personal suffering, and robbed the people of Iraq of the opportunity to reach their full potential;

Whereas establishing security is a prerequisite to the successful transition to democracy and reconstruction of Iraq;

Whereas providing security to the people of Iraq will require a well-trained and well-equipped police force, a professional military accountable to civilian leadership, the disbanding of militias, and a fair and efficient judicial system;

Whereas the current program to train and equip Iraq security services could benefit from better vetting of candidates, expanded training time, follow-on field training with experienced police and military professionals, and the accelerated provision of equipment and resources;

Whereas the administration of the institutions of government and the delivery of essential services in Iraq will require technical expertise and training not yet fully developed in Iraq;

Whereas Iraq faces a shortage of essential services, including sanitation, safe water, and a reliable supply of electricity;

Whereas economic prosperity in Iraq will require viable financial institutions, conditions that encourage private investment, and the significant reduction of foreign debt incurred by the regime of Saddam Hussein;

Whereas the people of Iraq were the victims of three decades of economic mismanagement under the regime of Saddam Hussein, and have inherited $120,000,000,000 in debt incurred by that regime;

Whereas Prime Minister Allawi has requested assistance from the international community to aid in the rebuilding and security of Iraq, including assistance from the neighbors of Iraq to improve intelligence-sharing and to tighten controls of the borders with Iraq in order to prevent the infiltration of terrorists and illicit goods, and assistance from the North Atlantic Treaty Organization (NATO) to train and equip Iraqi Security Forces;

Whereas the international community, through a unanimous vote of the United Nations Security Council in Resolution 1546 (2004), called on United Nations member states and international and regional organizations to contribute to a multinational force in Iraq and a dedicated force to provide security for the United Nations presence in Iraq, to help Iraq build the capability of its security forces and governing institutions, to aid in rebuilding the capacity for governance in Iraq, and to commit additional resources to reconstruct and develop the economy of Iraq;

Whereas since the adoption of United Nations Security Council Resolution 1546, some members of the international community who have long expressed concern for the plight of the people of Iraq, and who voted for the adoption of the Resolution in the Security Council, have failed to respond to the urgent needs of the people of Iraq;

Whereas improved security in Iraq and the increased capacity of the people of Iraq to provide essential services will reduce the burdens on United States military personnel in the region;

Whereas the United States supports the determination of the Iraqi Interim Government to defeat the loyalists to Saddam Hussein, radical militias, common criminals, and terrorists who make up the insurgency in Iraq;

Whereas the United States is committed to assisting Iraq in reasserting its full sovereignty, consistent with United Nations Security Council Resolution 1546;

Whereas the Senate acknowledges the efforts and sacrifices of the Armed Forces, other employees of the United States Government, contractors, and their counterparts in the coalition to promote Iraq's security, recovery, and transition; and

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the people of the United States;

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations;

(3) states and international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill the financial commitments they have already made to the reconstruction of Iraq;

(5) the international community should establish, to the highest standards, additional police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police to train Iraq police officers in the field;

(6) the North Atlantic Treaty Organization (NATO) is uniquely qualified to respond to the call for assistance in United Nations Security Council Resolution 1546 (2004) to meet the needs of the people of Iraq for security and stability, including by assisting in training the Iraq military, providing security for elections in Iraq, and helping secure the borders of Iraq and should, therefore, respond positively to the request of Interim Iraqi Prime Minister Allawi to provide training, equipment, and other forms of technical assistance that his government determines is appropriate to help Iraq's security forces defeat terrorism and reduce Iraq's reliance on foreign forces;

(7) in order to ensure that the United Nations can play the leading role called for by United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(8) countries unable to contribute security personnel to help stabilize Iraq should contribute to the transition of Iraq in other ways, including by providing technical experts, civil engineers, municipal management advisers, and to fill other needs requested by the Iraqi government;

(9) countries holding debt incurred under the Saddam Hussein regime should meaningfully reduce amounts of that debt;

(10) the United States is committed to a free and peaceful Iraq; and

(11) it is appropriate to thank coalition partners and other countries that have helped promote security, stability, reconstruction, and democracy in Iraq.

SENATE CONCURRENT RESOLUTION 120—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3486. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3487. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3488. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3489. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3490. Mr. STEVENS (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4613, supra.

SA 3491. Mr. STEVENS (for Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3492. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr . KERRY, Mr. SCHUMER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 4613, supra.

SA 3493. Mr. DEWINE (for himself, Mr. LEAHY, Mr. ALEXANDER, Mr. BROWNBACK, Mr. MCCAIN, Mr. BIDEN, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mrs. DOLE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4613, supra.

SA 3494. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3495. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, supra.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3499. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, supra.

SA 3500. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3501. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3502. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3503. Mr. STEVENS (for Mr. LOTT (for himself and Mr . COCHRAN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3504. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, supra.

SA 3505. Mr. STEVENS (for Mr. BAYH (for himself and Mr . LUGAR)) proposed an amendment to the bill H.R. 4613, supra.

SA 3506. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, supra.

SA 3507. Mr. STEVENS (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. INOUYE, Mr. STEVENS, and Mr. SPECTER)) proposed an amendment to the bill H.R. 4613, supra.

SA 3508. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3509. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3510. Mr. ROBERTS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3511. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3512. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3513. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3514. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3515. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3516. Mr. STEVENS (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 4613, supra.

SA 3517. Mr. STEVENS (for Mr. NELSON, OF FLORIDA) proposed an amendment to the bill H.R. 4613, supra.

SA 3518. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 4613, supra.

SA 3519. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3520. Mr. BIDEN (for himself, Mr. LEAHY, Mr. DODD, Mr. CORZINE, Mr. LEVIN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4613, supra.

SA 3521. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3522. Mr. STEVENS (for Mr. DODD (for himself and Mr . LIEBERMAN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3523. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 4613, supra.

SA 3524. Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 4613, supra.

SA 3525. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 4613, supra.

SA 3526. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, supra.

SA 3527. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, supra.

SA 3528. Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill H.R. 4613, supra.

SA 3529. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, supra.

SA 3530. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, supra.

SA 3531. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, supra.

SA 3532. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3533. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3534. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3535. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3536. Mr. STEVENS (for Mr. TALENT) proposed an amendment to the bill H.R. 4613, supra.

SA 3537. Mr. STEVENS (for Mr. PRYOR (for himself, Mrs. DOLE, and Mrs. LINCOLN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3538. Mr. STEVENS (for Mr. SUNUNU) proposed an amendment to the bill H.R. 4613, supra.

SA 3539. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 4613, supra.

SA 3540. Mr. STEVENS (for Mr. CONRAD) proposed an amendment to the bill H.R. 4613, supra.

SA 3541. Mr. STEVENS (for Mr. KOHL (for himself, Mr. REED, Ms. SNOWE, Ms. COLLINS, and Mr. LEVIN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3542. Mr. STEVENS (for Mr. DEWINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3543. Mr. STEVENS (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4613, supra.

SA 3544. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 4613, supra.

SA 3545. Mr. INOUYE proposed an amendment to the bill H.R. 4613, supra.

TEXT OF AMENDMENTS

SA 3486. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated or otherwise made available by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $6,900,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount appropriated or otherwise made available by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'', as increased by subsection (a), $6,900,000 may be available for purposes of M1A1 Abrams Tank transmission maintenance.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 3487. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT FOR MEDICAL EQUIPMENT AND COMBAT CASUALTY CARE TECHNOLOGIES.—Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', as increased by subsection (a), up to $10,000,000 may be available for medical equipment and combat casualty care technologies.

