

for the Western District of Pennsylvania, Pittsburgh, PA.

Panel 2: Mr. Bruce A. Taylor, President and Chief Counsel, National Law Center for Children and Families, Fairfax, VA; Mr. Victor Cline, Emeritus Professor, University of Utah, Salt Lake City, UT; Mr. Steve Takeshita, Officer in Charge, Pornography Unit, Organized Crime and Vice Division, Los Angeles Police Department, Los Angeles, CA.

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

#### SUBCOMMITTEE ON WATER AND POWER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 15, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 943, a bill to authorize the Secretary of the Interior to enter into one or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick project; S. 1027 and H.R. 2040, bills to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; S. 1058, a bill to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado; S. 1071, a bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes; S. 1307, a bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non Federal water projects, and for other purposes; S. 1308, a bill to authorize the Secretary of the Interior to pursue and complete actions related to the implementation of a U.S. District of a U.S. District court consent decree; S. 1355, a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; S. 1577, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; H.R. 1284, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration Project; and S. Res. 183, a resolution commemorating 50 years of adjudication under the McCarran amendment of rights to the use of water.

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Darcy Zotter, a fel-

low on Senator HARKIN's staff, be given floor privileges for the duration of the consideration of this bill.

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

#### NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 243 introduced earlier today by Senator REED of Rhode Island.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) designating the week of October 19, 2003, through October 25, 2003, as National Childhood Lead Poisoning Prevention Week.

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

Mr. BURNS. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.

#### TRANSFER OF AUTHORITY TO PUBLIC PRINTER

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 3229, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3229) to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes on the CONGRESSIONAL RECORD, and for other purposes.

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

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

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

The bill (H.R. 3229) was read the third time and passed.

#### CHECK CLEARING FOR THE 21ST CENTURY ACT-CONFERENCE REPORT

Mr. BURNS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 1474), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of October 1, 2003.)

Mr. SARBANES. Mr. President, I support the conference report to the Check Clearing for the 21st Century Act or Check 21 Act. This is an important piece of legislation and a high priority for the Federal Reserve Board. I commend Chairman SHELBY for his leadership on this issue. Senators JOHNSON, CARPER, MILLER and BENNETT also played important roles in developing this legislation. The Check 21 Act enjoys broad bipartisan support. The conference report passed the House of Representatives unanimously on October 9th. Earlier this year both Houses of Congress passed similar bills by unanimous vote.

This legislation is designed to allow banks to use electronic images of checks to expedite check collection and processing. Current law requires a bank that receives a deposited check to physically return the check to the

issuing bank unless there is an agreement to provide for alternative presentment. It is important to note that there is no current legal requirement that an issuing bank return the original check to its customer.

The terrorist attacks of September 11, 2001 and the subsequent closure of air traffic by the Federal Aviation Administration exposed a serious weakness in our financial system. The inability of banks to send physical checks for presentment and payment for several days prevented the clearing of close to \$50 billion in transactions. This crisis required the Federal Reserve to use extraordinary efforts to prevent a serious disruption in our financial markets.

Under the Check 21 Act, banks will no longer be required to physically transport checks across the nation. Instead, they will be allowed to electronically scan the front and back of each check, create an encrypted, electronic image of each check, and then transmit the images rapidly from one area of the country to another. Consumers who wish to receive copies of their checks for record keeping purposes or who are investigating bank errors or possible fraud may receive printed copies of these electronic images. According to the Federal bank regulatory agencies, they have received few, if any, complaints from bank consumers who currently do not have their original checks returned with their monthly statements and use imaged copies of checks to dispute payments. Moreover, the Check 21 Act will not alter present law requiring banks to maintain copies of checks for seven years.

The widespread adoption of check truncation and electronic imaging will reduce the dependence of the check processing system on transportation and will increase the resiliency of the financial system to terrorist attacks or other unforeseen events. In addition, the banking industry has indicated that the legislation has the potential to make deposited funds available to the consumer more quickly. With increased efficiency through electronic check transmission, banks have also indicated that they will be able to reduce processing time and may be able to more quickly identify check fraud and bank errors. Moreover, in certain cases where a consumer's account is improperly charged, the legislation provides for expedited recrediting of the account.

Important consumer protections were maintained during the development of this check truncation legislation in the Senate. I appreciate Chairman SHELBY's responsiveness to many of my concerns regarding consumer protections and ensuring that consumers enjoy some of the benefits of the legislation. I am also pleased that the House Conferees agreed to incorporate the Senate's consumer protection provisions in the Conference Report.

First, the conference report contains statutory language clarifying that the comparative negligence language in the bill is not intended to reduce the rights of consumers under the Uniform Commercial Code or other applicable state or federal law. The report language in the Senate bill further clarifies that in the absence of fraud or bad faith, the comparative negligence provisions would generally not be applicable to consumer check users.

Second, the Check 21 Act establishes, for the first time, the right of expedited recredit for improper check charges to a consumer's bank account. Pursuant to Section 7 of the legislation, certain consumers are given a right to expedited recredit within 10 days for the amount of a substitute check—under \$2,500—that is improperly charged to the consumer's account. Current check law does not mandate a time frame for resolving consumer complaints. A consumer will have 40 days to make a claim after the financial institution mails the periodic statement or makes the substitute check available. Under extenuating circumstances, the financial institution must extend the period for filing a claim by a reasonable amount of time.

Section 7 states that the time for action begins when the financial institutions mails or delivers, by any means agreed to by the consumer, the periodic statement, or the date on which the substitute check is made available to the consumer and Section 12 permits notices to be sent to a consumer by any means agreed to by the consumer. However, this Act does not address how the agreement referred to in sections 7 or 12 may occur. That topic is covered by the Electronic Signatures in Global and National Commerce Act.

Third, the conference report contains a Federal Reserve study on the appropriateness of the time frame and monetary threshold for expedited funds availability. This provision requires the Fed to re-evaluate current practices and may lead to the reduction in the amount of time a bank may hold a deposited check before making the funds available to the consumer.

Lastly, the conference report contains a General Accounting Office study to evaluate an assessment of consumer acceptance of the check truncation process, including whether consumers who were receiving returned checks prior to the enactment of this legislation incurred any new costs; and estimate of the gains in efficiencies made possible by this Act; and a determination of consumers' share of total benefits derived from this Act.

I also want to take a moment to recognize those members of the Banking Committee staff who devoted so many hours to crafting this important and comprehensive legislation. On my staff: Patience Singleton and Aaron Klein and on the staff of Chairman SHELBY: Peggy Kuhn and Doug Nappi.

I look forward to monitoring the implementation of the Check 21 act by

the Federal Reserve and the banking industry to ensure that consumers benefit from this legislation.

Mr. BURNS. I ask unanimous consent that the conference report be adopted and the statements relating to the conference report be printed in the RECORD.

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

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#### ORDERS FOR THURSDAY, OCTOBER 16, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, October 16. I further ask that following the prayer and the 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 of morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee, provided that following morning business, the Senate resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill.

I further ask that amendment No. 1818 then be the pending business.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, is amendment No. 1818 the Byrd amendment?

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

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#### MIKE MANSFIELD BIOGRAPHY

Mr. REID. If I could, I want to say on the record here I badly wanted to go to a reception held tonight right across the hall, sponsored by the acting minority leader, Senator BAUCUS, and Congressman REHBERG, because they were going to, at that time, release the biography of one of my favorite Senators of all time, Senator Mansfield.

I apologize to the delegation from Montana for being unable to be there, but we were here on the floor. I do hope the book is a success. If the author of that biography is able to capture even a little bit of the history of this great man, it will be a wonderful book to read, and I am sorry I missed it.

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#### PROGRAM

Mr. BURNS. Mr. President, for the information of all Senators, on Thursday, following morning business, the Senate will resume consideration of Iraq-Afghanistan supplemental appropriations bill. Tomorrow morning the Senate will resume debate on Senator BYRD's amendment No. 1818. It is hoped that we can begin voting on the pending amendments and any other offered amendments at an early time tomorrow morning.