

added by section 3), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) **RECOMMENDATIONS.**—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) **PERFORMANCE REPORTS.**—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) **FISCAL REPORT.**—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

#### SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

### NOTICES OF HEARINGS/MEETINGS

#### SUBCOMMITTEE ON PUBLIC LAND AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Land and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 12, at 2:30 p.m. in SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 434—A bill to authorize the Secretary of Agriculture to

sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System Resources; S. 435—A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; S. 490—A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; H.R. 762—To amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act and for other purposes; S. 1111—A bill to provide suitable grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the Record of Decision of the Sierra Nevada Forest Plan Amendment and pertaining to the Willow Flycatcher and the Yosemite Toad; H.R. 622—To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes. (Contact: Frank Gladics 202-224-2878 or Dick Bouts 202-224-7545).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

For further information, please contact the staff as indicated above.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 2003 at 10:00 a.m. to hold a Hearing on Nominations. The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 3, 2003 at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on the Status of Tribal Fish and Wildlife Management Programs.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 3, 2003 at 2:30 p.m. to hold a closed hearing.

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

#### SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, June 3, 2003 from 10:00 a.m.–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

#### SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 3 at 2:30 p.m. to receive testimony regarding S. 268, authorizes the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the armed forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; S. 296, to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr.; and S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial.

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

#### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Tuesday, June 3, 2003, at 2:30 p.m. on Space Propulsion in SR-253.

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

### PRIVILEGES OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Julie Nichole Bostick and Rick Feger of my office during the remainder of today's session.

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

Mr. BINGAMAN. I ask unanimous consent that Wendy Miller, who is a fellow with Senator LIEBERMAN's office, be granted the privilege of the floor during the pendency of S. 14.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following individuals from my office be allowed floor privileges during the duration of the Energy bill over the next several days and perhaps weeks: Jesse Watson, Fayla Lucero, Evan Cochnar, Kelly-Renae Edwards, Nick Goldberg, Joshua Medina, Chet Roach, Daniel Peters, and Elaine Blest.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 186, 187, and 188. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FARM CREDIT ADMINISTRATION

Lowell Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Glen Klippenstein, of Missouri, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Julia Bartling, of South Dakota, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### MEASURE READ THE FIRST TIME—S. 1174

Mr. FITZGERALD. Mr. President, I understand that S. 1174 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1174) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. FITZGERALD. Mr. President, I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ANIMAL DRUG USER FEE ACT OF 2003

Mr. FITZGERALD. Mr. President, I ask unanimous consent that action on S. 313 be vitiated and the Senate proceed to its immediate consideration; that the committee amendments be withdrawn, and that the amendment that is at the desk be agreed to, and the bill, as amended, be read a third time and passed.

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

The committee amendments were withdrawn.

The amendment (No. 846) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 313), as amended, was read the third time and passed.

#### ORDERS FOR WEDNESDAY, JUNE 4, 2003

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, June 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 11 a.m., with the first 30 minutes under the control of Senator BROWNBACK or his designee; provided further that the remaining time be equally divided between the two leaders or their designees and that Senators be limited to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say through you to the acting majority leader, we are confident that the child care amendment offered by the Senator from Arkansas, through the Senator from New Mexico, will pass. We do not really care if it is done in the energy bill or in a separate, freestanding arrangement. Whatever the two leaders work out, we are happy to work on this.

The energy bill, as it is now before the Senate, is a revenue measure. We understand the importance of moving the energy bill. We want to cooperate in any way we can.

However, we do understand the importance of this matter that was not taken care of in the tax bill that involves 12 million children in America. So we hope that can be resolved quickly and that we can have a vote on it in the next few days. We look forward to cooperating with the majority in any way we can to move this matter forward.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

#### PROGRAM

Mr. FITZGERALD. For the information of all Senators, following morning business tomorrow, the Senate may resume consideration of S. 14, the Energy

Bill. The Senate made progress today on the ethanol issue, and it is hoped that the Senate can complete action on that issue during Wednesday's session. Tomorrow the Senate may also consider the House Defense authorization bill under the consent order entered earlier.

In addition, discussions are under way as to a process for consideration of the child tax credit legislation. This evening, Senator GRASSLEY introduced that legislation and began the process of placing that bill on the calendar. Negotiations will continue as to the best way to address that issue.

We are also working to clear additional nominations during tomorrow's session. Therefore, Members should expect votes throughout the day, and Senators will be notified when the first vote is scheduled.

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

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

There being no objection, the Senate, at 7:45 p.m., adjourned until Wednesday, June 4, 2003, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 3, 2003:

#### EXECUTIVE OFFICE OF THE PRESIDENT

JOSHUA B. BOLTON, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE MITCHELL E. DANIELS, JR., RESIGNED.

#### DEPARTMENT OF LABOR

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009, VICE PASCAL D. FORGHIONE, JR., TERM EXPIRED.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. WILLIAM S. WALLACE, 0000

#### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

BETH A. SALAMANCA, OF VIRGINIA  
M. ERIN SOTO, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

DAVID J. BARTH, OF VIRGINIA  
KAREN J. DOSWELL, OF MARYLAND  
NANCY ESTES, OF FLORIDA  
SUSAN KOSINSKI FRITZ, OF WYOMING  
R. DAVID HARDEN, OF MARYLAND  
GARY C. JUSTE, OF FLORIDA  
JANET B. PAZ-CASTILLO, OF WASHINGTON  
LESLIE K. REED, OF CALIFORNIA  
SCOTT ALAN STOFEL, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHY ELAINE BODY, OF VIRGINIA