(c) OFFSET.—The amount appropriated or otherwise made available by title I of this Act under the heading ''MILITARY PERSONNEL, AIR FORCE'' is hereby reduced by $10,000,000.

SA 3488. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''Research, Development, Test, and Evaluation, Air Force'', up to $10,000,000 may be available for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program.

SA 3489. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Notwithstanding any other provision of law, the Secretary of Defense, with the concurrence of the Secretary of State, may transfer funds to the Secretary of State to provide assistance during fiscal year 2005 to military or security forces in a foreign country to enhance the capability of such country to participate in an international peacekeeping or peace enforcement operation.

(b) Assistance provided under subsection (a) may be used to provide equipment, supplies, training, or funding.

(c) Assistance provided under subsection (a) may not exceed $100,000,000 in fiscal year 2005 from funds made available to the Department of Defense.

(d) The authority to provide assistance under this section is in addition to any other authority to provide assistance to a foreign country or the military or security forces of such country.

SA 3490. Mr. STEVENS (for Mr. BAUCUS) proposed an amendment to the bill

H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8021. Of the amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', $880,000 shall be available to the Secretary of the Air Force for a grant to Rocky Mountain College, Montana, for the purchase of three Piper aircraft, and an aircraft simulator, for support of aviation training.

SA 3491. Mr. STEVENS (for Mr. CORZINE) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of the Act under the heading ''RESEARCH, DEVELOPMENT, TEST, and EVALUATION, NAVY'', up to $4,000,000 may be available for Aviation Data Management and Control System, Block II.

SA 3492. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 118, insert the following new section on line 5:

''SEC. 9006. In addition to amounts otherwise made available in this Act, $50,000,000, is made available upon enactment for 'Office of Justice Programs—State and Local Law Enforcement Assistance' for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, to remain available until September 30, 2005: *Provided*, That from funds provided in this section the Office of Justice Programs shall make grants in the amount of $25,000,000 to the City of Boston, Massachusetts; and $25,000,000 to the City of New York, New York: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.''

SA 3493. Mr. DEWINE (for himself, Mr. LEAHY, Mr. ALEXANDER, Mr. BROWNBACK, Mr. MCCAIN, Mr. BIDEN, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mrs. DOLE, and Mrs. CLINTON) porposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 118, between lines 4 and 5, insert the following:

TITLE X

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $70,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $25,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

SA 3494. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

SA 3495. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'' is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT FOR PROCUREMENT OF CERTAIN VEHICLES.—Of the amount appropriated or otherwise made available by title III of this Act under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'', as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title I of this Act under the heading ''MILITARY PERSONNEL, AIR FORCE'' is hereby reduced by $5,000,000.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $2,000,000 may be used for aircrew bladder relief device (ABRD) kits.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated by title III under the heading ''SHIPBUILDING AND CONVERSION, NAVY''—

(1) the amount provided under that heading specifically for the Carrier Replacement Program (AP) is hereby increased by $140,900,000;

(2) the amount provided under that heading specifically for CVN Refuelings (AP) is hereby increased by $110,000,000; and

(3) the total amount provided under that heading is hereby increased by $250,900,000.

(b) The amount of the reduction provided in section 8062(a) is hereby increased by $250,900,000.

SA 3499. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''Research, Development, Test, and Evaluation, Air Force'', up to $6,000,000 may be available for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program.

SA 3500. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SA 3501. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

SA 3502. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SA 3503. Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of Senate that—

(1) the Global Hawk Maritime Demonstration Program should be expanded to include the participation of forward deployed forces of the Navy and the Marine Corps in the area of responsibility of the Commander of the United States Central Command; and

(2) the Secretary of the Navy should compile the lessons learned in the conduct of the demonstration program specifically in that area of responsibility and incorporate those lessons into the ongoing activities of the demonstration program for the development of concepts of operations.

SA 3504. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE).

SA 3505. Mr. STEVENS (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading ''Operation and Maintenance, Army'', up to $21,900,000 may be used for M1A1 Tank Transmission Maintenance.

SA 3506. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $2,000,000 may be available to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center.

SA 3507. Mr. STEVENS (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. INOUYE, Mr. STEVENS, and Mr. SPECTER)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

SEC. 8122. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 and 2005''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

SA 3508. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for Combat Vehicle and Automotive Advanced Technology, up to $5,000,000 may be available for All Composite Military Vehicles.

SA 3509. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for End Item Industrial Preparedness Activities, up to $3,500,000 may be available for Laser Peening for Army helicopters.

SA 3510. Mr. ROBERTS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title _____ of this Act under the heading ''Research, Development, Test, and Evaluation, Army, up to $8,000,000 may be available to establish redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command's Intelligence Dominance Center.

SA 3511. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title III of this Act under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'', up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

SA 3512. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

SA 3513. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for aerospace propulsion and technology, up to $3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

SA 3514. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for Defense Research Sciences, up to $3,000,000 may be made available for the Program for Intelligence Validation.

SA 3515. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for electronic warfare technology, up to $3,000,000 may be made available for the Subterranean Target Identification Program.

SA 3516. Mr. STEVENS (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) AVAILABILITY OF AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE, FOR RADAR DEVELOPMENT.—Of The amount appropriated or otherwise made available by title IV of this Act under the heading ''Research, Development, Test, and Evaluation, Air Force'', $7,000,000 may be available for AN/APG–68(V)10 radar development for F–16 aircraft.

(b) CONSTRUCTION OF AMOUNT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 3517. Mr. STEVENS (for Mr. NELSON of Florida) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

In the appropriate place in the bill insert the following:

Of the amount appropriated in title IV under the heading ''OPERATIONAL TEST AND EVALUATION, DEFENSE'' up to $5,000,000 may be made available for the Joint Test and Training Rapid Advanced Capabilities (JTTRAC) Program.''

SA 3518. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) Public Law 108–199 is amended in Division F, Title I, section 110(g) by striking ''Of the'' and inserting ''Prior to distributing''; striking ''each'' every time it appears and inserting ''the''; striking ''project'' every time it appears and inserting ''projects''.

(b) The limitation under the heading ''Federal-aid Highways (Limitation on obligations) (Highway Trust Fund)'' in Public Law 108–199 is increased by such sums as may be necessary to ensure that each State receives an amount of obligation authority equal to what each State would have received under section 110(a)(6) of Public Law 108–199 but for the amendment made to section 110(g) of Public Law 108–199 by subsection (a) of this section: *Provided,* That such additional authority shall remain available during fiscal years 2004 and 2005.

SA 3519. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $2,000,000 may be available for Composites for Unmanned Air Vehicles.

SA 3520. Mr. BIDEN (for himself, Mr. LEAHY, Mr. DODD, Mr. CORZINE, Mr. LEVIN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 118, between lines 4 and 5, insert the following:

TITLE X

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $188,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SA 3521. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $5,000,000 may be available for X–43C development.

SA 3522. Mr. STEVENS (for Mr. DODD (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $15,000,000 may be available for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SA 3523. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $2,000,000 may be used for Handheld Breath Diagnostics.

SA 3524. Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $1,800,000 may be used for the Joint Logistics Information System program for the automated scheduling tool.

SA 3525. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the end of Title VIII, insert the following:

SEC. . Of the amount appropriated in Title IV under the heading ''Research Development, Test and Evaluation, Navy,'' up to $4,000,000 may be used for the Anti-Sniper Infrared Targeting System.

SA 3526. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for End Item Industrial Preparedness Activities, up to $3,500,000 may be available for Laser Peening for Army helicopters.

SA 3527. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $2,000,000 may be available for Composites for Unmanned Air Vehicles.

SA 3528. Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,500,000 may be available for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter Wave Imaging RADAR.

