

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.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

**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 hotels, 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.

**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.

**PROVIDING FOR THE TRANSFER OF THE NEBRASKA AVENUE NAVAL COMPLEX**

Mr. KYL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. R. 4322, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H. R. 4322) to provide for the transfer of the Nebraska Avenue Naval Complex

in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

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

**HOMELAND SECURITY HEADQUARTERS**

Mr. LIEBERMAN. Madam President, I rise in support of H.R. 4322, a bill to transfer the Nebraska Avenue complex property from the Navy to the General Services Administration, GSA, for use by the Department of Homeland Security, DHS, for its headquarters operations. One of the many exigencies surrounding the creation of DHS was the need to quickly find suitable space for the Department's operations. While many of the component agencies could—at least temporarily—remain in their current locations, there had to be new space for the Department's leadership and new programs. The Navy had previously been providing space at the Nebraska Avenue complex to the President's Office of Homeland Security, and the administration subsequently decided that the site should be used as a headquarters for the new Department for the immediate future. DHS already has some of its headquarters operations at the site, and plans to move additional staff to the property once the Navy has finished moving out. It is vital that DHS be able to move ahead with consolidating its headquarters operations and renovating the complex to meet its needs. It is also critical that the Navy be fairly compensated and that its displaced operations be able to move into new facilities. This legislation will allow all this to take place. This legislation formalizes the transfer of the property and provides for a payment mechanism for the Navy's temporary and permanent relocation costs. GSA, in keeping with its traditional responsibilities, will own the property and manage it for DHS, which shall be a tenant there.

There has been a question about precisely how, under this legislation, to provide payment to the Navy, and which parties should bear which costs. Therefore, I am pleased to submit for the RECORD a letter from Joshua Bolten, Director of the Office of Management and Budget, that specifically clarifies this issue. DHS shall provide the Navy with compensation for its initial moving and interim relocation costs for the first year. This amount is already budgeted for fiscal year 2005. Meanwhile, OMB has agreed that GSA is the proper entity to supply funds to compensate the Navy for permanent relocation expenses. This legislation will allow GSA to provide those funds and, as this letter specifically makes clear, OMB pledges that it, on behalf of the Administration, will request adequate funds in the GSA budget after the first year for GSA to do so. This responds to my concern that forcing DHS to pay an undue share of the Navy's relocation expenses would dangerously burden