AMENDMENT NO. 578

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 578 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 578

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 578 proposed to S. 1054, supra.

AMENDMENT NO. 587

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 587 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 593

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 593 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 593

At the request of Mr. BURNS, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 593 proposed to S. 1054, supra.

AMENDMENT NO. 594

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. CAMPBELL), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. ROBERTS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 594 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 594

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 594 proposed to S. 1054, supra.

AMENDMENT NO. 596

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 596 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 596

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 596 proposed to S. 1054, supra.

AMENDMENT NO. 605

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 605 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 614

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 614 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 617

At the request of Mr. GRAHAM of Florida, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 617 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 620

At the request of Ms. LANDRIEU, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 620 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

AMENDMENT NO. 620

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 620 proposed to S. 1054, supra.

AMENDMENT NO. 622

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. ALLEN), the Senator from Nevada (Mr. REID), the Senator from Indiana (Mr. BAYH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 622 proposed to S. 1054, an original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. DEWINE):

S. 1068. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased today to join with my colleague Senator DEWINE to introduce legislation to protect the most vulnerable members of our society: newborn infants. As a first-time dad of a 20-month old baby girl, I now know the joy of being able to experience every pleasure that comes with being a father. What I also now share with parents everywhere is a constant sense of worry about whether our kids are doing well, are feeling well, and are safe. Nothing is of greater importance than the health and well-being of our children.

Thanks to incredible advances in medical technology, it is now possible to test newborns for more than 30 genetic and metabolic disorders. Many of these disorders, if undetected, would lead to severe disability or death. However, babies that are properly diagnosed and treated can go on to live healthy lives. In the most direct sense, newborn screening saves lives.

Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family, no way to predict the health of a baby based on the health of the parents. Although the disorders that are tested for are quite rare, there is a chance that any one newborn will be affected—a sort of morbid lottery. In that sense, this is an issue that has a direct impact on the lives of every family.

Fortunately, screening has become common practice in every State. Each year, over four million infants have blood taken from their heel to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could save approximately 1,000 lives each year. That is 1,000 tragedies that can possibly be averted—families left with the joy of a new infant rather than absolute heartbreak.

That is the good news. However, there is so much more to be done. For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected because they are not screened. These infants and their families face the prospect of disability or death from a preventable disorder. Let me repeat that—disability or death from a preventable disorder. The survival of a newborn may very well come down to the State in which it is born. Only two States, including my home state of Connecticut thanks to recent legislation, will test for all 30 disorders. While the number of genetic and metabolic disorders screened for varies among different states, the vast majority test for eight or fewer.

The General Accounting Office, GAO, released a report in March highlighting the need for this legislation. According to the report, most States do not educate parents and health care providers about the availability of tests beyond what is mandated by the State. States also reported that they do not have the

resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

Last year, I chaired a hearing on this issue during which I related a story that illustrates the impact of newborn screening, or the lack of newborn screening, in a very personal sense. Jonathan Sweeney is a three-year-old from Brookfield, CT. At the time of his birth, the State only tested for eight disorders. He was considered a healthy baby, although he was a poor sleeper and needed to be fed quite frequently. One morning in December of 2000, Jonathan's mother, Pamela, found Jonathan with his eyes wide open but completely unresponsive. He was not breathing and appeared to be having a seizure. Jonathan was rushed to the hospital where, fortunately, his life was saved. He was later diagnosed with L-CHAD, a disorder that prevents Jonathan's body from turning fat into energy.

Despite this harrowing tale, Jonathan and his family are extremely fortunate. Jonathan is alive, and his disorder can be treated with a special diet. He has experienced developmental delays that most likely could have been avoided had he been tested for L-CHAD at birth. This raises a question. Why was he not tested? Why do 47 States still not test for L-CHAD?

The primary reason for this unfortunate reality is the lack of a consensus on the Federal level about what should be screened for, and how a screening program should be developed. Twenty disorders can only be detected using a costly piece of equipment called a Tandem Mass Spectrometer. Currently, only 21 States have this resource.

