

This anniversary provides a time for personal reflection on what wild places mean to us as individuals and society as a whole. As I consider the fact that this July 4 our country will celebrate her 228th year of independence, I marvel at the great changes she has seen. America has seen wars, the Industrial Revolution, the Great Depression, the Technology Age, times of prosperity and times of challenge. With all of these changes, much of America's landscape has been transformed.

I also think back to America as I knew her as a child and how she has rapidly grown and changed during my 77 years. I feel indebted to those whose foresight resulted in the Wilderness Act legislation, and whose tireless efforts saw this act signed into law. In addition, I recognize all those who have championed the expansion of the wilderness system which now encompasses 106,000,000 acres nationwide.

During my 26 years in the U.S. Senate, I have worked to pass three Virginia wilderness bills through Congress. In fact, I recently introduced the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004 which, if passed, would create an additional 29,000 acres of wilderness in southwest Virginia. With 177,214 acres of wilderness, Virginia's wild and beautiful landscapes will remain untouched by civilization. Visitors from across America can experience Virginia's wilderness and enjoy great beauty, solitude, primitive recreation, and nature in its true form.

I feel very strongly that the Wilderness Act is a vehicle whereby we can pay tribute to our great country by preserving some of her heritage and history. Though development, growth and change continue, we will have pockets of undisturbed lands for solitude, reflection, and recreation. In these areas we can keep America's natural diversity, wildlife habitats, and vegetation intact. Through the efforts, passion, and vision of many, we will leave a natural legacy of wildlands to future generations of America.

#### SENATE RESOLUTION 388—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renowned for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3466. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK to the bill S. 2400, supra.

SA 3467. Mr. ENSIGN proposed an amendment to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra.

SA 3468. Mr. DASCHLE (for himself, Mr. DORGAN, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. DAYTON) proposed an amendment to amendment SA 3409 proposed by Mr. DASCHLE to the bill S. 2400, supra.

SA 3469. Mr. REID proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, supra.

SA 3470. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3315 proposed by Ms. LANDRIEU to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3471. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3472. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3473. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the joint resolution S.J. Res. 33, expressing support for freedom in Hong Kong.

#### TEXT OF AMENDMENTS

SA 3464. Mr. BROWNBACK proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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:

Strike page 1 line 2 through page 3 line 3 and insert the following:

#### SEC. \_\_\_\_ BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the "Broadcast Decency Enforcement Act of 2004".

(b) INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

(c) EFFECTIVE DATE.—This section shall take effect 2 days after the date of enactment of this section.

SA 3465. Mr. REID (for Mr. DORGAN (for himself, Ms. SNOWE, and Ms. CANTWELL)) proposed an amendment to

amendment SA 3235 proposed by Mr. BROWNBACK 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 the amendment, strike all beginning on page 1, line 2, through page 3, line three, and insert the following:

**SEC. .BROADCAST DECENCY ENFORCEMENT ACT OF 2004.**

(a) **SHORT TITLE.**—This section may be cited as the “Broadcast Decency Enforcement Act of 2004”.

(b) **PURPOSE.**—The purpose of this section is to increase the FCC’s authority to fine for indecent broadcasts and prevent further relaxation of the media ownership rules in order to stem the rise of indecent programming.

(c) **FINDINGS.**—The Congress makes the following findings:

(1) Since 1996 there has been significant consolidation in the media industry, including:

(A) **RADIO.**—Clear Channel Communications went from owning 43 radio stations prior to 1996 to over 1200 as of January 2003; Cumulus Broadcasting, Inc. was established in 1997 and owned 266 stations as of December 2003, making it the second-largest radio ownership company in the country; and Infinity Broadcasting Corporation went from owning 43 radio stations prior to 1996 to over 185 stations as of June 2004;

(B) **TELEVISION.**—Viacom/CBS’s national ownership of television stations increased from 31.53% of U.S. television households prior to 1996 to 38.9% in 2004; GE/NBC’s national ownership of television stations increased from 24.65% prior to 1996 to 33.56% in 2004; NewsCorp/FOX’s national ownership of television stations increased from 22.05% prior to 1996 to 37.7% in 2004;

(C) **MEDIA MERGERS.**—In 2000, Viacom merged with CBS and UPN; in 2002, GE/NBC merged with Telemundo Communications, Inc. and in 2004 with Vivendi Universal Entertainment; in 2003 News Corp./Fox acquired a controlling interest in DirecTV; in 2000, Time Warner, Inc. merged with America Online.

