

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to extend family farmer bankruptcy protection through June 30, 2004.

Senator GRASSLEY and I introduced S. 1920 to temporarily extend these protections that our farmers have come to rely upon for another 6 months because Chapter 12 of the Bankruptcy Code is set to expire on January 1, 2004. But this is just a short term fix. We need to stop playing politics and permanently reauthorize the Chapter 12 family farmer protections.

Too many family farmers have been left in legal limbo in bankruptcy courts across the country because Chapter 12 of the Bankruptcy Code is still a temporary measure. This is the seventh time that Congress must act to restore or extend basic bankruptcy safeguards for family farmers because Chapter 12 is still a temporary provision despite its first passage into law in 1986. Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming.

In 2000 and 2001, for example, the Senate, then as now controlled by the other party, failed to take up a House-passed bill to retroactively renew Chapter 12. As a result, family farmers lost Chapter 12 bankruptcy protection for eight months. Another lapse of Chapter 12 lasted more than six months in the previous Congress. At the end of June, Chapter 12 lapsed once again.

It is time to end this absurdity and make these bankruptcy protections permanent. Everyone agrees that Chapter 12 has worked. It is time for Congress to make Chapter 12 a permanent part of the Bankruptcy Code to provide a stable safety net for our Nation's family farmers.

I will continue to work hard with Senator GRASSLEY, Senator FEINGOLD and others on both sides of the aisle to pass legislation that once and for all assures our farmers of permanent bankruptcy protection to keep their farms. In the meantime, we should quickly pass this legislation and prevent another lapse in this basic bankruptcy protection for our family farmers.

Mr. MCCONNELL. 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 any statements relating to the billing be printed in the RECORD.

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

The bill (S. 1920) was read the third time and passed, as follows:

S. 1920

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

SECTION 1. SIX-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105 09277 (11 U.S.C. 1201 note) is amended—

(1) by striking “January 1, 2004” each place it appears and inserting “July 1, 2004”; and

(2) in subsection (a)—

(A) by striking “June 30, 2003” and inserting “December 31, 2003”; and

(B) by striking “July 1, 2003” and inserting “January 1, 2004”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2004.

IMPROVING THE UNITED STATES CODE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1437 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1437) to improve the United States Code.

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

Mr. MCCONNELL. 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, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 1437) was read the third time and passed.

AUTHORIZATION FOR MAJORITY LEADER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING SENATE'S ADJOURNMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that, during the Senate's adjournment, the majority leader be authorized to sign enrolled bills and joint resolutions.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, we have been working this afternoon trying to clear the Executive Calendar, regrettably with little or no success. I had a conversation with the Democratic leader about this just a few moments ago. He can represent his own position. But let me say, from my point of view, what is customarily done at the end of the session is we work out

understandings under which we are able to, for the most part, except for extremely controversial nominees, clear the calendar. But alas, that will not be the case today. It is a result of another round of obstructionism. As we adjourn today, a grand total of 95 nominees will be languishing here on the Executive Calendar awaiting approval. I hoped that entering the holiday season, we would be able to put aside our differences and work together. Instead, the politics seems to have overtaken reason once again.

This level of obstructionism on the other side has reached a really stunning new low. An example of the positions that will be left languishing here, dealing with the national security of this country, is the Deputy Attorney General, the Ambassador to Saudi Arabia, a very important country in the war on terrorism, the Under Secretary of State for Public Diplomacy and the International Trade Commission—all obstructed as we bring this session to an end. From those positions all the way down to such things as members of the African Development Foundation, the U.S. Postal Service, the Chemical Safety and Hazard Investigation Board, even the National Commission on Libraries and Information Science—all obstructed.

On a day when the Senate delivered on a 38-year-old promise to 40 million seniors to provide a prescription drug benefit, we end the day woefully short of our obligations. It is somewhat ironic that two of the victims of obstructionist are nominees to the U.S. Institute of Peace.