SA 3529. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 161 of the Senate report:

''Of the funds available in Research, Development, Test & Evaluation, Navy, up to $3 million may be made available for the 'Mobile On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center.''

SA 3530. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 147 of the Senate report:

''Of the funds available in Research, Development, Test & Evaluation, Army, up to $2 million may be made available for 'Care of Battlefield Wounds'.''

SA 3531. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. _____ Of the amount appropriated or otherwise made available by title of this Act under the heading ''Research, Development, Test, and Evaluation, Army, up to $3,000,000 may be available to establish redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command's Intelligence Dominance Center.

SA 3532. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for electronic warfare technology, up to $2,000,000 may be made available for the Subterranean Target Identification Program.

SA 3533. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for Defense Research Sciences, up to $2,000,000 may be made available for the Program for Intelligence Validation.

SA 3534. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

SA 3535. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for aerospace propulsion and technology, up to $3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

SA 3536. Mr. STEVENS (for Mr. TALENT) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $5,000,000 may be available for X–43C development.

SA 3537. Mr. STEVENS (for Mr. PRYOR (for himself, Mrs. DOLE, and Mrs. LINCOLN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for medical equipment and combat casualty care technologies.

SA 3538. Mr. STEVENS (for Mr. SUNUNU) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate time, insert the following:

Of the funds appropriated, up to $2,000,000 may be available for the Advanced Composite Radome Project.

SA 3539. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Notwithstanding any other provision of law, the Secretary of the Air Force may, using funds available to the Air Force, demolish or provide for the demolition of any facilities or other improvements on real property at the former Wurtsmith Air Force Base.

SA 3540. Mr. STEVENS (for Mr. CONRAD) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $7,000,000 may be available for F–16 Theater Airborne Reconnaissance System upgrades.

SA 3541. Mr. STEVENS (for Mr. KOHL (for himself, Mr. REED, Ms. SNOWE, Ms. COLLINS, and Mr. LEVIN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat.69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SA 3542. Mr. STEVENS (for Mr. DEWINE) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on mental health services available to members of the Armed Forces and their dependents.

(2) The report required under paragraph (1) shall include the following:

(A) A comprehensive review of mental health services that are available—

(i) to members of the Armed Forces who are deployed in combat theaters;

(ii) to members of the Armed Forces at any facilities in the United States; and

(iii) to dependents of members of the Armed Forces during and after deployment of members overseas.

(B) Data on the average number of service days since September 11, 2001, on which members of the Armed Forces were absent or excused from duty for mental health reasons.

(C) A description of the current procedures for reducing the negative perceptions among members of the Armed Services that are often associated with mental health counseling.

(D) A description of—

(i) the mental health services available to members of the Armed Forces, including members of the reserve components, and their dependents; and

(ii) the barriers to access to such services.

(E) An analysis of the extent to which the Secretary of the Army has implemented the recommendations on mental health services that were made by the Mental Health Advisory Team of the Army on March 25, 2004.

(F) A plan for actions that the Secretary determines appropriate for improving the delivery of appropriate mental health services to members of the Armed Forces and their dependents.

(b) Not later than 360 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) the actions taken to implement the plan submitted under subsection (a)(2)(F); and

(2) the reasons why actions in the plan have not been completed, if any.

SA 3543. Mr. STEVENS (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be available for support of the TIGER pathogen detection system.

SA 3544. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR NORTH DAKOTA STATE SCHOOL OF SCIENCE, BISMARCK STATE COLLEGE, AND MINOT STATE UNIVERSITY.

(a) RESCISSION.—There is rescinded an amount equal to $795,280 from the amount appropriated to carry out part B of title VII of the Higher Education Act of 1965, in title III of division E of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3). This amount shall reduce the funds available for the projects specified in the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3).

(b) DISREGARD AMOUNT.—In the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3), in the matter in title III of division E, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education'', the provision specifying $800,000 for Wahpeton State School of Science and North Dakota State University to recruit, retain and train pharmacy technicians shall be disregarded.

(c) APPROPRIATION.—There is appropriated an amount equal to $795,280 to the Department of Labor, Employment and Training Administration for ''Training and Employment Services,'' available for obligation for the period from July 1, 2004, through June 30, 2005, of which—

(1) $200,000 shall be made available to the North Dakota State School of Science to recruit, retain, and train pharmacy technicians;

(2) $297,640 shall be made available to Bismarck State College for training and education related to its electric power plant technologies curriculum; and

(3) $297,640 shall be made available for Minot State University for the Job Corps Fellowship Training Program.

SA 3545. Mr. INOUYE proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $2,500,000 may be used for small business development and transition.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 24, 2004, at 10 a.m., in open session to consider the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force—Iraq.

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

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 24, 2004, at 3 p.m., in closed session to receive a briefing regarding ICRC reports on U.S. Military Detainee Operations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 24, 2004, at 2:30 p.m., to hold a hearing on Venezuela.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled ''Reauthorization of the Carl D. Perkins Vocational and Technical Education Act: Education for the 21st Century Workforce'' during the session of the Senate on Thursday, June 24, 2004, at 10 a.m., in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet to conduct a markup on Thursday, June 24, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Tentative Agenda

I. Nominations

Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit and Michael H. Watson to be U.S. District Judge for the Southern District of Ohio

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];

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]; and

S. 2396, Federal Courts Improvement Act of 2004 [Hatch, Leahy, Chambliss, Durbin, Schumer]

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

SUBCOMMITTEE ON AVIATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, June 24, 2004, at 9:30 a.m., on Security Screening Options for Airports.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, June 24, 2004. The purpose of this meeting will be to review the implementation of the Healthy Forests Restoration Act.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 24, 2004, at 2:30 p.m. The purpose of the hearing is to receive testimony on S. 2543, to establish a program and criteria for national heritage areas in the United States, and for other purposes.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, June 24, 2004, at 2:30 p.m., on H.R. 2608—National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

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

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Steven Wackowski, an intern with the Defense Appropriations Subcommittee, Pete McAleer, a Defense fellow in Senator GREGG's office, and Brian Glackin, a Defense fellow in Senator COCHRAN's office, be granted privileges of the floor during the consideration of the fiscal year 2005 Defense appropriations bill.

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

Mr. REID. Mr. President, I ask unanimous consent that Paul Thanos, a legislative fellow in the offices of MARIA CANTWELL, be granted the privileges of the floor during consideration of the Defense appropriations bill.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Reb Brownell, a detailee on the Foreign Operations Subcommittee, be granted the privilege of the floor throughout the Senate's consideration and voting on the resolution renewing sanctions against Burma.

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

MEASURE READ THE FIRST TIME—H.R. 218

Mr. FRIST. Mr. President, I understand that H.R. 218 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 218) to amend title 18 United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Mr. FRIST. I now ask for its second reading in order to place the bill on the calendar under the provisions of rule XIV and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

ESTABLISHING A DEMOCRACY CAUCUS WITHIN THE U.N.

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 83, 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 (S. Con. Res. 83) promoting the establishment of a democracy caucus within the United Nations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BIDEN. Mr. President, I thank my colleagues for their support of S. Con. Res. 83, a resolution that I introduced in support of the establishment of a Democracy Caucus within the United Nations. In particular, I thank Senators LUGAR, HAGEL, LIEBERMAN, and COLEMAN for their co-sponsorship of this resolution. I also want to thank Chairman LUGAR for permitting the resolution to come to the floor today.

I am pleased that the Bush administration also supports the establishment of a U.N. Democracy Caucus, and that significant progress was made on this front in Geneva at this year's Commission on Human Rights. In particular, Peru, Romania, East Timor, Poland, Chile, South Korea, India and Italy have been very engaged in collaborative democracy-promotion initiatives. I am encouraged by such joint efforts. The broader the international support for a caucus, the more effective it will be.

The establishment of a U.N. Democracy Caucus is not merely a project supported by Congress and the State Department. It is also endorsed by a broad-based coalition of U.S.-based organizations and advocacy groups such as Freedom House, Human Rights Watch, the American Jewish Committee, the American Bar Association and the Council for Community of Democracies. I also thank them for their work and advocacy on this issue.

The idea of establishing a Democracy Caucus within the United Nations makes extraordinary good sense. The basic principal is this: democratic nations share common values, and should work together at the United Nations to promote those values. We will be more effective in doing so.

Working together with like-minded nations in the United Nations and other multilateral organizations is a logical and practical way to conduct foreign policy. We build coalitions in American politics, in legislatures across the land and here in the Congress. Similarly, we should build coalitions of like-minded states in the United Nations, particularly to bolster global democratic principles, advance human rights, and promote international security and stability.

The administration has recently rediscovered the virtues of working in cooperation with other nations at the United Nations. There we are just one nation, though a very powerful one. We only have one vote, whether in the General Assembly or the Security Council. Other democratic states should be natural allies on many

issues; a caucus of democracies will facilitate such cooperation. Forging a coalition of democracies is not merely a statement that nations have shared values; it is a hard-headed diplomatic approach. By joining forces to make common cause, the democracies can be more effective in the U.N. and other world bodies.

The unanimous passage of this resolution demonstrates the strong support of the Senate for the creation of a Democracy Caucus. I hope the Senate's action gives democracy-building efforts in the United Nations an important boost to this idea. I thank my colleagues within and outside the Senate for supporting this resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to, the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 83) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 83

Whereas a survey conducted by Freedom House in 2003, entitled ''Freedom in the World'', found that of the 192 governments of nations of the world, 121 (or 63 percent) of such governments have an electoral democracy form of government;

Whereas, the Community of Democracies, an association of democratic nations committed to promoting democratic principles and practices, held its First Ministerial Conference in Warsaw, Poland, in June 2000;

Whereas, in a speech at that Conference, Kofi Annan, the Secretary-General of the United Nations, stated that ''when the United Nations can truly call itself a community of democracies, the [United Nations] Charter's noble ideals of protecting human rights and promoting 'social progress in larger freedoms' will have been brought much closer'', that ''democratically governed states rarely if ever make war on one another'', and that ''in this era of intra-state wars, is the fact that democratic governance—by protecting minorities, encouraging pluralism, and upholding the rule of law—can channel internal dissent peacefully, and thus help avert civil wars'';

Whereas a report by an Independent Task Force cosponsored by the Council on Foreign Relations and Freedom House in 2002, entitled ''Enhancing U.S. Leadership at the United Nations'', concluded that ''the United States is frequently outmaneuvered and outmatched at the [United Nations]'' because the 115 members of the nonaligned movement ''cooperate on substantive and procedural votes, binding the organization's many democratic nations to the objectives and blocking tactics of its remaining tyrannies'';

Whereas, at the First Ministerial Conference of the Community of Democracies, the representatives of the participating governments agreed to ''collaborate on democracy-related issues in existing international and regional institutions, forming coalitions and caucuses to support resolutions and other international activities aimed at the promotion of democratic governance''; and

Whereas that agreement was reaffirmed at the Second Ministerial Conference of the Community of Democracies in Seoul, Korea, in November 2002: Now, therefore, be it

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

SECTION 1. PROMOTION OF A DEMOCRACY CAUCUS WITHIN THE UNITED NATIONS.

Congress urges the President to instruct any representative of the United States to a body of the United Nations to use the voice and vote of the United States to seek to establish a democracy caucus within the United Nations as described in this Resolution.

SEC. 2. PURPOSE OF THE DEMOCRACY CAUCUS.

The purpose of the democracy caucus referred to in section 1 should be to advance the interests of the United States and other nations that are committed to promoting democratic norms and practices by—

(1) supporting common objectives, including bolstering democracy and democratic principles, advancing human rights, and fighting terrorism in accordance with the rule of law;

(2) forging common positions on matters of concern that are brought before the United Nations or any of the bodies of the United Nations;

(3) working within and across regional lines to promote the positions of the democracy caucus;

(4) encouraging democratic states to assume leadership positions in the bodies of the United Nations; and

(5) advocating that states that permit gross violations of human rights, sponsor terrorist activities, or that are the subject of sanctions imposed by the United Nations Security Council are not elected—

(A) to leadership positions in the United Nations General Assembly; or

(B) to membership or leadership positions in the Commission on Human Rights, the Security Council, or any other body of the United Nations.

SEC. 3. CRITERIA FOR PARTICIPATION IN THE DEMOCRACY CAUCUS.

Participation in the democracy caucus referred to in section 1 should be limited to countries that—

(1) are qualified to participate in the Community of Democracies, an association of democratic nations committed to promoting democratic principles and practices; and

(2) have demonstrated a commitment—

(A) to the core democratic principles and practices set out in the Final Warsaw Declaration of the Community of Democracies, adopted at Warsaw June 27, 2000; and

(B) to the democratic principles set forth in—

(i) the United Nations Charter;

(ii) the Universal Declaration of Human Rights; and

(iii) the International Covenant on Civil and Political Rights.

SEC. 4. ANNUAL MEETING.

The members of the democracy caucus referred to in section 1 should hold a ministerial-level meeting at least once each year to coordinate policies and positions of the caucus.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, H.R. 884.

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

The legislative clerk read as follows:

A bill (H.R. 884) to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

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

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

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

The bill (H.R. 884) was read the third time and passed.

Mr. REID. Mr. President, the legislation just passed has been 30 years in the making. It deals with Shoshone Indians in the State of Nevada. It is a fund that has grown to about $150 million. Thousands of Indians will benefit from this fund.

These people live in such desperate straits, many of them. Large numbers are on welfare. The places they live in are very difficult.

I want everyone who reads this RECORD at some subsequent time to know that every entity that is involved with this legislation will receive thousands of dollars. They should also know that we are ready, willing, and able to meet with each one of them. If they have any problem with their land claims, we will work with them. This does not shut down any of their ability to change in some way, claim anything they had relating to land in the future.

I know the time is late, but I must mention Larry Pifero. He is dead. He was on kidney dialysis and died. But he worked so hard on this legislation. Why? Because he wanted his family to wind up with something. And Larry now should know that his family will wind up with something. The other person is Nancy Stewart. She has spent months and months of her life trying to work this out. There were a few dissidents—for lack of a better way to describe them—people who wanted to do anything they could to upset this settlement. They did things that were wrong, but because 95 percent of the Shoshones in the State of Nevada wanted this approval, we had two votes, and they voted for approval.

This is so important. Thousands of Indians have waited. Some, like Larry Pifero, are gone. They will never receive the benefit of this legislation, only their families will. But the Shoshone Indians of Nevada are better off today than they were yesterday. They have the hope of receiving some economic gain from their dealings with the U.S. Federal Government.

I am so happy this has been done. This is a big day for thousands of Nevada Indians.

Mr. FRIST. Mr. President, I very much appreciate the comments of the distinguished assistant minority leader. For me to be able to hear that is meaningful. It reminds me also that each piece of legislation we go to, we tend to go through quickly, especially

at a late hour, has such a huge impact. It reflects the beauty in what we are able to accomplish by having the privilege of serving in this body.