Many health care professionals are unaware of the possibility of screening for disorders beyond what their State requires. Parents, and I include myself, are even less well-informed. My daughter Grace was born in Virginia, where they screen for nine disorders. I was extremely relieved when all of those tests came out negative. However, at that time I did not know that this screening was not as complete as it could have been. My ignorance had nothing to do with my love for my daughter or my capability as a parent. The fact is that the majority of parents do not realize that this screening occurs at all, nor are they familiar with the disorders that are being screened for. In fact, only one out of four States inform parents that they have the option to obtain testing for disorders that are not included on the State's screening program. For that reason, one of the most important first steps that we can take to protect our children is to educate parents and health care professionals.

In the Children's Health Act of 2000, I supported the creation of an advisory committee on newborn screening within the Department of Health and Human Services. The purpose of this committee would be to develop national recommendations on screening, hopefully eliminating the arbitrary disparities between states that currently exist. The Children's Health Act also included a provision to provide funding to States to expand their technological resources for newborn screening. Unfortunately, funds were not appropriated for either of these provisions. Senator DEWINE and I have led a campaign to secure $25 million in appropriations needed for this crucial initiative. It is unconscionable for us to not do all we can to help prevent children from dying of treatable disorders.

The legislation that we are introducing today, the Newborn Screening Saves Lives Act of 2003, seeks to address the shocking lack of information available to health care professionals and parents about newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn's death is only compounded by the frustration of learning that the death was preventable. This bill authorizes $10 million in fiscal year 2004, and such sums as are necessary through fiscal year 2008, to HRSA for grants to provide education and training to health care professionals, State laboratory personnel, families and consumer advocates.

Our legislation will also provide States with the resources to develop programs of follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment or major lifestyle changes. We need to remember that care does not stop at diagnosis. For that reason, this bill authorizes $5 million in fiscal year 2004, and such sums as are necessary through FY 2008, to HRSA for grants to develop a coordinated system of follow-up care for newborns and their families after screening and diagnosis.

Finally, the bill directs HRSA to assess existing resources for education, training, and follow-up care in the States, ensure coordination, and minimize duplication; and also directs the Secretary to provide an evaluation report to Congress two and a half years after the grants are first awarded and then after five years to assess impact and effectiveness and make recommendations about future efforts.

I urge my colleagues to support this important initiative so that every newborn child will have the opportunity for a long, healthy and happy life; and to spare thousands of families from an avoidable tragedy.

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. 1068

*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 ''Newborn Screening Saves Lives Act of 2003''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Currently, it is possible to test for at least 30 disorders through newborn screening.

(2) There is a lack of uniform newborn screening throughout the United States. While a newborn with a debilitating condition may receive screening, early detection, and treatment in one location, in another location the condition may go undetected and result in catastrophic consequences.

(3) Each year more than 4,000,000 babies are screened to detect conditions that may threaten their long-term health.

(4) There are more than 2,000 babies born every year in the United States with detectable and treatable disorders that go unscreened through newborn screening.

**SEC. 3. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.**

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

**''SEC. 399AA. NEWBORN SCREENING.**

''(a) AUTHORIZATION OF GRANT PROGRAMS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration (referred to in this section as the 'Associate Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities to assist in providing health care professionals and State health department laboratory personnel with—

''(A) education in newborn screening; and

''(B) training in—

''(i) relevant and new technologies in newborn screening; and

''(ii) congenital, genetic, and metabolic disorders.

''(2) GRANTS TO ASSIST FAMILIES.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups.

''(3) GRANTS FOR NEWBORN SCREENING FOLLOWUP.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Secretary, after considering the approval factors under paragraph (2), shall determine whether to award the eligible entity a grant under this section.

''(2) APPROVAL FACTORS.—

''(A) REQUIREMENTS FOR APPROVAL.—An application submitted under subsection (b) may not be approved by the Secretary unless

the application contains assurances that the eligible entity—

''(i) will use grant funds only for the purposes specified in the approved application and in accordance with the requirements of this section; and

''(ii) will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the eligible entity under the grant.