I hope we can get serious about doing our work around here. Our work includes, at the very least, confirming nominations that are not controversial. This is disturbing. We have an Executive Calendar full of innocent people who are not caught up in any of the games around here who are being held up at the very least until we come back on December 9. And who knows, maybe until next year and maybe forever, positions from extremely important positions such as the Ambassador to Saudi Arabia all the way down to boards that are arguably not of any great consequence. It is a sad conclusion to the session.

Hopefully, sometime over the next few weeks we can figure out a way to clear these nominations, these people who deserve better treatment by the Senate. We abuse people and abuse people and abuse people. It is a wonder that anyone is willing to enter into public service anymore if they have to go through the confirmation process.

Mr. DASCHLE. Mr. President, I rise to note my disappointment with the impasse over nominations. Earlier this afternoon I made clear to the Republican leadership that the Democratic Caucus was ready to confirm the following nominees today for important ambassadorships around the world:

David C. Mulford to be Ambassador to India, William Hudson to be Ambassador to the Republic of Tunisia, Jon

Purnell to be Ambassador to the Republic of Uzbekistan, Margaret Scobey to be Ambassador to the Syrian Arab Republic, and Thomas Riley to be Ambassador to Morocco.

These are important posts to the war on terrorism, Mr. President, and I regret that the Republicans were unable to clear them in order for the full Senate to give its advice and consent to their confirmation. Again, the record should reflect that these nominees would have been confirmed today but for Republican objections.

ORGAN DONATION AND RECOVERY IMPROVEMENT ACT

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 410, S. 573.

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

The assistant legislative clerk read as follows:

A bill (S. 573) to amend the Public Health Service Act to promote organ donation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pension with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 573

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Organ Donation and Recovery Improvement Act".]

TITLE I—ORGAN DONATION AND RECOVERY

SEC. 101. INTERAGENCY TASK FORCE ON ORGAN DONATION.

[Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

[(1) by redesignating section 378 (42 U.S.C. 274g) as section 378E; and

[(2) by inserting after section 377 (42 U.S.C. 274f) the following:

SEC. 378. INTER-AGENCY TASK FORCE ON ORGAN DONATION AND RESEARCH.

[(a) IN GENERAL.—The Secretary shall establish an inter-agency task force on organ donation and research (referred to in this section as the "task force") to improve the coordination and evaluation of—

[(1) federally supported or conducted organ donation efforts and policies; and

[(2) federally supported or conducted basic, clinical and health services research (including research on preservation techniques and organ rejection and compatibility).

[(b) COMPOSITION.—

[(1) IN GENERAL.—The task force shall be composed of—

[(A) the Surgeon General, who shall serve as the chairperson; and

[(B) representatives to be appointed by the Secretary from relevant agencies within the Department of Health and Human Services (including the Health Resources and Services Administration, Centers for Medicare & Medicaid Services, National Institutes of Health, and Agency for Healthcare Research and Quality).

[(2) OTHER EX OFFICIO MEMBERS.—The Secretary shall invite the following individuals

to serve as ex officio members of the task force:

[(A) A representative from the Department of Transportation.

[(B) A representative from the Department of Defense.

[(C) A representative from the Department of Veterans Affairs.

[(D) A representative from the Office of Personnel Management.

[(E) A physician representative from the board of directors of the Organ Procurement and Transplantation Network.

[(F) Representatives of other Federal agencies or departments as determined to be appropriate by the Secretary.

[(c) ANNUAL REPORT.—In addition to activities carried out under subsection (a), the task force shall support the development of the annual report under section 378D(c).

[(d) TERMINATION.—The task force may be terminated at the discretion of the Secretary following the completion of at least 2 annual reports under section 378D(c). Upon such termination, the Secretary shall provide for the on-going coordination of federally supported or conducted organ donation and research activities.".]

SEC. 102. DEMONSTRATION PROJECTS, EDUCATION, AND PUBLIC AWARENESS.

[Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 378, as added by section 101, the following:

SEC. 378A. DEMONSTRATION PROJECTS, EDUCATION, AND PUBLIC AWARENESS.

