

“(2) The term ‘energy savings’ means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

“(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(C) the increased efficient use of existing water sources in either interior or exterior applications.”.

(d) **ENERGY SAVINGS CONTRACT.**—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

“(3) The terms ‘energy savings contract’ and ‘energy savings performance contract’ mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.”.

(e) **ENERGY OR WATER CONSERVATION MEASURE.**—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

“(4) The term ‘energy or water conservation measure’ means—

“(A) an energy conservation measure, as defined in section 551; or

“(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.”.

(f) **EXTENSION OF AUTHORITY.**—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing originally scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, June 16th, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, has been indefinitely postponed.

The purpose of the hearing was to receive testimony on: 1. the grounding of multi-engine fire-retardant aircraft, 2. steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire

fighting operations in the short run, and 3. the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

For further information, please contact Frank Gladics at 202-224-2878 or Amy Millet at 202-224-8276.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 3, 2004, at 9:30 a.m. to conduct a hearing on “Bank Secrecy Act Enforcement.”

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

### COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 3, 2004, at 9:30 a.m. in Dirksen Senate Building room 226.

## Agenda

### I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit

### II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees [Chambliss];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer];

S. 2013, Satellite Home Viewer Extension Act of 2004 [Hatch, Leahy, DeWine, Kohl];

S. 1887, A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices Act of 2003 [Hatch, Levin, Biden];

S. 2363, A bill to review and extend the Boys and Girls Clubs of America Act of 2004 [Hatch, Leahy, DeWine, Kohl, Biden];

S. Con. Res. 5, A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854 Act of 2003 [Grassley, Durbin, Kohl, Feingold];

S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003 [Hatch, Feinstein, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter];

S. 1700, Advancing Justice through DNA Technology Act of 2003 [Hatch, Leahy, Biden, Specter, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards];

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

### COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 3, 2004 at 2:30 p.m. on “The Child Custody Protection Act: Protecting Parents’ Rights and Children’s Lives” in the Dirksen Senate Office Building room 226. The witness list is attached.

Panel I: The Honorable John Ensign, United States Senator [R-NV].

Panel II: Mr. John C. Harrison, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Mr. Peter J. Rubin, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Teresa Stanton Collett, Professor of Law, University of St. Thomas School of Law, Minneapolis, MN.

Panel III: Ms. Joyce Farley, Victim, Dushore, PA; Ms. Crystal Lane, Victim, Dushore, PA; and the Reverend Dr. Katherine Hancock Ragsdale, St. David’s Episcopal Church, Pepperell, MA.

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

### SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructures be authorized to meet on Thursday, June 3, 2004, at 2:30 p.m. on Thread Act revisited.

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

## PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent for the permission of the use of the floor for Matthew Stump, a fellow in our office, during the consideration of this amendment.

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

Mr. KENNEDY. I thank the Chair.

## UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. CRAPO. Mr. President, I ask unanimous consent that all first-degree amendments to the Defense authorization bill which are in order from the previous list be filed at the desk no later than 5 p.m. on Monday, June 7.

Mr. REID. Reserving the right to object, those who are listening should understand that this means you must file your amendments by 5 o’clock for them to be considered on the Defense bill. They must be filed. Everyone should also note that there is no need to refile. If there is an amendment at the

desk you have already filed, that is all you have to do.

The two leaders have decided, in conjunction with the two managers of the bill, that we need to move down the road with this bill. We first had a finite list of some 250 or 260 amendments. We would hope there would be fewer amendments than that when this filing takes place. The managers have disposed of some. They will do more later.

Senator WARNER is off to Normandy, as he is a World War II veteran. But Monday will be an opportunity for Members to offer amendments. We received an agreement on this side that on Monday we will allow the setaside of the Kennedy amendment. I haven't seen all of them. The distinguished chairman is going to go through that. But I hope we have a time set up for completing work on the Kennedy-Feinstein amendment on Tuesday morning, early.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. CRAPO. 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. 610 and 654. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF JUSTICE

Matthew G. Whitaker, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

#### DEPARTMENT OF STATE

Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs).

## LEGISLATIVE SESSION

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

### DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 114, submitted earlier today by Senator DOLE.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

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

Mr. CRAPO. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107-171, 116 Stat. 134) replaced the pilot program with the McGovern-Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern-Dole International Food for Education and Child Nutrition Pro-

gram provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern-Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

### NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2004

Mr. CRAPO. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

#### S. 1233

*Resolved*, That the bill from the Senate (S. 1233) entitled "An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "National Great Black Americans Commemoration Act of 2004".*

#### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including