''(B) EXISTING PROGRAMS.—Prior to awarding a grant under this section, the Secretary shall—

''(i) conduct an assessment of existing educational resources and training programs and coordinated systems of followup care with respect to newborn screening; and

''(ii) take all necessary steps to minimize the duplication of the resources and programs described in clause (i).

''(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section.

''(e) USE OF GRANT FUNDS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—An eligible entity that receives a grant under subsection (a)(1) may use the grant funds to work with appropriate medical schools, nursing schools, schools of public health, internal education programs in State agencies, nongovernmental organizations, and professional organizations and societies to develop and deliver education and training programs that include—

''(A) continuing medical education programs for health care professionals and State health department laboratory personnel in newborn screening;

''(B) education, technical assistance, and training on new discoveries in newborn screening and the use of any related technology;

''(C) models to evaluate what a newborn should be screened for and when and where that screening should take place;

''(D) models to evaluate the prevalence of, and assess and communicate the risks of, newborn disorders, including the prevalence and risk of certain newborn disorders based on family history;

''(E) models to communicate effectively with parents and families about—

''(i) the process and benefits of newborn screening;

''(ii) how to use information gathered from newborn screening;

''(iii) the meaning of screening results, including the rate of false positives;

''(iv) the right of refusal of newborn screening; and

''(v) the potential need for followup care after newborns are screened;

''(F) information and resources on coordinated systems of followup care after newborns are screened;

''(G) information on the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

''(H) information on supplemental newborn screening that the States do not require and offer but that parents may want; and

''(I) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

''(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to develop and deliver to parents, families, and patient advocacy and support groups, educational programs about newborn screening that include information on—

''(A) what is newborn screening;

''(B) how newborn screening is performed;

''(C) who performs newborn screening;

''(D) where newborn screening is performed;

''(E) the disorders for which the State requires newborns to be screened;

''(F) different options for newborn screening for disorders other than those included by the State in the mandated newborn screening program;

''(G) the meaning of various screening results including the rate of false positives;

''(H) the prevalence and risk of newborn disorders, including the increased risk of disorders that may stem from family history;

''(I) coordinated systems of followup care after newborns are screened; and

''(J) other items to carry out the purpose described in subsection (a)(2) as determined appropriate by the Secretary.

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—An eligible entity that receives a grant under subsection (a)(3) shall use the grant funds to—

''(A) expand on existing procedures and systems, where appropriate and available, for the timely reporting of newborn screening results to individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders;

''(B) coordinate ongoing followup treatment with individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders after a newborn receives an indication of the presence of a disorder on a screening test;

''(C) ensure the seamless integration of confirmatory testing, tertiary care medical services, comprehensive genetic services including genetic counseling, and information about access to developing therapies by participation in approved clinical trials involving the primary health care of the infant;

''(D) analyze data, if appropriate and available, collected from newborn screenings to identify populations at risk for disorders affecting newborns, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other relevant risk factors; and

''(E) carry out such other activities as the Secretary may determine necessary.

''(f) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the appropriate committees of Congress reports—

''(A) evaluating the effectiveness and the impact of the grants awarded under this section—

''(i) in promoting newborn screening—

''(I) education and resources for families; and

''(II) education, resources, and training for health care professionals;

''(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

''(iii) on the continued development of coordinated systems of followup care after newborns are screened;

''(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

''(C) that include recommendations for Federal actions to support—

''(i) education and training in newborn screening; and

''(ii) followup care after newborns are screened.

''(2) TIMING OF REPORTS.—The Secretary shall submit—

''(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

''(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

''(g) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State or a political subdivision of a State;

''(2) a consortium of 2 or more States or political subdivisions of States;

''(3) a territory;

''(4) an Indian tribe or a hospital or outpatient health care facility of the Indian Health Service; or

''(5) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2004; and

''(2) such sums as may be necessary for each of fiscal years 2005 through 2008.''.