AFRICAN GROWTH AND OPPORTUNITY ACT EXTENSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 4103 at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4103) to extend and modify the trade benefits under the African Growth and Opportunity Act.

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

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

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

The bill (H.R. 4103) was read the third time and passed.

RECOGNIZING J. ROBERT OPPENHEIMER

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 531, S. Res. 321.

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

The legislative clerk read as follows:

A bill (S. Res. 321) recognizing the loyal service and outstanding contributions of J. Robert Oppenheimer to the United States and calling on the Secretary of Energy to observe the 100th anniversary of Dr. Oppenheimer's birth with appropriate programs at the Department of Energy and the Los Alamos National Laboratory.

There being no objection, the Senate proceeded to the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD as if read, without any intervening action or debate.

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

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas from March 1943 to October 1945, J. Robert Oppenheimer was the first director of the Los Alamos Laboratory, New Mexico, which was used to design and build the nuclear weapons that ended the Second World War;

Whereas following the end of the Second World War, Dr. Oppenheimer served as a science adviser and consultant to each of the 3 principal committees planning for the postwar control of nuclear energy, including the Secretary of War's Interim Committee on Atomic Energy, the Secretary of State's Committee on Atomic Energy, and the United Nations Atomic Energy Committee;

Whereas from 1947 to 1952, Dr. Oppenheimer was the first chairman of the General Advisory Committee, which advised the Atomic Energy Commission on scientific and technical matters;

Whereas from 1947 to 1954, Dr. Oppenheimer also served on defense policy committees, including the Committee on Atomic Energy of the Joint Research and Development Board, the Science Advisory Committee of the Office of Defense Mobilization, and the Panel on Disarmament of the Department of State;

Whereas in addition to his service to the United States Government, Dr. Oppenheimer was the director of the Institute for Advanced Study at Princeton University from 1947 to 1965;

Whereas in 1946, President Truman conferred on Dr. Oppenheimer the Medal for Merit ''for exceptionally meritorious conduct in the performance of outstanding service'' as director of the Los Alamos Laboratory and for development of the atomic bomb;

Whereas in 1963, President Lyndon Johnson conferred on Dr. Oppenheimer the Enrico Fermi Award ''for contributions to theoretical physics as a teacher and originator of ideas and for leadership of the Los Alamos Laboratory and the atomic energy program during critical years''; and

Whereas April 22, 2004, is the 100th anniversary of Dr. Oppenheimer's birth: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the loyal service of J. Robert Oppenheimer to the United States and the outstanding contributions he made to theoretical physics, the Los Alamos National Laboratory, the development of nuclear energy, and the common defense and security of the United States; and

(2) calls on the Secretary of Energy to observe the 100th anniversary of the birth of J. Robert Oppenheimer with appropriate ceremonies, activities, or programs at the Department of Energy and the Los Alamos National Laboratory.

AUTHORIZATION FOR TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 394, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 394) authorizing testimony and representation by Senate legal counsel in United States v. Daniel Bayly, et al.

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

Mr. FRIST. Mr. President, this resolution concerns a request for testimony and representation in a criminal case arising out of the Enron debacle. The Enron Task Force of the U.S. Department of Justice has brought a case in Federal court in Texas against six individuals formerly associated with the Enron Corporation and Merrill Lynch. The indictment alleges criminal conspiracy, false statements, obstruction of justice, and perjury relating to transactions involving electrical-generating power barges moored off the coast of Nigeria. The government is alleging that Enron in essence parked assets with Merrill Lynch to enhance fraudulently Enron's financial statements. This case is being tried this summer in Houston.

The transactions at the center of this case were the subject of extensive investigation and a hearing by the Permanent Subcommittee on Investigations of the Committee on Government Affairs during the last Congress. In the course of the subcommittee's investigation, subcommittee staff interviewed a Merrill Lynch executive, Robert S. Furst, who is now one of the defendants on trial, about these transactions.

Last Congress the Senate agreed to Senate Resolution 317, authorizing the Permanent Subcommittee on Investigations to cooperate with requests from law enforcement agencies for access to subcommittee records from its Enron Investigation. In response to requests for information an assistance, pursuant to this authority the Subcommittee has cooperated with inquiries made by the Justice Department's Enron Task Force.

The parties have now asked for authorization for a former subcommittee counsel and a subcommittee detailee who interviewed Mr. Furst to testify, if necessary, at this trial about the information the witness communicated to the Subcommittee at the interview.

The chairman and ranking member of the subcommittee would like to assist in this matter, should it prove necessary. According, this resolution would authorize the former subcommittee attorney and the subcommittee detailed to testify at this trial with representation by the Senate Legal Counsel.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 394

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detailee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Henseler and Jim Pittrizzi are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Tim Henseler and Jim Pittrizzi in connection with the testimony authorized in section one of this resolution.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 395, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 395) to authorize testimony, document production, and legal representation in Ulysses J. Ward v. Dep't of the Army.

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

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, documents, and representation in an administrative proceeding before the Merit Systems Protection Board. The appellant in this administrative action is challenging his termination from employment by the U.S. Army Corps of Engineers for, among other things, transmitting to the office of Senator LAMAR ALEXANDER a written communication threatening to appellant's coworkers. The Corps has requested testimony at a deposition, and, if necessary, at an administrative hearing, of Joshua Thomas, a former employee of Senator ALEXANDER's office who received the communication. Senator ALEXANDER would like Mr. Thomas to be able to provide such testimony and any necessary documents.

The enclosed resolution would authorize Mr. Thomas to testify and produce documents in this matter with representation by the Senate Legal Counsel.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 395

Whereas, in the case of *Ulysses J. Ward* v. *Dep't of the Army*, No. AT–0752–04–0526–I–1, pending before the Merit Systems Protection Board, testimony and documents have been requested from Joshua Thomas, a former employee of the office of Senator Lamar Alexander;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved that Joshua Thomas is authorized to testify and produce documents in the case of Ulysses J. Ward v. Dep't of the Army, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joshua Thomas in connection with the testimony authorized in section one of this resolution.

150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 396, which was submitted earlier today by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) commemorating the 150th anniversary of the founding of The Pennsylvania State University.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 396

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renown for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

EXPRESSING SENSE OF THE SENATE ON THE TRANSITION OF IRAQ

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 397, which was submitted earlier today by Senators FRIST and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 397) expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas June 30, 2004, marks Iraq's assumption of sovereignty and the beginning of the transition of Iraq to a free and constitutionally elected government, which is to be established by December 31, 2005;

Whereas the Senate congratulates the Iraqi people, expresses its appreciation to the Iraqi Interim Government, and reaffirms the United States desire for the people of Iraq to live in peace and freedom;

Whereas the successful transition of Iraq to a constitutionally elected government requires that Iraq develop the capacity to provide security to its citizens, defend its borders, deliver essential services, create a transparent and credible political process, and set the conditions for economic prosperity;

Whereas the people of Iraq have a long tradition of cultural and technological achievement and a talented and dedicated population;

Whereas the United States desires peace and prosperity for the citizens of Iraq;

Whereas more than three decades of dictatorial rule have deprived the people of Iraq of the benefits of that tradition and history, caused extraordinary personal suffering, and robbed the people of Iraq of the opportunity to reach their full potential;

Whereas establishing security is a prerequisite to the successful transition to democracy and reconstruction of Iraq;

Whereas providing security to the people of Iraq will require a well-trained and well-equipped police force, a professional military accountable to civilian leadership, the disbanding of militias, and a fair and efficient judicial system;

Whereas the current program to train and equip Iraq security services could benefit from better vetting of candidates, expanded training time, follow-on field training with experienced police and military professionals, and the accelerated provision of equipment and resources;