[(a) GRANTS TO INCREASE DONATION RATES.—The Secretary shall award peer-reviewed grants to public and non-profit private entities, including States, to carry out studies and demonstration projects to increase organ donation and recovery rates, including living donation.

[(b) ORGAN DONATION PUBLIC AWARENESS PROGRAM.—The Secretary shall establish a public education program in cooperation with existing national public awareness campaigns to increase awareness about organ donation and the need to provide for an adequate rate of such donations.

[(c) DEVELOPMENT OF CURRICULA AND OTHER EDUCATION ACTIVITIES.—

[(1) IN GENERAL.—The Secretary, in coordination with the Organ Procurement and Transplantation Network and other appropriate organizations, shall support the development and dissemination of model curricula to train health care professionals and other appropriate professionals (including religious leaders in the community, funeral directors, and law enforcement officials) in issues surrounding organ donation, including methods to approach patients and their families, cultural sensitivities, and other relevant issues.

[(2) HEALTH CARE PROFESSIONALS.—For purposes of subparagraph (A), the term "health care professionals" includes—

[(A) medical students, residents and fellows, attending physicians (through continuing medical education courses and other methods), nurses, social workers, and other allied health professionals;

[(B) hospital- or other health care-facility based chaplains; and

[(C) emergency medical personnel.

[(d) LIMITED DEMONSTRATION PROJECTS.—

[(1) REPORTS.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report evaluating the ethical implications of proposals for demonstration projects to increase cadaveric donation.

[(2) AUTHORITY.—Notwithstanding section 301 of the National Organ Transplant Act (42 U.S.C. 274e), upon the submission of and con-

sistent with the report by the Secretary under paragraph (1), the Secretary may conduct up to 3 demonstration projects to increase cadaveric donation.

[(3) DURATION.—Each project shall last no more than 3 years, and shall be conducted in a limited number of sites or areas.

[(4) REVIEW.—The Secretary shall provide for the ongoing ethical review and evaluation of such projects to ensure that such projects are administered effectively as possible and in accordance with the stated purpose of this subsection under paragraph (2).

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008.

SEC. 378B. GRANTS REGARDING HOSPITAL ORGAN DONATION COORDINATORS.

[(a) AUTHORITY.—

[(1) IN GENERAL.—The Secretary may award grants to qualified organ procurement organizations under section 371 to establish programs coordinating organ donation activities of eligible hospitals and qualified organ procurement organizations under section 371. Such activities shall be coordinated to increase the rate of organ donations for such hospitals.

[(2) ELIGIBLE HOSPITAL.—For purposes of this section, an eligible hospital is a hospital that performs significant trauma care, or a hospital or consortium of hospitals that serves a population base of not fewer than 200,000 individuals.

[(b) ADMINISTRATION OF COORDINATION PROGRAM.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that the program under such subsection will be carried out jointly—

[(1) by representatives from the eligible hospital and the qualified organ procurement organization with respect to which the grant is made; and

[(2) by such other entities as the representatives referred to in paragraph (1) may designate.

[(c) EVALUATIONS.—Within 3 years after the award of grants under this section, the Secretary shall ensure an evaluation of programs carried out pursuant to subsection (a) in order to determine the extent to which the programs have increased the rate of organ donation for the eligible hospitals involved. Such evaluation shall include recommendations on whether the program should be expanded to include other grantees, such as hospitals.

[(d) MATCHING REQUIREMENT.—The Secretary may not award a grant to a qualifying organ donation entity under this section unless such entity agrees that, with respect to costs to be incurred by the entity in carrying out activities for which the grant was awarded, the entity shall contribute (directly or through donations from public or private entities) non-Federal contributions in cash or in kind, in an amount equal to not less than 30 percent of the amount of the grant awarded to such entity.

[(e) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated \$3,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008.".]

SEC. 103. STUDIES RELATING TO ORGAN DONATION AND THE RECOVERY, PRESERVATION, AND TRANSPORTATION OF ORGANS.

[Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 378B, as added by section 102, the following: