Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 959

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1015

At the request of Mr. GREGG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1036

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1036, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1110

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1110, a bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes.

S. 1126

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1126, a bill to establish the Office of Native American Affairs within the Small Business Administration, to create the Native American Small Business Development Program, and for other purposes.

S.J. RES. 7

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. WARNER, Mr. ROCKEFELLER, Ms. COLLINS, Mr. REED, Mr. JEFFORDS, Mr. BINGAMAN, Ms. LANDRIEU, Mr. JOHNSON, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. BREAUX, Mr. EDWARDS, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, and Mr. REID):

S. 1162. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

Mrs. LINCOLN. M. President, I am proud to introduce today the Working Taxpayer Fairness Restoration Act. I offer this bill on behalf of the nearly 12 million children who were left behind when President Bush signed the 2003 tax bill.

The bill that I am introducing, with many of my good friends, including Senators SNOWE, WARNER and JEFFORDS, will restore a provision left on the cutting-room floor when House and Senate leaders finalized the conference report on the tax cut. Our bill will restore the advanced refundability of the child tax credit.

My friend from Maine and I have worked since 2001 to ensure that all working families benefit from the child tax credit. We worked to ensure in the 2001 tax cut that the child tax credit was refundable. During Finance Committee deliberations on this year's tax bill, I successfully offered an amendment that would have advanced the refundability of the child tax credit. Regrettably, that provision was dropped in conference.

Unless we pass the bill that I am introducing today, families with incomes between $10,500 and $26,625 will not get the $400 checks that will be mailed in July as part of the 2003 tax bill. Since nearly half the taxpayers in Arkansas have adjusted gross incomes less than $20,000, Arkansas families are among the hardest hit by this omission in the new tax law.

Consider this: The base pay for a private in the military is just under $16,000 per year. The average Arkansas firefighter makes between $22,000 and $25,000 a year. Many of those enlisted men, who could be given a few days' notice before being shipped off to war, and those firefighters, who could get no more than a few minutes' notice before rushing into a terrorist attack, have families. They work hard to support their families and to protect us. Yet they got left out when negotiators shook hands over the final tax bill.

I wasn't in the room during those negotiations in the dark of night, and I understand that very few of my colleagues were. But we are here today, united in our effort to fight for these working families.

Advancing the refundable portion of the child credit to cover these families will cost only $3.5 billion—just 1 percent of the entire cost of the tax cut. This measure had strong bipartisan support in the Senate, and I was proud to play a leading role to expand the children tax credit in the Senate bill. I'm glad to have bipartisan support in my effort today to restore this provision.

We will pay for this tax relief for working families by shutting down some Enron-related tax shelters. This pay-for was included in the Senate version of the 2003 tax bill, so it has already received the blessing of a majority of the Senate.

Especially as our nation contends with a sluggish economy, we should ensure that everyone benefits from the tax cut. After all, buying blue jeans for schoolchildren, washing powder for the laundry or tires for the car costs just as much for a family making $20,000 a year as it does for a family making $100,000. If we want to get our economy back on track, we need to make sure that we're putting money into the pockets of consumers who will spend it.

This isn't about partisanship—as is evidenced by the cosponsors of this bill—it is about doing what's right for

families who may need a little extra help. We should fix this problem immediately. Let's make these families a priority now.

By Mrs. HUTCHISON:

S. 1163. A bill to condition of receipt certain State revolving funds on the restriction of development or construction of new colonia and colonia structures along the border between the United States and Mexico; to the Committee on Environment and Public Works.

Mrs. HUTCHISON. Mr. President, today I rise to introduce a bill to improve the deplorable housing situation on the U.S. border with Mexico. In Texas along the 1,248 mile stretch from Cameron County to El Paso County, there are more than 1,400 colonias, or underdeveloped subdivisions, that suffer from such conditions as open sewage, a lack of indoor plumbing, and poor housing construction. These colonias are the most distressed areas in the country, yet despite terrible living conditions, they have grown in population. The legislation I introduce today, along with the Colonias Gateway Initiative Act which I am sponsoring, will go a long way toward eliminating the substandard living conditions that should not exist here in the United States of America.

This legislation will prohibit Federal funding for counties and municipal governments that refuse to enforce reasonable rules to prevent the development or construction of any new colonias that lack water, wastewater, and other basic infrastructure needs. I have inserted and the Senate has passed this exact language into the VA–HUD Appropriations bill every year since fiscal year 2001.