Mr. DEWINE. Mr. President, I rise today, along with my colleague from Connecticut, Senator DODD, to introduce the Newborn Screening Saves Lives Act of 2003, a bill designed to improve genetic newborn screening programs in this country. Our legislation would provide education grants for physicians and parents, as well as grants to states, to improve follow-up and tracking of those children who receive a positive result from a heelstick screening for metabolic, genetic, infectious, or other congenital conditions that threaten their health and well-being.

Each year, newborn screening identifies an estimated 3,000 babies with conditions like sickle cell diseases and homocystinuria that, if left undetected, would otherwise have had dire consequences. But, despite their clear importance, our newborn screening systems are fragmented. Quite simply, all children do not have access to the same genetic tests. Where a child is born determines the tests that he or she receives. In my home state of Ohio, we test for 12 disorders, while right across the border in Kentucky, they test for only four, and in Pennsylvania, only six. In Massachusetts, on the other hand, newborns are tested for 29 disorders.

Compounding this problem, parents often are not sufficiently informed of the number of tests available in their individual states and what those tests can help accomplish. Physicians may not know to educate parents, or physicians may talk to parents too late in the birthing process for it to make a difference. Also, state health departments may not follow up adequately with the parents of a child who receives a positive test result, and health departments may not have the capacity to effectively record or track a large number of positive results.

The bill we are introducing today would go a long way toward streamlining the current newborn screening system by offering grants to states to accomplish the following:

Build and expand existing procedures and systems to report test results to individuals and families, primary care physicians, and specialists;

Coordinate ongoing follow-up treatment with individuals, families, and primary care physicians after a newborn receives an indication of the presence of a disorder on a screening test;

Ensure seamless integration of confirmatory testing, tertiary care, genetic services, including counseling, and access to evolving therapies by participation in approved clinical trials involving the primary health care of the infant; and

Analyze collected data to identify populations at high risk, examine and respond to health concerns, and recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other factors.

Senator DODD and I recently requested that the General Accounting Office examine state newborn screening programs. The results of this study were troubling. The GAO found that many children are not receiving critical, life-saving tests due, in part, to strained state budgets that cannot fund newborn screening initiatives.

The grant program established by our bill seeks to help states maintain and expand their newborn screening programs. Our legislation would be a good start toward ensuring that all newborns receive equal access to genetic tests and that their follow-up care, if needed, is available and coordinated. The importance of these screenings cannot be overstated. It can mean the difference between life and death for a newborn. And that, Mr. President, is something we must address.

I urge my colleagues to support this important children's health legislation.

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By Mr. BINGAMAN:

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; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce a bill to authorize the Secretary of the Interior to study a proposed water conservation project in eastern New Mexico. This project, involving the Arch Hurley Conservancy District near Tucumcari, NM, could play a significant role in helping to address the chronic water supply issues that exist in the eastern part of the state.

The Conservancy District receives its water supply from Conchas Lake on the Canadian River, and delivers it through an unlined canal to irrigate approximately 41,400 acres of farmland in the area. The district has suggested that it might be possible to line its canal, eliminate a large amount of seepage, and convey a portion of the saved water to address water supply needs in the Pecos River basin. The non-conveyed portion of the conserved water would be available to shore up the district's supply in times of drought.

While further investigation is warranted to test the feasibility of the proposed project and any issues associated with its implementation, the project does hold significant promise, making this legislation timely. I appreciate the district's leadership in developing this proposal which represents a creative effort to improve water management and efficiency within New Mexico. If, in the 21st century, we are to maintain the standard of life that we've grown accustomed to in the arid West, creative solutions to our water supply problems are necessary. This bill is a step in the right direction by encouraging efforts to develop, analyze, and ultimately implement those creative solutions. I hope my colleagues will support this modest effort to address New Mexico's water needs.

