

Projects would be cost shared, with 75 percent Federal funding and 25 percent non-Federal in most instances. However, the bill reduces the financial burden on local communities if necessary to ensure that water rates do not exceed the national affordability criteria developed by the Environmental Protection Agency.

This bill is not intended to compete with or take away funds for the construction of rural water projects under the Dakota Water Resources Act. Instead, it is meant to provide important supplemental funding for communities that are not able to receive funding from the Dakota Water Resources Act. I am pleased that the North Dakota Rural Water Systems Association has recognized the need for additional water project funding and endorsed this bill. It is my hope that this authorization will be included as part of the Water Resources Development Act that will be considered this year.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 385—RECOGNIZING AND HONORING THE 40TH ANNIVERSARY OF CONGRESSIONAL PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

Mr. KENNEDY (for himself, Ms. MIKULSKI, Ms. CANTWELL, Mr. LEVIN, Mr. BINGAMAN, Mr. CORZINE, Mr. LIEBERMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. DASCHLE, Mr. BYRD, Mr. MILLER, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 385

Whereas 2004 marks the 40th anniversary of congressional passage of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

Whereas the Civil Rights Act of 1964 was the result of decades of struggle and sacrifice of many Americans who fought for equality and justice;

Whereas generations of Americans of every background supported Federal legislation to eliminate discrimination against African-Americans;

Whereas a civil rights movement developed to achieve the goal of equal rights for all Americans;

Whereas President John F. Kennedy, on June 11, 1963, proposed in a nationally televised address that Congress pass civil rights legislation to address the problem of invidious discrimination;

Whereas a broad coalition of civil rights, labor, and religious organizations created national support for civil rights legislation, culminating in a 1963 march on Washington;

Whereas during consideration of the legislation involved, Congress added a historic prohibition against discrimination based on sex;

Whereas Congress passed the Civil Rights Act of 1964, and President Lyndon Johnson signed the Act into law on July 2, 1964;

Whereas the Civil Rights Act of 1964, among other things, prohibited the use of Federal funds in a discriminatory fashion, barred unequal application of voter registration requirements, encouraged the desegregation of public schools and authorized the Attorney General to file suits to force the desegregation, banned discrimination in ho-

tels, motels, restaurants, theaters, and all other places of public accommodation engaged in interstate commerce, and established the Equal Employment Opportunity Commission;

Whereas title VII of the Act not only prohibited discrimination by employers on the basis of race, color, religion, and national origin, but sex as well, thereby recognizing the national problem of sex discrimination in the workplace;

Whereas Congress has amended the Civil Rights Act of 1964 from time to time, with major changes that strengthened the Act;

Whereas the amendments made to the Act by the Equal Employment Opportunity Act of 1972 made changes that, among other things, gave the Equal Employment Opportunity Commission litigation authority, thereby giving the Commission the right to sue nongovernment respondents, made State and local governments subject to title VII of the Civil Rights Act of 1964, made educational institutions subject to title VII of the Act, and made the Federal Government subject to title VII, thereby prohibiting Federal executive agencies from discriminating on the basis of race, color, religion, sex, and national origin;

Whereas the amendments made to the Act and other civil rights legislation amended or added by the Civil Rights Act of 1991 clarified congressional intent regarding the Civil Rights Act of 1964 (in light of several contrary Supreme Court decisions rendered in the late 1980s) and allowed for the recovery of fees and costs in lawsuits in which the plaintiffs prevailed, for jury trials, and for the recovery of compensatory and punitive damages in intentional employment discrimination cases, and also expanded title VII protections to include congressional and high level political appointees; and

Whereas the Civil Rights Act of 1964 is the most comprehensive civil rights legislation in the Nation's history: Now, therefore, be it

*Resolved*,

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "\_\_\_\_\_ Act of \_\_\_\_\_". That the Senate—

(1) recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964;

(2) applauds all persons whose support and efforts led to passage of the Civil Rights Act of 1964; and

(3) encourages all Americans to recognize and celebrate the important historical milestone of the congressional passage of the Civil Rights Act of 1964.

##### SENATE RESOLUTION 386—RECOGNIZING THE 40TH ANNIVERSARY OF JUNE 21, 1964, THE DAY CIVIL RIGHTS ORGANIZERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER GAVE THEIR LIVES IN THE STRUGGLE TO GUARANTEE THE RIGHT TO VOTE FOR EVERY CITIZEN OF THE UNITED STATES, AND ENCOURAGING ALL AMERICANS TO OBSERVE THE ANNIVERSARY OF THE DEATHS OF THE 3 MEN BY COMMITTING THEMSELVES TO ENSURING EQUAL RIGHTS, EQUAL OPPORTUNITIES, AND EQUAL JUSTICE FOR ALL PEOPLE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote;

Whereas on June 21, 1964, after leaving the scene of a firebombed church in Longdale, Mississippi, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Klu Klux Klan who opposed their efforts to establish equal rights for African Americans;

Whereas June 21, 2004, is the 40th anniversary of the day Andrew Goodman, James Chaney, and Michael Schwerner sacrificed their lives in the fight against racial and social injustice while working to guarantee the right to vote for every citizen of the United States;

Whereas the deaths of the 3 men brought attention to the struggle to guarantee equal rights for African Americans, which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) and the Voting Rights Act of 1965 (Public Law 89-110, 79 Stat. 437);

Whereas the courage and sacrifice of Andrew Goodman, James Chaney, and Michael Schwerner should encourage all citizens, and especially young people, of the United States to dedicate themselves to the ideals of freedom, justice, and equality; and

Whereas citizens throughout the United States will commemorate the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner to honor the contributions they made to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all people of the United States to observe the anniversary of the deaths of the 3 men by committing themselves to the fundamental principles of freedom, equality, and democracy.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3459. Mr. BINGAMAN proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3460. Mr. WARNER proposed an amendment to amendment SA 3459 proposed by Mr. BINGAMAN to the bill S. 2400, *supra*.

SA 3461. Mr. WARNER (for Mr. MCCAIN (for himself and Mr. WARNER)) proposed an amendment to amendment SA 3197 proposed by Mr. DAYTON (for himself and Mr. FEINGOLD) to the bill S. 2400, *supra*.

SA 3462. Mr. HARKIN (for himself and Mr. HATCH) proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, *supra*.

SA 3463. Mr. DURBIN proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, *supra*.

#### TEXT OF AMENDMENTS

**SA 3459.** Mr. BINGAMAN proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year

2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.**

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of persons held by the Department of Defense for more than 30 days and on the facilities in which such persons are held.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department for more than 30 days during the 6-month period ending on the date of such report, including the following:

(A) The total number of such detainees in the custody of the Department at any time during such period.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees in the custody of the Department as of the date of such report.

(D) The total number of detainees released from the custody of the Department during such period.

(E) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(F) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period.

(2) For each foreign national detained by the Department of Defense during the six-month period ending on the date of such report the following:

(A) The name.

(B) The nationality.

(C) The place at which taken into custody.

(D) The circumstances of being taken into custody.

(E) The place of detention.

(F) The current length of detention or, if released, the duration of detention at the time of release.

(G) A categorization as a military detainee or civilian detainee.

(H) The intentions of the United States Government on such detainee, including whether or not the United States will—

(i) continue to hold such detainee with justification;

(ii) repatriate such detainee; or

(iii) charge such detainee with a crime.

(I) The history, if any, of transfers of such detainee among detention facilities, including whether or not such detainee been detained at other facilities and, if so, at which facilities and in what locations.

(3) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) **FORM OF REPORT.**—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3460.** Mr. WARNER proposed an amendment to amendment SA 3459 proposed by Mr. BINGAMAN to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.**

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of detainees held by the Department of Defense and on the facilities in which such detainees are held. The report may be submitted in classified form.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department as of the date of such report.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees released from the custody of the Department during such period.