In 1993, I visited with a woman named Elida Bocanegra, who led me through the streets of the colonia where she lived. Elida showed me her community, which lacked paved roads, wastewater facilities and running water. Quite frankly, I could not believe I was in America. After that experience, the first amendment I offered as a U.S. Senator authorized $50 million for a colonias clean-up project. Since my election to the U.S. Senate, I have worked to improve the quality of life and ensure fundamental services are provided for people like Elida, helping to secure more than $615 million for the colonias of my state.

This act will ensure that colonias lacking water and wastewater facilities will be a thing of the past, and the neediest people along our border with Mexico will have the basic necessities to live. 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. 1163

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

SECTION 1. RESTRICTION ON DEVELOPMENT AND CONSTRUCTION OF NEW COLONIAS AREAS.

(a) DEFINITIONS.—In this section:

(1) COLONIA.—The term ''colonia'' means any identifiable community that—

(A) is located in the State of Arizona, California, New Mexico, or Texas;

(B) is located in the United States-Mexico border region;

(C) is determined by a State referred to in subparagraph (A) to be a colonia on the basis of objective criteria, including a lack of—

(i) a potable water supply;

(ii) adequate sewage systems; and

(iiI) decent, safe, and sanitary housing; and

(D) before the date of enactment of this Act, was in existence and generally recognized as a colonia by the State.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(3) UNITED STATES-MEXICO BORDER REGION.—

(A) IN GENERAL.—The term ''United States-Mexico border region'' means the area of the United States located within 150 miles of the border between the United States and Mexico.

(B) EXCLUSION.—The term ''United States-Mexico border region'' does not include any standard metropolitan statistical area with a population that is greater than 1,000,000, as determined by the Secretary.

(b) RESTRICTION ON DEVELOPMENT AND CONSTRUCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, beginning for the fiscal year in which this Act is enacted, and for each fiscal year thereafter, no State referred to in subsection (a)(1)(A) shall receive a capitalization grant for the fiscal year under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) unless the State, to the satisfaction of the Secretary, requires each county and municipal government in the United States-Mexico border region in the State to establish and enforce an ordinance or rule described in paragraph (2).

(2) ORDINANCE OR RULE.—An ordinance or rule referred to in paragraph (1) is an ordinance or rule that prohibits the development or construction of any new colonia, or the construction of any new structure in a colonia, that lacks water, wastewater, or other necessary infrastructure required—

(A) to comply with—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(B) to address the water infrastructure needs of the colonia or structure.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, and Mr. BINGAMAN:

S. 1165. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the American Indian Reservation Transportation Improvement Program Act. I am pleased to be joined, as I have been each time that I have introduced legislation dealing with the Indian Reservation Roads program, by my good friends, Senators INOUYE and CAMPBELL. I am confident that we will replicate the success we have had in our previous endeavors to improve this important program.

In 1982, when I served on the Senate Environment and Public Works Committee, several members of the Navajo Nation Tribal Council Committee on Transportation approached me with an interesting proposition. These Navajo Councilmen believed that the time had come for Indian tribes to participate directly in our National Highway Trust Fund programs.

I agreed with these gentlemen, the Senate agreed with me, and the Congress and President Reagan approved Indian tribal participation in the U.S. Department of Transportation highway construction program for the first time in our Nation's history.

By the mid-1980's, Indian Reservation Roads, IRR, funding was at about $100 million per year nationwide. By the late 1980's, however, IRR funding fell to about $80 million per year. In ISTEA, for the early 1990's, we were able to raise this critical highway construction funding to about $190 million per year.

Then, in TEA–21, The Transportation Equity Act for the 21st Century, we succeeded in bringing annual IRR funding up to $275 million for fiscal years 1999 through 2003.

As we seek to promote economic opportunities on our Nation's tribal reservations, I believe it is imperative that we once again increase this vital infrastructure funding. I am aware that the National Congress of American Indians, NCAI, is recommending a large jump to $500 million per year for the construction program; $100 million for an Indian transit program; $50 million for Indian bridges; $70 million, plus $26 million in Interior funding, for road maintenance; and several other additions for a total of $907 million in DOT funds in FY2004. By the year FY2009, the NCAI recommendations would exceed $1.4 billion annually.

While I am sympathetic to the need for such large increases, I am keenly aware of competing needs around the country for medical research, economic stimulus, and for our national defense, to name just a few. Therefore, I am compelled to recommend increases for the IRR program that are more likely to win acceptance among my colleagues.

For highway construction, I am recommending an immediate increase of $55 million in the first year to a new total of $330 million. My bill would then increase the amount for construction by $30 million each year so that the program receives $480 million in the final year of the authorization. For the Indian bridge program, I am recommending $15 million per year, an increase of $6 million annually. And for State roads that serve as key bus routes for Indian children, primarily on our Nation's largest Indian reservation—the Navajo Nation—I am recommending increasing this vital funding from $1.5 million per year to $3 million in fiscal years 2004 and 2005, to $4 million in fiscal years 2006 and 2007, and $5 million for fiscal years 2008 and 2009.

