

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE—Continued

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
<b>Extend Abstinence Education Grants for 2 quarters:</b>												
Budget Authority .....	25	0	0	0	0	0	0	0	0	0	25	25
Outlays .....	7	9	3	2	1	0	0	0	0	0	22	22
<b>Extend TANF Research Funding for 2 quarters:</b>												
Budget Authority .....	8	0	0	0	0	0	0	0	0	0	8	8
Outlays .....	1	3	4	0	0	0	0	0	0	0	8	8
<b>Extend Child Welfare Research Funding for 2 quarters:</b>												
Budget Authority .....	3	0	0	0	0	0	0	0	0	0	3	3
Outlays .....	(1)	1	2	0	0	0	0	0	0	0	3	3
<b>Subtotal Title I:</b>												
Budget Authority .....	313	135	19	4	0	-1	0	0	0	-1	471	469
Outlays .....	264	167	20	11	5	-5	0	1	0	0	467	463
<b>Title III: Trade Provisions</b>												
<b>Extend Custom User Fees through March 2004:</b>												
Budget Authority .....	-698	0	0	0	0	0	0	0	0	0	-698	-698
Outlays .....	-698	0	0	0	0	0	0	0	0	0	-698	-698
<b>Title IV: Medicare Cost-Sharing Provisions</b>												
<b>Extend Medicare Cost-Sharing through March 2004:</b>												
Budget Authority .....	42	0	0	0	0	0	0	0	0	0	42	42
Outlays .....	42	0	0	0	0	0	0	0	0	0	42	42
<b>Extend Inpatient Hospital SPA Equalization through March 2004:</b>												
Budget Authority .....	292	0	0	0	0	0	0	0	0	0	292	292
Outlays .....	292	0	0	0	0	0	0	0	0	0	292	292
<b>Subtotal Title IV:</b>												
Budget Authority .....	334	0	0	0	0	0	0	0	0	0	334	334
Outlays .....	334	0	0	0	0	0	0	0	0	0	334	334
<b>Total Direct Spending:</b>												
Budget Authority .....	-51	135	19	4	0	-1	0	0	0	-1	107	105
Outlays .....	-100	167	20	11	5	-5	0	1	0	0	103	99
<b>CHANGES IN REVENUE</b>												
<b>Title II: Tax Provisions</b>												
Net Effect on Deficit/Surplus .....	-133	159	20	11	5	-5	0	1	0	0	62	58

Notes: TANF=Temporary Assistance for Needy Families. TMA=Transitional Medical Assistance. SPA=Standardized Payment Amount.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to; that the bill, as amended, be read a third time and passed; that 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 amendment (No. 1793) was agreed to, as follows:

(Purpose: 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System)

At the end of title IV, insert:

**SEC. \_\_\_\_ . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.**

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 548) are each amended by striking “September 30, 2003” and inserting “March 31, 2004”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implemen-

tation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

The bill (H.R. 3146), as amended, was read the third time and passed.

**CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION ACT OF 2003**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 1261.

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

The assistant legislative clerk read as follows:

A bill (S. 1261) to reauthorize the Consumer Product Safety Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

**S. 1261**

*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 “Consumer Product Safety Commission Reauthorization Act of 2003”.]

**[SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

[Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

- ["(1) \$60,000,000 for fiscal year 2004;
- ["(2) \$66,800,000 for fiscal year 2005;
- ["(3) \$70,100,000 for fiscal year 2006; and
- ["(4) \$73,600,000 for fiscal year 2007.”.]

**[SEC. 3. FTE STAFFING LEVELS.**

[Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

- ["(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.”.]

**[SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.**

[So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) as precedes paragraph (2) is amended to read as follows:

- ["(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director

for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of Hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.”.]

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#### SEC. 3. FTE STAFFING LEVELS.

Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

“(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.”.

#### SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(1)) as precedes subparagraph (B) is amended to read as follows:

“(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director for Laboratory Sciences, an Associate Executive Director for Epidemiology, an Associate Executive Director for Health Sciences, an Assistant Executive Director for Compliance, an Associate Executive Director for Economic Analysis, an Associate Executive Director for Administration, an Associate Executive Director for Field Operations, an Assistant Executive Director for Office of hazard Identification and Reduction, an Assistant Executive Director for Information Services, and a Director for Office of Information and Public Affairs. Any other individual appointed to a position designated as an Assistant or Associate Executive Director shall be appointed by the Chairman, subject to the approval of the Commission. The Chairman may only appoint an attorney to the position of Assistant Executive Director for Compliance, but this restriction does not apply to the position of Acting Assistant Executive Director for Compliance.”.

#### SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.

Section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) is amended by adding at the end the following:

“(i) COMMISSION-FINANCED RECALLS.—

“(1) IN GENERAL.—The Commission may take the actions otherwise required of a manufacturer, retailer, or distributor under subsection (c)(1), (2), and (3) with respect to a product if the Commission—

“(A) staff makes a preliminary hazard determination that a product presents a substantial product hazard classified as a Class A or B

product hazard (as defined in the Commission’s Recall Handbook) or the Commission makes a substantial product hazard determination classified as a Class A or B product hazard (as defined in the Commission’s Recall Handbook) with respect to such a product; and

“(B) finds that—

“(i) notification of the hazard is in the public interest; and

“(ii) the manufacturer, retailer, or distributor is financially unable to provide adequate notification.

“(2) IMPLEMENTING REGULATIONS.—Not more than 120 days after the date of enactment of the Consumer Product Safety Commission Reauthorization Act of 2003, the Commission shall prescribe regulations to implement paragraph (1). In promulgating such regulations, the Commission shall establish strict standards for ensuring that Commission funding is expended only on the product recall notifications of manufacturers, retailers, or distributors that are financially unable to effect adequate notifications required by this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each fiscal year \$2,000,000 to carry out this subsection.”.

#### SEC. 6. INCREASE IN CIVIL PENALTIES.

Section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)) is amended by striking “\$1,250,000” each place it appears and inserting “\$20,000,000”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; that 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1261), as amended, was read the third time and passed.

#### ORDERS FOR WEDNESDAY, OCTOBER 1, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 1. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the first half of the time under the control of the minority leader or his designee, and the second half of the time under the control of Senator HUTCHISON or her designee; provided further, that at 10:30 a.m., the Senate begin consideration of the supplemental appropriations bill for Iraq and Afghanistan, as under the previous order, with the time under the control of the two leaders or their designees.

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

#### PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomor-

row morning, following morning business, the Senate will begin consideration of the Iraq supplemental appropriations bill. Amendments are possible as early as 12:30 p.m. Therefore, rollcall votes are expected throughout the day. As always, Senators will be notified when the first vote is expected.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the distinguished Senator asks that the Senate be closed, I was thinking that the Senate is a great institution. To think we are at the point we are tonight, with peace and quiet in the Senate, after having faced lots of procedural problems, the two leaders are to be commended for having arrived at the point where we can civilly approach this most important legislation and have amendments offered. It is going to be good for the Senate and good for the American people.

Mr. MCCONNELL. Mr. President, I thank the assistant Democratic leader for his role in helping us get to the place where we arrived today. I, too, share his optimism that we will be able to move forward on this very important legislation this week and then wrap it up the week after the recess.

#### AUTHORITY TO SIGN DULY ENROLLED BILLS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that until the Senate reconvenes tomorrow, it be in order for the majority leader, the assistant majority leader, or the junior Senator from Missouri to sign duly enrolled bills.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, October 1, 2003, at 9:30 a.m.

#### NOMINATIONS

Executive nomination received by the Senate September 30, 2003:

##### UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009. (REAPPOINTMENT)

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 2003:

##### THE JUDICIARY

MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.  
RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA.