

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

limited resources for critical homeland security programs. I appreciate the OMB's and the Administration's efforts in clarifying its intentions on this matter.

Mr. BYRD. Madam President, I share the Senator's concern that the bill that is before us requires a nondefense agency to pay for the permanent relocation of the Navy. Homeland security dollars are scarce. The Department of Homeland Security should not be forced to use dollars that should be used for securing our ports or for securing our mass transit systems to pay for a new Navy facility. With the Senator's cooperation, we have asked for a commitment from the administration that these costs will be requested through the General Services Administration, which will own the property, rather than the Department of Homeland Security. I am pleased that the Administration has provided this assurance.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the letter on this matter from Joshua Bolten, Director of the Office of Management and Budget, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, June 17, 2004.

HON. JOSEPH LIEBERMAN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LIEBERMAN: The purpose of this letter is to explain the Administration's plan to transfer administrative jurisdiction of the Nebraska Avenue Complex (NAC) from the Navy to the General Services Administration (GSA) so that the facility can be used to house the consolidated headquarters of the Department of Homeland Security (DHS).

Once the Congress allows GSA to take control of the property, the Navy will relocate its operations from the NAC to other facilities. Based on long-standing Comptroller General opinions, the Department of Homeland Security will reimburse the Navy for its initial move to a replacement facility and the first year of rent at that new location. Combined, the first-year costs are estimated at \$26 million. This amount has been requested in the FY 2005 DHS budget and is included in the appropriations bills for the Department of Homeland Security currently under consideration by the House and Senate.

After the Navy's first year of occupancy at its new location, GSA will be responsible to reimburse the Navy for acquisition of a subsequent moves to permanent facilities. Once estimates are developed for these costs, the Administration plans to request the funding

in future budgets through the GSA Federal Buildings Fund.

Consolidating the headquarters operations of DHS is necessary to ensure the DHS can efficiently execute its mission to protect the American people from terrorist attack. To that end, the Administration has proposed legislation that would authorize the Navy to transfer the NAC to GSA and authorize the relocation of Navy personnel. H.R. 4322, as passed by the House of Representatives, would accomplish these goals, and we look forward to working with the Senate to enact this legislation as quickly as possible.

Sincerely,

JOSHUA B. BOLTEN,  
Director.

Mr. KYL. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H. R. 4322) was read the third time and passed.

#### CORRECTIONS IN ENROLLMENT OF S. 2238

Mr. KYL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 458, which is at the desk.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 458) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238.

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

Mr. KYL. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 458) was agreed to.

#### ORDERS FOR TUESDAY, JUNE 22, 2004

Mr. KYL. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, June 22. 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 resume consideration of Calendar No. 403, S. 2400, the Department of Defense authorization bill, as provided under the previous order; provided further that the previous order be modified so all first-degree amendments be offered by 6:30 with the exception of those amendments cleared by both managers.

I further ask consent that the Senate recess for the weekly party luncheons from 12:30 p.m. until the completion of the official Senate photograph.

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

#### PROGRAM

Mr. KYL. Tomorrow the Senate will resume consideration of the Defense authorization bill. Under the previous order, when the Senate resumes consideration of the Defense bill, there will be 1 hour of debate on the Levin missile defense amendment prior to a vote in relation to the amendment. Immediately following that vote, the Senate will proceed to a vote on the Brownback decency amendment. Therefore, Senators should expect back-to-back rollcall votes beginning close to 11 a.m.

For the remainder of the day, the Senate will continue to work through amendments to the bill under an agreement reached earlier this evening. All first-degree amendments must be offered by 6:30 p.m. tomorrow. Therefore, Senators who wish to offer an amendment to the Defense bill should contact the bill managers as soon as possible. In addition to votes on amendments, Senators can expect votes on judicial nominations as well. Finally, a late night session is expected as we move toward completion of the bill.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. KYL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:49 p.m., adjourned until Tuesday, June 22, 2004, at 9:45 a.m.