My final recommendation is to create a rural transit program for Indian Reservations. Because the Federal Highway Administration and the Federal Transit Administration each have their areas of expertise that can make such a program a success, my legislation will require the two agencies to work together for the benefit of the tribes who participate in this program. My suggestion is to fund this program at $20 million.

In closing, I want to thank the Navajo Nation Transportation Committee and the tribal transportation department for keeping me informed of their progress and continuing needs. I believe my bill will be a positive answer to their requests. In addition, the Pueblo Indians and Apache Indians of New Mexico have continuing development needs, including new and improved roads to reach their many attractions for tourists and other visitors.

I ask my colleagues to join me in increasing the Indian Reservation Roads program funds in our Federal Highways Programs to the degree I have requested in this bill. I thank my colleagues and urge their support for these increases as we reauthorize TEA–21 for six more years.

I ask unanimous consent the text of this bill be printed in the RECORD.

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

S. 1165

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 ''American Indian Reservation Transportation Improvement Program Act''.

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking ''of such title'' and all that follows and inserting ''of that title—

''(i) $225,000,000 for fiscal year 1998;

''(ii) $275,000,000 for each of fiscal years 1999 through 2003;

''(iii) $330,000,000 for fiscal year 2004;

''(iv) $360,000,000 for fiscal year 2005;

''(v) $390,000,000 for fiscal year 2006;

''(vi) $420,000,000 for fiscal year 2007;

''(vii) $450,000,000 for fiscal year 2008; and

''(viii) $480,000,000 for fiscal year 2009.''.

(b) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: '', $3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009''.

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4)(B) of title 23, United States Code, is amended—

(1) by striking ''(B) RESERVATION.—Of the amounts'' and all that follows through ''to replace,'' and inserting the following:

''(B) FUNDING.—

''(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,''; and

(2) by adding at the end the following:

''(ii) AVAILABILITY.—Funds made available to carry out this subparagraph—

''(I) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

''(II) shall not be used to pay any administrative costs.''.

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) RESERVATION.—The term 'reservation' means—

''(i) an Indian reservation in existence as of the date of enactment of this subsection;

''(ii) a public domain Indian allotment; and

''(iii) an Indian reservation in the State of Oklahoma that existed at any time before, but is no longer in existence as of, the date of enactment of this subsection.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration.

''(2) PROGRAM.—The Secretary shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

''(3) COOPERATION.—The Secretary shall—

''(A) establish and maintain intra-agency cooperation between the Federal Highway Administration and the Federal Transit Administration in—

''(i) administering tribal transit programs funded by the Federal Highway Administration; and

''(ii) exploring options for the transfer of funds from the Federal Highway Administration to the Federal Transit Administration for the direct funding of tribal transit programs; and

''(B) establish and maintain working relationships with representatives of regional tribal technical assistance programs to ensure proper administration of ongoing and future tribal transit programs carried out using Federal funds.

''(4) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary shall use $20,000,000 to carry out this subsection.''.

By Ms. COLLINS (for herself, Mr. LEVIN, Mr. VOINOVICH, and Mr. SUNUNU):

S. 1166. A bill to establish a Department of Defense national security personnel system and for other purposes; to the Committee on Government Affairs.

Ms. COLLINS. Mr. President, I ask unanimous consent that the text of the bill, the ''National Security Personnel System Act,'' be printed in the RECORD.

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

S. 1166

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 ''National Security Personnel System Act''.

SEC. 2. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—(1) Subpart I of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 99—DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM

''§ 9901. Definitions

''For purposes of this chapter—

''(1) the term 'Director' means the Director of the Office of Personnel Management; and

''(2) the term 'Secretary' means the Secretary of Defense.

''§ 9902. Establishment of human resources management system

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may, in regulations prescribed jointly with the Director, establish a human resources management system for some or all of the organizational or functional units of the Department of Defense. The human resources system established under authority of this section shall be referred to as the 'National Security Personnel System'.

''(b) SYSTEM REQUIREMENTS.—The National Security Personnel System established under subsection (a) shall—

''(1) be flexible;

''(2) be contemporary;

''(3) not waive, modify, or otherwise affect—

''(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

''(B) any provision of section 2302, relating to prohibited personnel practices;

''(C)(i) any provision of law referred to in section 2302(b)(1), (8), and (9); or

''(ii) any provision of law implementing any provision of law referred to in section 2302(b) (1), (8), and (9) by—

''(I) providing for equal employment opportunity through affirmative action; or

''(II) providing any right or remedy available to any employee or applicant for employment in the public service;

''(D) any other provision of this part (as described in subsection (c)); or

''(E) any rule or regulation prescribed under any provision of law referred to in this paragraph; and

''(4) not be limited by any specific law, authority, rule, or regulation prescribed under this title that is waived in regulations prescribed under this chapter.

