

EC-6635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-384, "Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004"; to the Committee on Governmental Affairs.

EC-6636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-383, "Health Services Planning and Development Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-6637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-370, "Real Property Classification Clarification Act of 2004"; to the Committee on Governmental Affairs.

EC-6638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-368, "Metropolitan Police Department Educational Requirement Clarification Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-6639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15-351, "December Use of the Cash Reserve Funds Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-6640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15-353, "District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-6641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15-352, "Real Property Disposition Economic Analysis Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-6642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15-350, "Owner-Occupant Residential Tax Credit and Exemption Act of 2004"; to the Committee on Governmental Affairs.

EC-6643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a D.C. Act 15-365, "Dedication and Designation of Streets and an Alley in Square 878, S.O. 95-251, Act of 2004"; to the Committee on Governmental Affairs.

EC-6644. A communication from the Deputy Director for Management, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to agency IT security; to the Committee on Governmental Affairs.

#### REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate on March 4, 2004, the following reports of committees were submitted on March 5, 2004:

By Mr. NICKLES, from the Committee on the Budget, without amendment:

S. Con. Res. 95. An original concurrent resolution setting for the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

\*Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Political Director for the United States Presidency of the G-8.

\*Richard S. Williamson, of Illinois, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

\*Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

\*Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

\*Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

\*Robert Hurley McKinney, of Indiana, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2004.

\*Sanford Gottesman, of Texas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

\*Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

\*C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108-14 Taxation Convention with Japan (Exec. Rept. No. 108-9)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a Protocol and an Exchange of Notes, signed at Washington on November 6, 2003 (Treaty Doc. 108-14).*

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 2172. A bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 2173. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 2174. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DEWINE, Mr. SMITH, and Mr. REID):

S. 2175. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. ALEXANDER):

S. 2176. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 96. A concurrent resolution commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAU, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 427

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 427, a bill to amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

S. 430

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 430, a bill to amend the Homeland Security Act of 2002 to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning.

S. 606

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1212

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1212, a bill to identify certain sites as key resources for protection by the Directorate for Information Analysis and Infrastructure Protection of the Department of Homeland Security, and for other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1487

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1487, a bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews.

S. 1523

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend part A of title IV of the Social Security Act to allow a State to treat an individual with a disability, including a substance abuse problem, who is participating in rehabilitation services and who is increasing participation in core work activities as being engaged in work for purposes of the temporary assistance for needy families program, and to allow a State to count as a work activity under that program care provided to a child with a physical or mental impairment or an adult dependent for care with a physical or mental impairment.

S. 1687

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1687, a bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

S. 1717

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells

for the treatment of patients and to support peer-reviewed research using such cells.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 2011

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2011, a bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2096

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2096, a bill to promote a free press and open media through the National Endowment for Democracy and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2109

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2109, a bill to provide for a 10-

year extension of the assault weapons ban.

S. 2134

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2134, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

S. 2157

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2157, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S.J. RES. 28

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week."

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 91

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 91, a concurrent resolution designating the month of April 2005 as "American Religious History Month."

S. RES. 299

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a

cosponsor of S. Res. 299, a resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect.

#### AMENDMENT NO. 2659

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2659 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

#### AMENDMENT NO. 2661

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2661 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

#### AMENDMENT NO. 2686

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 2686 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

#### AMENDMENT NO. 2690

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 2690 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2172. A bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the

Tribal Contract Support Cost Technical Amendments of 2004, a much-needed bill that strengthens the highly successful policy of tribal contracting and compacting under the Indian Self Determination and Education Assistance Act of 1975, Public Law 93-638.

Beginning in 1970, with President Nixon's now-famous Special Message to Congress on Indian Affairs and the 1975 enactment of the Indian Self Determination and Education Assistance Act of 1975, Public Law 93-638, Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs and re-assume control over their own affairs.

For good reason, tribal contracting and compacting has been embraced and expanded by Congress and the Executive by repeatedly amending the 1975 Act in 1984, 1988, 1994 and 2000.