Whereas the administration of the institutions of government and the delivery of essential services in Iraq will require technical expertise and training not yet fully developed in Iraq;

Whereas Iraq faces a shortage of essential services, including sanitation, safe water, and a reliable supply of electricity;

Whereas economic prosperity in Iraq will require viable financial institutions, conditions that encourage private investment, and the significant reduction of foreign debt incurred by the regime of Saddam Hussein;

Whereas the people of Iraq were the victims of three decades of economic mismanagement under the regime of Saddam Hussein, and have inherited $120,000,000,000 in debt incurred by that regime;

Whereas Prime Minister Allawi has requested assistance from the international community to aid in the rebuilding and security of Iraq, including assistance from the neighbors of Iraq to improve intelligence-sharing and to tighten controls of the borders with Iraq in order to prevent the infiltration of terrorists and illicit goods, and assistance from the North Atlantic Treaty Organization (NATO) to train and equip Iraqi Security Forces;

Whereas the international community, through a unanimous vote of the United Nations Security Council in Resolution 1546 (2004), called on United Nations member states and international and regional organizations to contribute to a multinational force in Iraq and a dedicated force to provide security for the United Nations presence in Iraq, to help Iraq build the capability of its security forces and governing institutions, to aid in rebuilding the capacity for governance in Iraq, and to commit additional resources to reconstruct and develop the economy of Iraq;

Whereas since the adoption of United Nations Security Council Resolution 1546, some members of the international community who have long expressed concern for the plight of the people of Iraq, and who voted for the adoption of the Resolution in the Security Council, have failed to respond to the urgent needs of the people of Iraq;

Whereas improved security in Iraq and the increased capacity of the people of Iraq to provide essential services will reduce the burdens on United States military personnel in the region;

Whereas the United States supports the determination of the Iraqi Interim Government to defeat the loyalists to Saddam Hussein, radical militias, common criminals, and terrorists who make up the insurgency in Iraq;

Whereas the United States is committed to assisting Iraq in reasserting its full sovereignty, consistent with United Nations Security Council Resolution 1546;

Whereas the Senate acknowledges the efforts and sacrifices of the Armed Forces, other employees of the United States Government, contractors, and their counterparts in the coalition to promote Iraq's security, recovery, and transition; and

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the people of the United States;

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations;

(3) states and international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill the financial commitments they have already made to the reconstruction of Iraq;

(5) the international community should establish, to the highest standards, additional police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police to train Iraq police officers in the field;

(6) the North Atlantic Treaty Organization (NATO) is uniquely qualified to respond to the call for assistance in United Nations Security Council Resolution 1546 (2004) to meet the needs of the people of Iraq for security and stability, including by assisting in training the Iraq military, providing security for elections in Iraq, and helping secure the borders of Iraq and should, therefore, respond positively to the request of Interim Iraqi Prime Minister Allawi to provide training, equipment, and other forms of technical assistance that his government determines is appropriate to help Iraq's security forces defeat terrorism and reduce Iraq's reliance on foreign forces;

(7) in order to ensure that the United Nations can play the leading role called for by United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(8) countries unable to contribute security personnel to help stabilize Iraq should contribute to the transition of Iraq in other ways, including by providing technical experts, civil engineers, municipal management advisers, and to fill other needs requested by the Iraqi government;

(9) countries holding debt incurred under the Saddam Hussein regime should meaningfully reduce amounts of that debt;

(10) the United States is committed to a free and peaceful Iraq; and

(11) it is appropriate to thank coalition partners and other countries that have helped promote security, stability, reconstruction, and democracy in Iraq.

Mr. FRIST. Mr. President, I do want to make a very brief statement on this resolution submitted by Senator DASCHLE and myself expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government.

This resolution does a number of things. I will mention a couple. First, it congratulates Iraq on its transition to a free and constitutionally elected government. All of this is in reference to Iraq's assumption of full sovereignty on June 30, which will occur while we are on recess, and its transition to democracy in the months ahead.

Secondly, it expresses the Senate's appreciation for the service, courage, and commitment of the Iraqi interim government to a free and a democratic Iraq. It commends all members of the U.S. Armed Forces and their families for their noble and courageous service in this cause. It affirms that success in Iraq is a global priority that demands cooperation from all States and international organizations. It calls on the international community to assist Iraq in the training of police and security forces. It calls on NATO to respond positively to Iraqi Prime Minister Allawi's request of NATO to assist Iraq in the training and equipping of Iraq security forces. It urges countries that cannot provide security forces or similar resources to assist Iraq in other ways such as providing financial assistance or forgiving Iraq's debt.

The resolution thanks the U.S. coalition partners and other countries that

have joined us in Iraq for their efforts in promoting Iraq's security, stability, reconstruction, and transition to democracy.

In particular, I also thank Senator SESSIONS for originating the idea of this resolution and for turning it into real language for his colleagues to consider. He initially proposed such a resolution that provided certain language. At that time, he was working in a bipartisan manner with Senator LIEBERMAN and other Members of both sides of the aisle on this bipartisan resolution. He later joined with Senators LINDSEY GRAHAM, JOE BIDEN, TOM DASCHLE, and myself—most of us have actually been in Iraq recently—to hammer out a resolution that not only celebrates the liberation of Iraq and its transition to full sovereignty but also prescribes a number of steps that should be taken in the coming months to ensure those fruits of our efforts are realized.

I thank Senator DASCHLE and his colleagues for their help in fine-tuning this resolution so the entire Senate can endorse it. It is a good resolution. The importance of its passage I do not think can be underscored given the fact we are about a week before Iraq's transition to full sovereignty. It sends a timely message, the right message, of thanks to our coalition partners and our support to the Iraqi interim government and the Iraqi people who are endeavoring to defeat terrorism and secure the blessings of democracy.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished majority leader will yield, following the meeting with the President this morning, which I had the good fortune of being able to attend, the one message that came out of the meeting to me is that the hero today in Iraq is the Prime Minister of Iraq. He is a man of great courage who has had a number of assassination attempts on his life, even when he did not live in Iraq, because of the people who were trying to get rid of him, and I wish him well. He is a man of courage. To take on this responsibility knowing that the evil forces that are in that country are out to dispense with him says a lot about the kind of man he is.

Speaking personally of the meeting at the White House this morning, I repeat the one thing that came out of that meeting today is the forceful nature of the man who is leading that country as of next Wednesday.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. I will just add to the comments of my friend from Nevada that I had the opportunity to meet with the Prime Minister a little over 2 weeks ago when we were in Baghdad.

I know Senator DASCHLE and Senator BIDEN and Senator GRAHAM also had the opportunity to meet with the Prime Minister on their recent trip. I mention that because 4 weeks ago nobody knew that he was going to be Prime Minister. In fact, he didn't know. It was not a position that he had asked for. The interim government, through this selection process, asked him to step forward, and he did just that. Uniformly, the people who met him and who have talked with him since he has assumed this position have been impressed with his courage, his determination, and his understanding of the role that is before him.

I should also add the distinguished assistant Democratic leader and I had the opportunity to meet with the President of Iraq who will be working with the Prime Minister. He, too, is very impressive in terms of his leadership and his vision, and the boldness we know is going to be required.

GAO HUMAN CAPITAL REFORM ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Government Affairs Committee be discharged from further consideration of H.R. 2751, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2751) was read the third time and passed.

EMPLOYEES OF THE DISTRICT OF COLUMBIA COURTS AS PARTICIPANTS IN LONG TERM CARE INSURANCE FOR FEDERAL EMPLOYEES.

Mr. FRIST. I ask unanimous consent the Senate now proceed to immediate consideration of Calendar No. 590, S. 2322.