''(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part referred to in subsection (b)(3)(D) are (to the extent not otherwise specified in this title)—

''(1) subparts A, B, E, G, and H of this part; and

''(2) chapters 41, 45, 47, 55, 57, 59, 71, 72, 73, and 79, and this chapter.

''(d) LIMITATIONS RELATING TO PAY.—(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter II of chapter 53 of this title.

''(2) Except as provided for in paragraph (1), the total amount in a calendar year of allowances, differentials, bonuses, awards, or other similar cash payments paid under this title to any employee who is paid under section 5376 or 5383 of this title or under title 10 or under other comparable pay authority established for payment of Department of Defense senior executive or equivalent employees may not exceed the total annual compensation payable to the Vice President under section 104 of title 3.

''(e) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYEE REPRESENTATIVES.—(1) In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the participation of, employee representatives in the planning, development, and implementation of the National Security Personnel System, the Secretary and the Director shall provide for the following:

''(A) The Secretary and the Director shall, with respect to any proposed system or adjustment—

''(i) provide to the employee representatives representing any employees who might be affected a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

''(ii) give such representatives at least 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

''(iii) give any recommendations received from such representatives under clause (ii) full and fair consideration in deciding whether or how to proceed with the proposal.

''(B) Following receipt of recommendations, if any, from such employee representatives with respect to a proposal described in subparagraph (A), the Secretary and the Director shall accept such modifications to the proposal in response to the recommendations as they determine advisable and shall, with respect to any parts of the proposal as to which they have not accepted the recommendations—

''(i) notify Congress of those parts of the proposal, together with the recommendations of the employee representatives;

''(ii) meet and confer for not less than 30 calendar days with the employee representatives, in order to attempt to reach agreement on whether or how to proceed with those parts of the proposal; and

''(iii) at the Secretary's option, or if requested by a majority of the employee representatives participating, use the services of the Federal Mediation and Conciliation Service during such meet and confer period to facilitate the process of attempting to reach agreement.

''(C)(i) Any part of the proposal as to which the representatives do not make a recommendation, or as to which the recommendations are accepted by the Secretary and the Director, may be implemented immediately.

''(ii) With respect to any parts of the proposal as to which recommendations have been made but not accepted by the Secretary and the Director, at any time after 30 calendar days have elapsed since the initiation of the congressional notification, consultation, and mediation procedures set forth in subparagraph (B), if the Secretary, in his discretion, determines that further consultation and mediation is unlikely to produce agreement, the Secretary may implement any or all of such parts (including any modifications made in response to the recommendations as the Secretary determines advisable), but only after 30 days have elapsed after notifying Congress of the decision to implement the part or parts involved (as so modified, if applicable).

''(iii) The Secretary shall notify Congress promptly of the implementation of any part of the proposal and shall furnish with such notice an explanation of the proposal, any changes made to the proposal as a result of recommendations from the employee representatives, and of the reasons why implementation is appropriate under this subparagraph.

''(D) If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

''(i) develop a method for the employee representatives to participate in any further planning or development which might become necessary; and

''(ii) give the employee representatives adequate access to information to make that participation productive.

''(2) The Secretary may, at the Secretary's discretion, engage in any and all collaboration activities described in this subsection at an organizational level above the level of exclusive recognition.

''(3) In the case of any employees who are not within a unit with respect to which a labor organization is accorded exclusive recognition, the Secretary and the Director may develop procedures for representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purposes of this subsection.

''(f) PAY-FOR-PERFORMANCE EVALUATION SYSTEM.—(1) The National Security Personnel System established in accordance with this chapter shall include a pay-for-performance evaluation system to better link individual pay to performance and provide an equitable method for appraising and compensating employees.

''(2) The regulations implementing this chapter shall—

''(A) group employees into pay bands in accordance with the type of work that such employees perform and their level of responsibility;

''(B) establish a performance rating process, which shall include, at a minimum—

''(i) rating periods;

''(ii) communication and feedback requirements;

''(iii) performance scoring systems;

''(iv) a system for linking performance scores to salary increases and performance incentives;

''(v) a review process;

''(vi) a process for addressing performance that fails to meet expectations; and

''(vii) a pay-out process;

''(C) establish an upper and lower salary level for each pay band;

''(D) ensure that performance objectives are established for individual position assignments and position responsibilities; and

''(E) establish performance factors to be used to evaluate the accomplishment of performance objectives and ensure that comparable scores are assigned for comparable performance, while accommodating diverse individual objectives.