I ask unanimous consent that the 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. 1071

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

**SECTION 1. STUDY AUTHORIZATION.**

(a) AUTHORIZATION.—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, and in consultation and cooperation with the Arch Hurley Conservancy District and the State Engineer in New Mexico, is authorized to conduct a study to determine the feasibility of implementing a water conservation project that will minimize water losses from the irrigation conveyance works of the Arch Hurley Conservancy District, and to consider—

(1) options for utilizing any saved water made available from the conservation project including the possible conveyance of such water, in accordance with State law, to the Pecos River basin to address water supply issues in that basin;

(2) the impacts that the conservation project could have on the local water supply in and around the Arch Hurley Conservancy District and any appropriate mitigation that may be necessary if the project is implemented; and

(3) appropriate cost-sharing options for implementation of the project based on the use and possible allocation of any conserved water.

(b) REPORT.—

(1) Upon completion of the feasibility study authorized by this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the study.

(2) In developing the report, the Secretary shall utilize reports or any other relevant information supplied by the Arch Hurley Conservancy District or the State Engineer in New Mexico.

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

(a) AMOUNT.—There are authorized to be appropriated $500,000 to carry out this Act.

(b) COST SHARE.—

(1) The federal share of the costs of the feasibility study shall not exceed 50 percent of the total, except that the Secretary of the Interior is authorized to waive or limit the required non-Federal cost share for the feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the Arch Hurley Conservancy District, that the District is unable to contribute such required share.

(2) The Secretary of the Interior may accept as part of the non-Federal cost share the contribution of such in-kind services by the Arch Hurley Conservancy District as the Secretary determines will contribute substantially toward the conduct and completion of the study.

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By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID) (by request):

S. 1072. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Environmental and Public Works.

Mr. INHOFE. Mr. President, I am pleased to introduce, by request, President Bush's proposed ''Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003,'' SAFETEA, which reauthorizes the Federal-aid surface transportation program. Joining me are Senators JEFFORDS and BOND.

Although I am not in complete agreement with the President on this proposal, I believe the President deserves the courtesy of getting his proposal introduced.

I do agree with the President's desire to build upon the achievements of the Transportation Equity Act of the 21st Century, TEA–21, of 1998 and the Intermodal Surface Transportation Efficiency Act, ISTEA, of 1991. In the hearings conducted by the Environment and Public Works Committee over the last 12 months, we consistently heard that TEA–21 works.

SAFETEA focuses on reducing highway fatalities and injuries, reducing congestion, protecting the environment, increasing funding flexibility for State and local governments, and providing economic stimulus to the Nation's economy. All very worthy goals. Unfortunately, the funding proposed in the President's bill is woefully inadequate.

As Chairman of the Environment and Public Works Committee, I am looking forward to working with the President and my Congressional colleagues to develop a Senate bill that strengthens the national transportation system.

Mr. JEFFORDS. Mr. President, today, I join my colleagues from the Committee on Environment and Public Works in offering, by request, the Administration's recommended legislation to reauthorize the Nation's surface transportation program. I extend this courtesy, in large measure, out of respect for my long time friend and colleague, Secretary of Transportation Norman Mineta.

Norm and I served together, and worked together, for many years in the House. Norm is a leader on transportation, an author of many key aspects of our transportation law.

In the 107th Congress, as Chairman of the Committee, I reached out to Norm as we began our deliberations on reauthorization. He pledged then that U.S.

DOT would work closely with the Congress, and he kept his word. I appreciate his friendship and assistance.

The administration's proposal is a mixed bag. Its greatest strength is its continuity with its predecessors, ISTEA and TEA–21. These are landmarks in public policy, due in no small measure to the efforts and wisdom of Norm, Senator John Chafee, Senator Pat Moynahan and Congressman BUD SHUSTER. The administration package carries that legacy forward.

Its greatest weakness is its funding levels. The bill sets the right target with its emphasis on safety, but comes up short on the funding to hit that target. It continues programs that have produced better roads and stronger bridges in this country, but then fails to provide the dollars to continue this progress. It does less than is needed to address congestion and not enough to expand freight capacity.

Under Chairman INHOFE's leadership, we have fought for higher funding levels. We will continue that fight. I will not shortchange the Nation. I will not support any legislation that underfunds transportation.

The Administration's bill would modify our approach to environmental protection. My record on clean air, clean water and sound planning is clear and consistent. I want to strengthen our efforts, and will oppose any measure that reduces our vigilance in these areas. Our transportation investments should improve our environment, our air and water quality, should strengthen local economies and enhance our communities.

We will have a robust debate on these matters over the next few months. I look forward to working with my EPW colleagues, with Chairman YOUNG and Mr. OBERSTAR in the House and with Secretary Mineta to renew our surface transportation program for a strong America.

Mr. REID. Mr. President, today I join my colleagues from the Environment and Public Works Committee in introducing the administration's bill by request. I do so largely because of my friendship with and respect for Secretary of Transportation Norman Mineta, whom I served with in my days in the House of Representatives.

I have always been a proponent of infrastructure spending and the economic stimulus and jobs that it creates. For every billion dollars we spend on our Nation's surface transportation infrastructure, we create over 47,000 well-paid skilled jobs. Reauthorizing our Nation's surface transportation laws represents a tremendous opportunity for us to impact our economy in a meaningful, lasting way. Unfortunately, the administration's reauthorization proposal does not take full advantage of this opportunity.

While the bill continues the spirit of its predecessors, ISTEA and TEA–21, the bill is woefully underfunded. The bill correctly places added emphasis on important topics such as safety, but then lacks the funding to make a real and substantial impact in these areas.

The administration's bill also would modify certain environmental provisions and project permitting requirements. TEA–21 and its predecessor, ISTEA, proved we can advance our national transportation goals while preserving our environment. I will not support any provision that undermines essential environmental protections I have spent 20 years in public office trying to preserve. We can increase investment in and improve our Nation's surface transportation system in a timely, thoughtful, and effective way without jeopardizing the environment.

I look forward to the coming reauthorization debate and to working with my colleagues and Secretary Mineta on this most important legislation.

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By Mr. SPECTER:

S. 1074. A bill to amend title 38, United States Code, to enhance burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation I am introducing today to ensure that veterans across the Nation have access to burial in national and State cemeteries. This legislation will put in place a comprehensive strategy for addressing what has, and will continue to be, a national priority: providing lasting memorials to our veterans.

Four principles guide this legislation: First, areas with large veterans' populations merit a national cemetery. Second, State cemetery grant funding should encourage the development of State cemeteries to serve areas with smaller veterans' populations. Third, State or national cemeteries should be located within reasonable distances of where veterans lived before death and, presumably, where their families still live. And finally, we need creative ways to finance the maintenance, repair and operational needs of national cemeteries.

This bill sets out clear criteria, based on objective measures of need, that will serve as a guide for future national cemetery construction. It encourages States to participate in the State cemetery grant program by permitting State cemeteries to receive plot allowance money to defray burial expenses for all—not just poor, disabled and wartime—veterans. Lastly, the legislation authorizes VA's National Cemetery Administration, NCA, to enter into lease agreements with public or non-profit organizations who wish to use unused or underutilized land and facilities, and permits proceeds from lease agreements to remain with NCA to augment its operational and cemetery maintenance needs.

Burial in a national cemetery—a perpetual tribute to a veteran's service to the country—is one of the most important benefits we, as a Nation, can provide to veterans and their families. It must be available to veterans, and their families, within reasonable distances to their homes. This legislation would require the Department of Veterans Affairs to establish a national cemetery at sites more than 50 miles away from an open national or State veterans cemetery where 170,000 or more veterans reside. The adoption of this criterion would assure adequate national access to national cemeteries and would require the opening of approximately five new national cemeteries.