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

The legislative clerk read as follows:

A bill (S. 2322) to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2322) was read the third time and passed, as follows:

S. 2322

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

SECTION 1. LONG TERM CARE INSURANCE COVERAGE FOR EMPLOYEES OF THE DISTRICT OF COLUMBIA COURTS.

Section 9001(1) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period and inserting a semicolon and ''and''; and

(3) by adding at the end the following:

''(E) an employee of the District of Columbia courts.''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–277, Section 710, 2(A)(ii), appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Laurens Tullock of Tennessee.

ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 120, the adjournment resolution, which is at the desk.

I further ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

The concurrent resolution (S. Con. Res. 120) was agreed to, as follows:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS CONSENT AGREEMENT—H.R. 4200, S. 2400, S.2401, S. 2402, S. 2403

Mr. FRIST. Mr. President, with respect to H.R. 4200, which passed the

Senate last night, I ask unanimous consent that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

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

Mr. FRIST. I further ask unanimous consent with respect to 2400, S. 2401, S. 2402 and S. 2403, as just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House and its amendment or amendments to the Senate-passed bill and agree to or request a conference with the House of Representatives on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees, and that the foregoing occur without any intervening action or debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider all nominations reported out by the Armed Services Committee today. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Paul V. Hester

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Henry A. Obering, III

The following named United States Air Force Reserve officer for appointment as Chief of Air Force Reserve, and for appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8038 and 601:

To be lieutenant general

Maj. Gen. John A. Bradley

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey B. Kohler

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John F. Regni

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael W. Wooley

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Charles B. Green

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Melissa A. Rank
Col. Thomas W. Travis

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Richard A. Cody

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

George W. Casey, Jr.

The following named officer for appointment as the Chief of Engineers/Commanding General, United States Army Corps of Engineers, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 3036:

To be lieutenant general

Maj. Gen. Carl A. Strock

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Colby M. Broadwater, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph R. Inge

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Russel L. Honore

The following named officer for appointment as the Chief, Army Nurse Corps and for appointment to the grade indicated under title 10, U.S.C., section 3069:

To be major general

Col. Gale S. Pollock

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. George W. Weightman

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William E. Ingram, Jr.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel James G. Champion

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Frank R. Carlini

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Carla G. Hawley-Bowland

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas A. Pritt

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas T. Galkowski

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Henry P. Osman

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James T. Conway

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John F. Sattler

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Dickerson, Jr.
Brig. Gen. Richard S. Kramlich
Brig. Gen. Richard F. Natonski

Brig. Gen. Samuel T. Helland
Brig. Gen. Timothy F. Ghormley

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Michael G. Mullen

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

To be vice admiral

Rear Adm. Donald C. Arthur, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Justin D. McCarthy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Jonathan W. Greenert

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Kevin J. Cosgriff

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James M. Zortman

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James G. Stavridis

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John G. Morgan, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be vice admiral

Rear Adm. Ronald A. Route

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (''l''h) John M. Mateczun
Rear Adm. (''l''h) Dennis D. Woofter

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (''l''h) William V. Alford, Jr.
Rear Adm. (''l''h) James E. Beebe
Rear Adm. (''l''h) Stephen S. Oswald

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (''l''h) Paul V. Shebalin

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Thomas L. Andrews, III

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Lewis S. Libby, III
Rear Adm. (lh) Elizabeth M. Morris

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Karen A. Flaherty

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Marshall E. Cusic, Jr.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

to be rear admiral (lower half)

Capt. Carol I.B. Turner

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Thomas R. Cullison

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Jeffrey A. Wieringa

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David J. Dorsett

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Wayne G. Shear, Jr.

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Sharon H. Redpath

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. James A. Barnett, Jr.
Capt. Jeffrey A. Lemmons
Capt. Robin M. Watters
Capt. Wendi B. Carpenter

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Adam M. Robinson, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1296 AIR FORCE nominations (438) beginning EDWARD ACEVEDO, and ending SCOTT J. ZOBRIST, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1297 AIR FORCE nominations (18) beginning MARK L. ALLRED, and ending BARR D. YOUNKER JR., which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1298 AIR FORCE nominations (12) beginning BRENDA R. BULLARD, and ending THOMAS E. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1558 AIR FORCE nomination of Richard B. Goodwin, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1559 AIR FORCE nominations (3) beginning JEFFREY P. BOWSER, and ending GREGORY W. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1560 AIR FORCE nominations (7) beginning BRADLEY D. BARTELS, and ending WILLIAM L. STALLINGS III, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1561 AIR FORCE nominations (3) beginning CHARLES J. LAW, and ending DAVID A. WEAS, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1605 AIR FORCE nominations (119) beginning LOZANO NOEMI ALGARIN, and ending BARBARA L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

IN THE ARMY

PN1252 ARMY nominations (24) beginning CHRISTIAN F. ACHLEITHNER, and ending RICHARD J. WINDHORN, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1253 ARMY nominations (91) beginning KEVIN C. ABBOTT, and ending MARK G. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1321 ARMY nominations (17) beginning LARRY P. ADAMSTHOMPSON, and ending TIMOTHY N. WILLOUGHBY, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2004.

PN1544 ARMY nominations (2) beginning GERALD V. HOWARD, and ending DAVID L. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2004.

PN1545 ARMY nomination of John J. Sebastyn, which was received by the Senate and appeared in the Congressional Record of April 26, 2004.

PN1562 ARMY nomination of Elizabeth J. Barnsdale, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1563 ARMY nominations (2) beginning RAUL GONZALEZ, and ending JAMES F. KING, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1564 ARMY nominations (2) beginning RICHARD J. GALLANT, and ending ERIC R. GLADMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1565 ARMY nomination of Randall W. Cowell, which was received by the Senate

and appeared in the Congressional Record of April 29, 2004.

PN1566 ARMY nomination of James C. Johnson, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1567 ARMY nominations (2) beginning SHANNON D. BECKETT, and ending LEONARD A. CROMER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1569 ARMY nomination of David P. Ferris, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1606 ARMY nominations (2) beginning DONALD W. MYERS, and ending TERRY W. SWAN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1607 ARMY nominations (191) beginning EDWARD L. ALEXSONSHK, and ending EDWARD M. ZOELLER, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1608 ARMY nomination of Scott R. Scherretz, which was received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1609 ARMY nomination of Robert F. Setlik, which was received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1655 ARMY nomination of Paul R. Disney, Jr., which was received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1656 ARMY nomination of Eric R. Rhodes, which as received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1657 ARMY nominations (35) beginning EDWIN E. AHL, and ending MARK A. ZERGER, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1702 ARMY nomination of Robert J. Blok, which was received by the Senate and appeared in the Congressional Record of June 8, 2004.

IN THE MARINE CORPS

PN1568 MARINE CORPS nomination of Scott P. Haney, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1658 MARINE CORPS nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1703 MARINE CORPS nomination of Michelle A. Rakers, which was received by the Senate and appeared in the Congressional Record of June 8, 2004.