''(3) For fiscal years 2004 through 2008, the overall amount allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System shall not be less than the amount of civilian pay that would have been allocated to such compensation under the General Schedule system, based on—

''(A) the number and mix of employees in such organizational or functional unit prior to the conversion of such employees to the National Security Personnel System; and

''(B) adjusted for normal step increases and rates of promotion that would have been expected, had such employees remained in the General Schedule system.

''(4) The regulations implementing the National Security Personnel System shall provide a formula for calculating the overall amount to be allocated for fiscal years after fiscal year 2008 for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System. The formula shall ensure that such employees are not disadvantaged in terms of the overall amount of pay available as a result of conversion to the National Security Personnel System, while providing flexibility to accommodate changes in the function of the organization, changes in the mix of employees performing those functions, and other changed circumstances that might impact pay levels.

''(5) Funds allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense in accordance with paragraph (3) or (4) may not be made available for any other purpose unless the Secretary of Defense determines that such action is necessary in the national interest and submits a reprogramming notification in accordance with established procedures.

''(g) PERFORMANCE MANAGEMENT SYSTEM.—The Secretary of Defense shall develop and implement for organizational and functional units included in the National Security Personnel System, a performance management system that includes—

''(1) adherence to merit principles set forth in section 2301;

''(2) a fair, credible, and equitable system that results in meaningful distinctions in individual employee performance;

''(3) a link between the performance management system and the agency's strategic plan;

''(4) a means for ensuring employee involvement in the design and implementation of the system;

''(5) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

''(6) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

''(7) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal grievance procedures, internal assessments, and employee surveys; and

''(8) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

''(h) PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—(1) The National Security Personnel System implemented or modified under this chapter may include employees of the Department of Defense from any bargaining unit with respect to which a labor organization has been accorded exclusive recognition under chapter 71 of this title.

''(2) For issues impacting more than 1 bargaining unit so included under paragraph (1), the Secretary may bargain at an organizational level above the level of exclusive recognition. Any such bargaining shall—

''(A) be binding on all subordinate bargaining units at the level of recognition and

their exclusive representatives, and the Department of Defense and its subcomponents, without regard to levels of recognition;

''(B) supersede all other collective bargaining agreements, including collective bargaining agreements negotiated with an exclusive representative at the level of recognition, except as otherwise determined by the Secretary; and

''(C) not be subject to further negotiations for any purpose, including bargaining at the level of recognition, except as provided for by the Secretary.

''(3) The National Guard Bureau and the Army and Air Force National Guard are excluded from coverage under this subsection.

''(4) Any bargaining completed pursuant to this subsection with a labor organization not otherwise having national consultation rights with the Department of Defense or its subcomponents shall not create any obligation on the Department of Defense or its subcomponents to confer national consultation rights on such a labor organization.

''(i) PROVISIONS RELATING TO APPELLATE PROCEDURES.—(1) The Secretary—

''(A) may establish an appeals process that provides employees of the Department of Defense organizational and functional units that are included in the National Security Personnel System fair treatment in any appeals that they bring in decisions relating to their employment; and

''(B) shall in prescribing regulations for any such appeals process—

''(i) ensure that employees in the National Security Personnel System are afforded the protections of due process; and

''(ii) toward that end, be required to consult with the Merit Systems Protection Board before issuing any such regulations.

''(2) Regulations implementing the appeals process may establish legal standards for adverse actions to be taken on the basis of employee misconduct or performance that fails to meet expectations. Such standards shall be consistent with the public employment principles of merit and fitness set forth in section 2301. Legal standards and precedents applied before the effective date of this section by the Merit Systems Protection Board and the courts under chapters 75 and 77 of this title shall apply to employees of organizational and functional units included in the National Security Personnel System, unless such standards and precedents are inconsistent with legal standards established under this paragraph.

''(3) An employee who is adversely affected by a final decision under the appeals process established under paragraph (1) shall have the right to petition the Merit Systems Protection Board for review of that decision. The Board may dismiss any petition that, in the view of the Board, does not raise substantial questions of fact or law. No personnel action shall be stayed and no interim relief shall be granted during the pendency of the Board's review unless specifically ordered by the Board.

''(4) The Board shall order such corrective action as the Board considers appropriate if the Board determines that the decision was—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) obtained without procedures required by law, rule, or regulation having been followed; or

''(C) unsupported by substantial evidence.

''(5) An employee who is adversely affected by a final order or decision of the Board may obtain judicial review of the order or decision as provided in section 7703. The Secretary of Defense may obtain judicial review of any final order or decision of the Board under the same terms and conditions as provided for the Director of the Office of Personnel Management under section 7703.

''(6) Nothing in this subsection shall be construed to authorize the waiver of any provision of law, including an appeals provision providing a right or remedy under section 2302(b) (1), (8), or (9), that is not otherwise waivable under subsection (a).

''(j) PHASE-IN.—(1) The Secretary of Defense is authorized to apply the National Security Personnel System established in accordance with subsection (a) to organizational or functional units including—

''(A) up to 120,000 civilian employees of the Department of Defense in fiscal year 2004;

''(B) up to 240,000 civilian employees of the Department of Defense in fiscal year 2005; and

''(C) more than 240,000 civilian employees in a fiscal year after fiscal year 2005, if the Secretary of Defense determines in accordance with subsection (a) that the Department has in place—

''(i) a performance management system that meets the criteria specified in subsection (g); and

''(ii) a pay formula that meets the criteria specified in subsection (f).

''(2) Civilian employees in organizational or functional units participating in Department of Defense personnel demonstration projects shall be counted as participants in the National Security Personnel System for the purpose of the limitations established under paragraph (1).

''(k) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—(1) The Secretary may establish a program within the Department of Defense under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(2)(A) The Secretary may not authorize the payment of voluntary separation incentive pay under paragraph (1) to more than 10,000 employees in any fiscal year, except that employees who receive voluntary separation incentive pay as a result of a closure or realignment of a military installation under the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall not be included in that number.

''(B) The Secretary shall prepare a report each fiscal year setting forth the number of employees who received such pay as a result of a closure or realignment of a military base as described under subparagraph (A).

''(C) The Secretary shall submit the report under subparagraph (B) to—

''(i) the Committee on the Armed Services and the Committee on Government Affairs of the Senate; and

''(ii) the Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

''(3) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without time limitation, except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of this title, or another retirement system for employees of the Federal Government;

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in paragraph (1); or

''(C) for purposes of eligibility for separation incentives under this section, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(4) An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Department of Defense components is approved pursuant to the system established under subsection (a).

''(5)(A) Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of this title, if the employee were entitled to payment under such section; or

''(ii) $25,000.

''(B) Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of this title, based on any other separation.

''(C) Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(6) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Department of Defense. If the employment is with an Executive agency (as defined by section 105 of this title) other than the Department of Defense, the Director may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Department of Defense, the Secretary may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(7) Under this program, early retirement and separation pay may be offered only pursuant to regulations established by the Secretary, subject to such limitations or conditions as the Secretary may require.

''(l) PROVISIONS RELATING TO HIRING.—Notwithstanding subsection (c), the Secretary may exercise any hiring flexibilities that would otherwise be available to the Secretary under section 4703(a)(1). Veterans shall be offered preference in hiring.

"§ 9903. Contracting for personal services

''(a) OUTSIDE THE UNITED STATES.—The Secretary may contract with individuals for services to be performed outside the United States as determined by the Secretary to be necessary and appropriate for supporting the activities and programs of the Department of Defense outside the United States.

''(b) NO FEDERAL EMPLOYEES.—Individuals employed by contract under subsection (a) shall not, by virtue of such employment, be considered employees of the United States Government for the purposes of—

''(1) any law administered by the Office of Personnel Management; or

''(2) under the National Security Personnel System established under this chapter.

''(c) APPLICABILITY OF LAW.—Any contract entered into under subsection (a) shall not be subject to any statutory provision prohibiting or restricting the use of personal service contracts.

"§ 9904. Attracting highly qualified experts

''(a) IN GENERAL.—The Secretary may carry out a program using the authority provided in subsection (b) in order to attract highly qualified experts in needed occupations, as determined by the Secretary.

''(b) AUTHORITY.—Under the program, the Secretary may—

''(1) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 of this title) to positions in the Department of Defense without regard to any provision of this title governing the appointment of employees to positions in the Department of Defense;

''(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of this title, as increased by locality-based comparability payments under section 5304 of this title, notwithstanding any provision of this title governing the rates of pay or classification of employees in the executive branch; and

''(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limits applicable to the employee under subsection (d).

''(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment made pursuant to this section may not exceed 5 years.

''(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 1 additional year if the Secretary determines that such action is necessary to promote the Department of Defense's national security missions.

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

''(A) $50,000 in fiscal year 2004, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

For purposes of this paragraph, the term 'base quarter' has the meaning given such term by section 5302(3).

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under this section.