Contracting and compacting has resulted in a reduction in the Federal bureaucracy and an improvement in the quality of services delivered to tribal members. Instead of Federal micro-management, the tribes can tailor programs to unique local conditions and better serve their members.

Unfortunately, the ability of Indian tribes to continue to contract programs and services is severely hampered by the chronic under-funding of contract support costs.

Without such funding, tribes are forced to cut back on services to pay for their administrative costs.

The bill I am introducing today will require the Indian Health Service and the Bureau of Indian Affairs to provide the funds for contract support costs which those agencies negotiated and contracted to pay to their tribal contractors.

I urge my colleagues to join me in supporting this important bill.

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. 2172

*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 "Tribal Contract Support Cost Technical Amendments of 2004".

#### SEC. 2. AMENDMENT DETAILING CALCULATION AND PAYMENT OF CONTRACT SUPPORT COSTS.

The Indian Self-Determination and Education Assistance Act is amended by inserting after section 106 (25 U.S.C. 450j-1) the following:

##### "SEC. 106A. CONTRACT SUPPORT COSTS.

"(a) OTHER FEDERAL AGENCIES.—

"(1) IN GENERAL.—Except as otherwise provided by law, an Indian tribe or tribal organization administering a contract or compact under this Act shall be entitled to recover its full indirect costs associated with any other Federal funding received by the Indian tribe or tribal organization in accordance with an indirect cost rate agreement between the Indian tribe or tribal organization and the appropriate Federal agency.

"(2) NO ENTITLEMENT.—The right of recovery under paragraph (1) does not confer on an Indian tribe or tribal organization an entitlement to be paid additional amounts associated with other Federal funding described in that paragraph.

"(b) ALLOWABLE USES OF FUNDS.—

"(1) DEFINITION OF SECRETARY.—In this subsection, the term 'Secretary' means the Secretary or head of any Federal agency providing funds to an Indian tribe or tribal organization.

"(2) USE OF FUNDS.—Notwithstanding any other provision of law (including a regulation), an Indian tribe or tribal organization that is administering a contract or compact under this Act and that employs an indirect cost pool that includes funds paid under this Act and other Federal funds shall be entitled to use or expend all Federal funds in the indirect cost pool of the Indian tribe or tribal organization without the approval of the Secretary in the same manner as is permitted under section 106(j)."

#### SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT COST ENTITLEMENT.

(a) AMOUNT OF CONTRACTS.—Section 105(c)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(1)) is amended by striking the second sentence.

(b) REDUCTIONS AND INCREASES.—Section 106(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1(b)) is amended in the matter following paragraph (5) —

(1) by striking "the provision of funds under this Act is subject to the availability of appropriations and"; and

(2) by adding at the end the following: "In any case in which contract support costs are not provided for, there are authorized to be appropriated such sums as are necessary to pay those costs."

(c) CONTRACT MODEL.—Subsection (c) of section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(c)) is amended in section 1(b)(4) of the model contract set forth in that subsection by striking "Subject to the availability of appropriations, the" and inserting "The".

(d) APPLICABILITY TO AGREEMENTS WITH THE SECRETARY OF THE INTERIOR.—Section 408 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458hh) is amended by inserting before the period at the end the following: "(including such sums as are necessary to pay contract support costs, when not otherwise provided for)".

(e) APPLICABILITY TO AGREEMENTS WITH THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 519 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa-18) is amended—

(1) in subsection (b), by striking "the provision of funds under this title shall be subject to the availability of appropriations" and inserting "the provision of funds under this title (excluding contract support costs) shall be subject to the availability of appropriations"; and

(2) by adding at the end the following:

"(c) NECESSARY CONTRACT SUPPORT COSTS.—In any case in which contract support costs are not provided for, there are authorized to be appropriated such sums as are necessary to pay those costs."

#### SEC. 4. EFFECT ON OTHER LAW.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act.

(b) EXCEPTION.—Nothing in this Act shall be construed to alter in any manner the ruling of the United States Court of Appeals for