(D) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(E) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period, and the identity of each such country.

(2) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3461.** Mr. WARNER (for Mr. MCCAIN (for himself and Mr. WARNER)) proposed an amendment to amendment SA 3197 proposed by Mr. DAYTON (for himself and Mr. FEINGOLD) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

In lieu of the matter proposed to be stricken, insert the following:

**SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.**

(a) **AUTHORITY.**—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2539c. Waiver of domestic source or content requirements**

“(a) **AUTHORITY.**—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

“(1) in a foreign country that has a Declaration of Principles with the United States;

“(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

“(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

“(b) **COVERED REQUIREMENTS.**—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

“(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components

and materials grown, reprocessed, reused, produced, or manufactured in the United States.

“(C) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

“(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

“(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

“(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

“(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

“(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

“(1) The Small Business Act (15 U.S.C. 631 et seq.).

“(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

“(3) Sections 7309 and 7310 of this title.

“(4) Section 2533a of this title.

“(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

“(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

“(i) DECLARATION OF PRINCIPLES.—(1) In this section, the term ‘Declaration of Principles’ means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

“(A) harmonization of military requirements and acquisition processes;

“(B) security of supply;

“(C) export procedures;

“(D) security of information;

“(E) ownership and corporate governance;

“(F) research and development;

“(G) flow of technical information; and

“(H) defense trade.

“(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

“2539c. Waiver of domestic source or content requirements.”

#### SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

**SA 3462.** Mr. HARKIN (for himself and Mr. HATCH) proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 717. SENSE OF THE SENATE CONCERNING SERIOUS ADVERSE EVENT REPORTS.

(a) DEFINITION.—In this section, the term “dietary supplement” has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Food and Drug Administration should make it a priority to fully and effectively implement the Dietary Supplement Health and Education Act of 1994 (Public Law 103-417, 21 U.S.C. 321 note), including taking appropriate enforcement action against unsafe dietary supplements;

(2) not more than 180 days after the date of enactment of this section, the Department of Health and Human Services should develop a plan for mandatory reporting of serious adverse events occurring as the result of the ingestion of any dietary supplement or over-the-counter drug and provide that plan for review and consideration by Congress; and

(3) adequate resources should be made available for the effective oversight of dietary supplements and for sound scientific research on dietary supplements.

**SA 3463.** Mr. DURBIN proposed an amendment to amendment SA 3225 proposed by Mr. DURBIN to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of the amendment, insert the following:

(d) This section becomes effective upon enactment.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 21, 2004 at 10:30 a.m. to hold a hearing on Nominations.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 21, 2004 at 3 p.m. to hold a hearing on Nominations.

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

#### PRIVILEGES OF THE FLOOR

Mr. DAYTON. Madam President, I ask unanimous consent that floor privileges for the purposes of discussing my amendment be given to my aide, Walter Zampella.

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

Mr. HARKIN. Madam President, I ask unanimous consent that Eileen Mozinski of my staff be granted the privilege of the floor for the duration of today's debate.

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

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that Russell Ponder, a legislative fellow in my office, be granted floor privileges.

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

#### 40TH ANNIVERSARY OF PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

##### 40TH ANNIVERSARY OF JUNE 21, 1964

Mr. KYL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385 and S. Res. 386, which were submitted earlier today.

The PRESIDING OFFICER. Without objection, the clerk will report the resolutions by title, en bloc.

The assistant legislative clerk read as follows:

A resolution (S. Res. 385) recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

A resolution (S. Res. 386) recognizing the 40th anniversary of June 21, 1964, the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States, and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people.

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

Mr. KYL. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, all en bloc, and that any statements relating to the resolutions be printed in the RECORD.

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

The resolutions (S. Res. 385 and S. Res. 386) were agreed to.