''(3) Notwithstanding any other provision of this subsection or of section 5307, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

''(e) LIMITATION ON NUMBER OF HIGHLY QUALIFIED EXPERTS.—The number of highly qualified experts appointed and retained by the Secretary under subsection (b)(1) shall not exceed 300 at any time.

''(f) SAVINGS PROVISIONS.—In the event that the Secretary terminates this program, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this section—

''(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

''(A) the period for which the employee was appointed; or

''(B) the period to which the employee's service is limited under subsection (c), including any extension made under this section before the termination of the program; and

''(2) the rate of basic pay prescribed for the position under this section may not be reduced as long as the employee continues to serve in the position without a break in service.

"§ 9905. Special pay and benefits for certain employees outside the United States

''The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

''(1) allowances and benefits—

''(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96–465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

''(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

''(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).''.

(2) The table of chapters for part III of such title is amended by adding at the end of subpart I the following new item:

''99. Department of Defense National Security Personnel System ..... 9901''.

(b) IMPACT ON DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.—(1) Any exercise of authority under chapter 99 of such title (as added by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this subsection.

(2) No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect the provisions of this section, except to the extent that it does so by specific reference to this section.

(c) EXTERNAL THIRD-PARTY REVIEW OF LABOR-MANAGEMENT DISPUTES.—Chapter 71 of title 5, United States Code is amended—

(1) in section 7105(a), by adding at the end the following:

''(3)(A) In carrying out subparagraphs (C), (D), (E), (F), and (H) of paragraph (2), in matters that involve agencies and employees of the Department of Defense, the Authority shall take final action within 180 days after the filing of a charge, unless—

''(i) there is express approval of the parties to extend the 180-day period; or

''(ii) the Authority extends the 180-day period under subparagraph (B).

''(B) In cases raising significant issues that involve agencies and employees of the Department of Defense, the Authority may extend the time limit under subparagraph (A), and the time limits under sections 7105(e)(1), 7105(f) and 7118(a)(9) of this title, if the Authority gives notice to the public of the opportunity for interested persons to file amici curiae briefs.'';

(2) in section 7105(e), by adding at the end the following:

''(3) If a representation inquiry or election involves employees of the Department of Defense, the regional director shall, absent express approval from the parties, complete the tasks delegated to the regional authority under paragraph (1) within 180 days after the delegation.'';

(3) in section 7105(f)—

(A) by inserting ''(1)'' after ''(f)'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:

''(2) In any dispute that involves agencies and employees within the Department of Defense, if review is granted, the Authority action to affirm, modify, or reverse any action shall, absent express approval from the parties, be completed within 120 days after the grant of review.'';

(4) in section 7118(a), by adding at the end the following:

''(9)(A) Any individual conducting a hearing described in paragraph (7) or (8), involving an unfair labor practice allegation within the Department of Defense, shall complete the hearing and make any determinations within 180 days after the filing of a charge under paragraph (1). The Authority's review of any such determinations shall, absent express approval from the parties, be completed within 180 days after the filing of any exceptions.

''(B) The 180-day periods under subparagraph (A) shall apply, unless there is express approval of the parties to extend a period.''; and

(5) in section 7119(c)(5)(C), by adding at the end the following: ''The Panel shall, absent express approval from the parties, take final action within 180 days after being presented with an impasse between agencies and employees within the Department of Defense.''.

SEC. 3. MILITARY LEAVE FOR MOBILIZED FEDERAL CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Subsection (b) of section 6323 of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and at the end of clause (ii), as so redesignated, by inserting ''or''; and

(B) by inserting ''(A)'' after ''(2)''; and

(2) by inserting the following before the text beginning with ''is entitled'':

''(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to military service performed on or after the date of the enactment of this Act.

By Mr. BOND:

S. 1167. A bill to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri; to the Committee on Energy and Natural Resources.

Mr. BOND. Mr. President, I rise today to introduce legislation to resolve the unfortunate boundary line disputes in Southwest Missouri that have resulted from conflicting Federal Government land surveys performed by the U.S. Army Corps of Engineers and the United States Forest Service, USFS, respectively. The land involving these disputed property lines is located in the vicinity of the Cassville District of the Mark Twain National Forest in Barry and Stone Counties adjacent to Table Rock Lake.

During the 1970's, the U.S. Army Corps of Engineers, through various private land surveyors, surveyed this area around Table Rock Lake. In its surveys, the Corps found that most of the original ''corner monuments'' or boundary lines laid out by the U.S. General Land Office, GLO, in its original land surveys performed in the 1840's were either lost, stolen or had eroded over the years. Because of this, Corps surveyors used existing de-facto land markers in the vicinity of the original GLO monuments as the basis for its new survey. Prior to the Corps surveys, these defacto monuments were recognized by local surveyors as legitimate boundary markers and were used in survey after survey over the decades.