Because it is not practical to build national cemeteries to meet the burial needs of every veteran—particularly veterans in more sparsely populated areas—it is important that VA cooperate with the States through administration of its State cemetery grant program, to meet needs in areas where there are smaller veterans' populations. These grants provide up to 100 percent of the costs associated with building, making large repairs at, and expanding State veterans cemeteries. In addition, States are also provided a $300 plot allowance, payable by VA to assist in offsetting maintenance costs, for each poor, disabled, or wartime veteran who is interred in a State cemetery. If, as this legislation would specify, the plot allowance were to be payable for burial of all veterans—not just poor, disabled and wartime veterans—States would be provided with additional maintenance income and further incentive to establish additional State veterans' cemeteries. Clearly, encouraging the construction of additional State cemeteries is a good way to complement VA's National cemetery capacity within the context of a nationwide, comprehensive strategy to meet veterans' burial needs.

Finally, my legislation proposes a creative way for NCA to fund additional maintenance projects at national cemeteries. It would authorize the Secretary to lease undeveloped, unused or underutilized acreage and buildings on NCA lands, and to retain the proceeds from the leases. VA has indicated that portions of many national cemeteries are not suitable for burials due to, for example, rocky or hilly terrain. Such sites, however, might have commercial uses. In addition, there are historic lodges and other buildings on VA lands that, if available for use, could generate revenue. Allowing NCA to utilize these resources to generate revenue would provide VA with an opportunity to put a small dent in the $245 million worth of repairs it needs to undertake to bring the national cemeteries up to appropriate memorial standards. This sort of leasing authority is already extended to VA's hospital system, and it has been successfully utilized on VA's medical campuses. An extension of this authority to VA cemetery facilities is wholly reasonable.

I ask my colleagues for their support of this bill. I reiterate, meeting the burial needs of veterans is a national

priority. It is a powerful reflection of the value we place on military service. And it is an unmistakable message we send to all Americans that service to our country will forever be remembered.

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. 1074

*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 ''Veterans' Burial Benefits Enhancement Act of 2003''.

**SEC. 2. MODIFICATION OF ELIGIBILITY OF STATES FOR BURIAL PLOT ALLOWANCE.**

(a) IN GENERAL.—Section 2303(b) of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war'' and inserting ''burial in a national cemetery under section 2402 of this title''; and

(2) in paragraph (2), by striking ''(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)'' and inserting ''is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act.

**SEC. 3. LEASE OF UNUTILIZED OR UNDERUTILIZED PROPERTY OR FACILITIES OF NATIONAL CEMETERY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by inserting after section 2406 the following new section:

**''§ 2406A. Lease of unutilized or underutilized land or facilities**

''(a) Subject to the provisions of this section, the Secretary may lease to such lessee, and upon such terms and conditions as the Secretary considers will be in the public interest, any unutilized or underutilized land or facilities of the United States that are part of the National Cemetery Administration as the Secretary considers appropriate.

''(b) The term of any lease of land or facilities under subsection (a) may not exceed three years.

''(c)(1) A lease under subsection (a) to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).

''(2) Notwithstanding section 1302 of title 40 or any other provision of law, a lease under subsection (a) to any public or nonprofit organization may provide for the maintenance, protection, or restoration by the lessee of the land or facilities covered by the lease as a part or all of the consideration for the lease.

''(3) Before entering into a lease of land or facilities under subsection (a) to a public or nonprofit organization, the Secretary shall publish in a newspaper of general circulation in the community in which such land or facilities are located appropriate public notice of the intention of the Secretary to enter into the lease.

''(d) Notwithstanding any other provision of law, proceeds from the lease of land or facilities under subsection (a) shall be deposited in the National Cemetery Administration account. Amounts so deposited shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as the amounts with which merged.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 2406 the following new item:

''2406A. Lease of unutilized or underutilized land or facilities.''.

**SEC. 4. ESTABLISHMENT OF NATIONAL CEMETERIES FOR GEOGRAPHICALLY UNDERSERVED POPULATIONS OF VETERANS.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 2412. Establishment of national cemeteries: geographically underserved populations of veterans**

''(a) Except as provided in subsection (c), the Secretary shall establish a national cemetery in each geographic area identified by the Secretary under subsection (b) in order to ensure that the veterans who reside in such geographic area reside not more than 50 miles from an open national cemetery.

''(b) The Secretary shall identify each geographic area in the United States in which—

''(1) the number of veterans who reside more than 50 miles from an open national cemetery or State cemetery for veterans exceeds 170,000 veterans; or

''(2) the number of veterans who reside more than 50 miles from an open national cemetery or State cemetery for veterans, when combined with the number of veterans who reside within 50 miles of a State cemetery for veterans but are ineligible for burial in such State cemetery due to residency requirements, exceeds 170,000 veterans.

''(c) If the Secretary determines that the expansion of one or more national cemeteries in a geographic area identified under subsection (b) is adequate and appropriate to meet the needs of veterans and their families in such geographic area, the Secretary shall expand such national cemetery or cemeteries in lieu of meeting the requirement for such geographic area under subsection (a).

''(d) A national cemetery established under this section shall be treated as a national cemetery of the National Cemetery Administration under this chapter.

''(e) In this section, the term 'open', with respect to a national cemetery or State cemetery for veterans, means that the national cemetery or State cemetery for veterans has the capacity for each of the following:

''(1) First interment, in-ground casket burials.

''(2) Burial or inurnment of cremated remains.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''2412. Establishment of national cemeteries: geographically underserved populations of veterans.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 144—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD DECLARE ITS SUPPORT FOR THE RIGHT OF THE PEOPLE OF KOSOVA TO DETERMINE THEIR POLITICAL FUTURE ONCE KOSOVA HAS MADE REQUISITE PROGRESS, AS DEFINED BY UNITED NATIONS BENCHMARKS, IN DEVELOPING DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS PROTECTIONS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 144

Whereas paragraph 1 of Article 1 of the International Covenant on Civil and Political Rights, to which the United States is a party, recognizes that all peoples have the right of self-determination;

Whereas Kosova was constitutionally defined as an autonomous region in the First National Liberation Conference for Kosova on January 2, 1944, this status was confirmed in the Constitution of the Socialist Federal Republic of Yugoslavia adopted in 1946, and the autonomous status of Kosova was preserved in the amended Yugoslav Constitution adopted in 1974;

Whereas prior to the disintegration of the former Yugoslavia, the autonomous region of Kosova constituted a political and legal entity with its own distinct financial institutions, police force, municipal government, school system, judicial and legal system, hospitals, and other organizations;

Whereas, in 1987, Serbian strongman Slobodan Milosevic rose to power in Yugoslavia on a platform of ultranationalism and anti-Albanian racism, advocating violence and hatred against all non-Slavic peoples and specifically targeting the ethnic Albanians of Kosova;

Whereas Slobodan Milosevic subsequently stripped Kosova of its political autonomy without the consent of the people of Kosova;

Whereas the elected Assembly of Kosova, faced with this illegal act, adopted a Declaration of Independence on July 2, 1990, proclaimed a Republic of Kosova, and adopted a constitution on September 7, 1990, based on the internationally accepted principles of self-determination, equality, and sovereignty;

Whereas in recognition of the de facto dissolution of the Yugoslav federation, the European Community established principles for the recognition of the independence and sovereignty of the republics of the former Socialist Federal Republic of Yugoslavia;

Whereas a popular referendum was held in Kosova from September 26 to 30, 1991, in which 87 percent of all eligible voters cast ballots and 99.87 percent voted in favor of declaring Kosova independent of the Socialist Federal Republic of Yugoslavia;

Whereas, during the occupation of Kosova, which began in 1989 and ended with the North Atlantic Treaty Organization (NATO) military action against the regime of Slobodan Milosevic in 1999, the ethnic Albanians of Kosova were subjected to brutal treatment by the occupying forces, and approximately 400,000 ethnic Albanians were forced to flee to Western Europe and the United States;

Whereas in the spring of 1999 almost 1,000,000 ethnic Albanians were driven out of Kosova and at least 10,000 were murdered by Serbian paramilitary and military forces;