IN THE NAVY

PN1570 NAVY nomination of James K. Colton, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1571 NAVY nominations (2) beginning KEVIN S. LERETTE, and ending KATHLEEN M. LINDENMAYER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1572 NAVY nominations (5) beginning VICTOR M. BECK, and ending ELIZABETH A. JONES, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1573 NAVY nominations (3) beginning EDMUND F. CATALDO III, and ending GARY S. PETTI, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1574 NAVY nominations (4) beginning ELIZABETH A. CARLOS, and ending PHILIP C. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1575 NAVY nominations (5) beginning PAUL L. ALBIN, and ending MARK E. SVENNINGSEN, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1576 NAVY nominations (5) beginning JOHN L. BARTLEY, and ending JOSEPH A. SCHMIDT, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1577 NAVY nominations (14) beginning RICHARD A COLONNA, and ending TIMOTHY J WERRE, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1578 NAVY nominations (17) beginning JOHN M BURNS, and ending ROGER W TURNER JR, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1579 NAVY nominations (17) beginning DAN D ASHCRAFT, and ending JOHN E VASTARDIS, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1580 NAVY nominations (183) beginning RODMAN P ABBOTT, and ending SAMUEL R YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1581 NAVY nominations (59) beginning JAMES S BAILEY, and ending JEFFREY B WILSON, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1582 NAVY nominations (2) beginning RICHARD S MORGAN, and ending TERRY8 L. M. SWINNEY, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1610 NAVY nomination of Susan C. Farrar, which was received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1659 NAVY nominations (6) beginning WILLIAM J. ALDERSON, and ending HAROLD E. PITTMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1660 NAVY nominations (14) beginning AARON L BOWMAN, and ending MAUDE E YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1661 NAVY nominations (17) beginning THOMAS J BROVARONE, and ending MARK R WHITNEY, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1662 NAVY nominations (245) beginning KENT R AITCHESON, and ending KEVIN S ZUMBAR, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1663 NAVY nominations (19) beginning RICHARD L. ARCHEY, and ending FRED C. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1664 NAVY nominations (8) beginning THOMAS H. BOND JR., and ending PAMELA J. WYNFIELD, which nominations were received by the Senate and appeared in the Congressional Record on May 20, 2004.

PN1665 NAVY nominations (5) beginning KENNETH R. CAMPITELLI, and ending TIMOTHY S. MATTHEWS, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1666 NAVY nominations (8) beginning JEFFREY J. BURTCH, and ending JAN E. TIGHE, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1667 NAVY nominations (4) beginning EDWIN J. BURDICK, and ending STEPHEN K. TIBBITTS, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1668 NAVY nominations (6) beginning ANDREW BROWN III, and ending JONATHAN W. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1669 NAVY nominations (7) beginning JERRY R. ANDERSON, and ending JAMES E. KNAPP JR., which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2004.

PN1690 NAVY nomination of JOSEPH P. COSTELLO, which was received by the Senate and appeared in the Congressional Record of June 1, 2004.

PN1691 NAVY nominations (9) beginning RALPH W. COREY III, and ending EDWARD S. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2004.

PN1704 NAVY nominations (28) beginning TOBIAS J BACANER, and ending SCOTT W ZACKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1705 NAVY nominations (17) beginning CHARLENE M AULD, and ending SCOTT M SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1706 NAVY nominations (31) beginning DON C B ALBIA, and ending GREGG W ZIEMKE, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1707 NAVY nominations (21) beginning BRENDA C BAKER, and ending MAUREEN J ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1708 NAVY nominations (30) beginning MICHAEL J ARNOLD, and ending DANA S WEINER, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1709 NAVY nominations (19) beginning STEPHEN S BELL, and ending JAMES A WORCESTER, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1710 NAVY nominations (11) beginning WILLIAM D DEVINE, and ending PAUL R WRIGLEY, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1711 NAVY nominations (8) beginning EDWARD L. AUSTIN, and ending DAVID H. WATERMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1712 NAVY nominations (27) beginning CARLA C BLAIR, and ending CYNTHIA M WOMBLE, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1713 NAVY nominations (10) beginning NORA A BURGHARDT, and ending CRAIG J WASHINGTON, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1714 NAVY nominations (21) beginning TERRY S BARRETT, and ending DEAN A WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1715 NAVY nominations (21) beginning DANELLE M BARRETT, and ending MICHAEL THRALL, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1716 NAVY nominations (11) beginning MICHAEL D BOSLEY, and ending KEVIN D ZIOMEK, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1717 NAVY nominations (40) beginning WILLIAM H ANDERSON, and ending

FRANK D WHITWORTH, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1718 NAVY nominations (31) beginning THOMAS W ARMSTRONG, and ending RICHARD A THIEL JR, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1719 NAVY nominations (12) beginning JOSEPH R BRENNER JR, and ending GREG A ULSES, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1720 NAVY nominations (37) beginning TODD S BOCKWOLDT, and ending FORREST YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1721 NAVY nominations (36) beginning STEVEN W ANTLCLIFF, and ending MARK W YATES, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1728 NAVY nomination of Richard L. Curbello, which was received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1729 NAVY nominations (2) beginning LOUISE E. GIORDANO, and ending ROBERT A. LITTLE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1730 NAVY nominations (6) beginning JAMES O. CRAVENS, and ending RONALD J. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1731 NAVY nominations (10) beginning STEPHEN W BAILEY, and ending GARY F WOERZ, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1732 NAVY nominations (12) beginning JOSEPH J ALBANESE, and ending STEVEN L YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1733 NAVY nominations (12) beginning BENJAMIN M ABALOS, and ending GLENN T WARE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1734 NAVY nominations (19) beginning PATRICK S AGNEW, and ending DOUGLAS R TOOTHMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN135 NAVY nominations (19) beginning MARK J BELTON, and ending ROBERT E TOLIN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1736 NAVY nominations (24) beginning CIVITA M ALLARD, and ending ANN N TESCHER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1737 NAVY nominations (25) beginning RICHARD D BAERTLEIN, and ending JEFFREY G WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1738 NAVY nomination of Carlos Varona, which was received by the Senate and appeared in the Congressional Record of June 14, 2004.

APPOINTMENT OF CONFEREES—H.R. 4200

The PRESIDING OFFICER. The Chair appoints the following conferees on H.R. 4200: Senators WARNER, MCCAIN, INHOFE, ROBERTS, ALLARD, SESSIONS, COLLINS, ENSIGN, TALENT, CHAMBLISS, GRAHAM of South Carolina, DOLE, CORNYN, LEVIN, KENNEDY, BYRD, LIEBERMAN, REED, AKAKA, NELSON of Florida, NELSON of Nebraska, DAYTON, BAYH, CLINTON, and PRYOR.

CONGRATULATING CHAIRMAN STEVENS AND SENATOR INOUYE

Mr. FRIST. Mr. President, I again congratulate Chairman STEVENS and Senator INOUYE on completing the first appropriations bill of the year. The record will show, I am sure, the time spent on this bill was one of the fastest, if not the fastest ever, that a Defense Appropriations Committee bill has been considered in the U.S. Senate.

We have to understand that it was only on Tuesday morning of this week that the Subcommittee on Defense reported the bill, and the full committee reported it out that afternoon. Here we are on Thursday night having completed this very important, critical bill.

I am sure this marathon would not have been possible without the excellent cooperation of many Senators and the terrific work of the Defense appropriations staff, under the leadership of Sid Ashworth for the majority and Charlie Houy for the minority.

I am also particularly happy that conferees on this important bill have been appointed and that hopefully shortly after the recess that conference can also be completed in record time so critical funds can be made available to our service men and women around the globe, fighting and standing guard to protect our freedoms and securities.

Also, I thank the chairman and Senator INOUYE for including today critical funding for humanitarian assistance in the Sudan. We simply can not stand by idly as half a million people are uprooted and forced to flee the Darfur region while also suffering unbelievable starvation, hunger, and murder from Sudan, government-backed Arab militias.

The funding we have provided today will go to USAID to assist these refugees but of course a political solution needs to found also for this part of our world.

Again, I thank Chairman STEVENS and Senator INOUYE for their hard work today.