For almost 30 years, private landowners in Barry and Stone Counties bought and sold their land based on the surveys performed by the Corps in the 1970's. However, several years ago, the USFS performed new land surveys using surveying technology that had only recently become available. As a result of these new surveys, the USFS now claims that the boundary lines in its surveys conflict with the boundary lines established in the previous corps surveys. In addition to this, the USFS has announced that the Corps surveys are incorrect and that property lines all over this area are in the wrong place.

Because of these new revelations, many private property owners in the vicinity of the Mark Twain National Forest, who bought and paid for their land in good faith based on a previous Federal Government survey, are now being told that they have encroached on USFS land.

USFS has begun telling these private landowners that their land now belongs to the Federal Government, and that they will have to reimburse the USFS for the Federal land that the landowners now occupy. Naturally, these actions have produced chaos, confusion and anger among landowners in these two counties.

Needless to say, it is inherently unfair and absolutely devoid of any common sense to expect private landowners to compensate the Federal Government for land that they have already purchased simply because the government has changed its collective mind about where Federal property begins and ends.

Over the past 18 months, I have repeatedly asked the USFS and the Army Corps of Engineers to work together to find a solution that would resolve this problem. Unfortunately, after 18 month of debate and disagreement, the Corps of Engineers and the USFS have been unable to agree on a resolution of this problem. In the meantime, the lives of many of these Missouri residents continue to be disrupted.

Therefore, I have concluded that Federal legislation represents the only feasible solution to this boundary problem. This legislation authorize the Secretary of the Agriculture to convey, without consideration, title to land in which there is a boundary conflict, with adjoining federal land, to private landowners, who can demonstrate a claim of ownership because they relied on a subsequent land survey approved by the Federal Government.

AMENDMENTS SUBMITTED & PROPOSED

SA 840. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 841. Mr. DOMENICI (for Mr. GREGG (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. COLLINS, and Mr. REED)) proposed an amendment to amendment SA 840 proposed by Mr. DOMENICI (for himself and Mr. BINGAMAN) to the bill S. 14, supra.

SA 842. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the resolution S. Res. 136, recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements.

TEXT OF AMENDMENTS

SA 840. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new title:

TITLE XII—STATE ENERGY PROGRAMS

SEC. 1201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) HOME ENERGY GRANTS.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking ''each of the fiscal years 2002 through 2004'' and inserting ''fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006.''.

(b) STATE ALLOTMENTS.—Section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) is amended—

(1) by inserting after (e) ''(1)'';

(2) striking ''or any other program;'' and

(3) adding at the end the following:

''(2) Notwithstanding any other provisions of this subsection, the Governor of a State may apply to the Secretary for certification of an emergency in that State and an allotment of amounts appropriated pursuant to section 2602(e).

''(3) The Secretary shall, in consultation with the Department of Energy and States, adopt by rule procedures for the equitable consideration of such applications. Such procedures shall require—

''(A) consideration of each of the elements of the definition of ''emergency'' in section 2603;

''(B) consideration of differences between geographic regions including: sources of energy supply for low-income households, relative price trends for sources of home energy supply, and relevant weather-related factors including drought; and

''(C) that the Secretary shall grant such applications within 30 days unless the Secretary certifies in writing that none of the emergency conditions defined in section 2603 have been demonstrated.''.

(c) REPORT ON METHODOLOGY.—

(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that makes recommendations regarding the methodology for allocating funds to States to carry out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(2) In preparing the report, the Secretary of Health and Human Services shall—

(A) use the latest, best available statistical data and model to develop the recommendations for the methodology; and

(B) recommend a methodology that—

(i) consists of a mechanism that uses estimates of expenditures for energy consumption (measured in British thermal units) for low-income households in each State, for each source of heating or cooling in residential dwellings; and

(ii) employs the latest available annually updated heating and cooling degree day and fuel price information available (for coal, electricity, fuel oil, petroleum gas, and natural gas) at the State level.

(3) In preparing the report, the Secretary of Health and Human Services shall consult with appropriate officials in each of the 50 States and the District of Columbia.

(4) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2004 through 2006.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on the programmatic impacts of using the National Academy of Science's poverty measure with different equivalence scale, known as DES, to determine low-income households.

SEC. 1202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIBILIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking ''125'' and inserting ''150'', and

(2) in paragraph (7)(C), by striking ''125'' and inserting ''150''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting '', $325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006.''.

SEC. 1203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

''(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review, and, if necessary, review the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region,