(2) Over the same period that there has been significant consolidation in the media industry the number of indecency complaints also has increased dramatically. The largest owners of television and radio broadcast holdings have received the greatest number of indecency complaints and the largest fines, including:

(A) Over 80% of the fines proposed by the Federal Communications Commission for indecent broadcasts were against stations owned by two of the top three radio companies. The top radio company alone accounts for over two-thirds of the fines proposed by the FCC;

(B) Two of the largest fines proposed by the FCC were against two of the top three radio companies;

(C) In 2004, the FCC received over 500,000 indecency complaints in response to the Superbowl Halftime show aired on CBS and produced by MTV, both of which are owned by Viacom. This is the largest number of complaints ever received by the FCC for a single broadcast;

(D) The number of indecency complaints increased from 111 in 2000 to 240,350 in 2003;

(3) Media conglomerates do not consider or reflect local community standards.

(A) The FCC has no record of a television station owned by one of the big four net-

works (Viacom/CBS, Disney/ABC, News Corp./Fox or GE/NBC) pre-empting national programming for failing to meet community standards;

(B) FCC records show that non-network owned stations have often rejected national network programming found to be indecent and offensive to local community standards;

(C) A letter from an owned and operated station manager to a viewer stated that programming decisions are made by network headquarters and not the local owned and operated television station management;

(D) The Parents Television Council has found that the “losers” of network ownership “are the local communities whose standards of decency are being ignored;”

(4) The Senate Commerce Committee has found that the current fines do not deter indecent broadcast because they are merely the cost of doing business for large media companies. Therefore, in order to prevent the continued rise of indecency violations, the FCC’s authority for indecency fines should be increased and further media consolidation should be prevented.

(d) **INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.**—section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i) (I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

(e) **NEW BROADCAST MEDIA OWNERSHIP RULES SUSPENDED.** (1) **SUSPENSION.**—Subject to the provisions of paragraphs (d)(2), the broadcast media ownership rules adopted by the Federal Communications Commission on June 2, 2003, pursuant to its proceeding on broadcast media ownership rules, Report and Order FCC03-127, published at 68 FR 46286, August 5, 2003, shall be invalid and without legal effect.

(2) **CLARIFICATION.**—The provisions of paragraph (1) shall not supersede the amendments made by section 629 of the Miscellaneous Appropriations and Offsets Act, 2004 (Public Law 108-199).

**SA. 3466.** Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3235 proposed by Mr. BROWNBACK 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:

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Children’s Protection from Violent Programming Act”.

**SEC. 202. FINDINGS.**

The Congress makes the following findings:

(1) Television influences children’s perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent, video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) A significant amount of violent programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(10) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(11) The most recent study of the television ratings system by the Kaiser Family Foundation concludes that 79 percent of violent programming is not specifically rated for violence.

(12) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has, in fact, been rated for violence.

(13) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children’s viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(14) After further study, pursuant to a rule making, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(15) If the Federal Communications Commission reaches the conclusion described in paragraph (14), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

**SEC. 203. ASSESSMENT OF EFFECTIVENESS OF CURRENT RATING SYSTEM FOR VIOLENCE AND EFFECTIVENESS OF V-CHIP IN BLOCKING VIOLENT PROGRAMMING.**

(a) **REPORT.**—The Federal Communications Commission shall—

(1) assess the effectiveness of measures to require television broadcasters and multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to rate and encode programming that could be blocked by parents using the V-chip undertaken under section 715 of the Communications Act of 1934 (47 U.S.C. 715) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, within 12 months after the date of enactment of this Act, and annually thereafter.

(b) **ACTION.**—If the Commission finds at any time, as a result of its ongoing assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall complete a rulemaking within 270 days after the date on which the Commission makes that finding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) **DEFINITIONS.**—Any term used in this section 2 that is defined in section 715 of the Communications Act of 1934 (47 U.S.C. 715), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

**SEC. 204. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING THAT IS NOT SPECIFICALLY RATED FOR VIOLENCE AND THEREFORE IS NOT BLOCKABLE.**

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

**“SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.**

“(a) **UNLAWFUL DISTRIBUTION.**—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

“(b) **RULEMAKING PROCEEDING.**—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that, proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

“(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

“(2) shall exempt premium and pay-per-view cable programming and premium and pay-per-view direct-to-home satellite programming; and

“(3) shall define the term ‘hours when children are reasonably likely to comprise a substantial portion of the audience’ and the term ‘violent video programming’.

“(c) **ENFORCEMENT.**—

“(1) **FORFEITURE PENALTY.**—The forfeiture penalties established by section 503(b) for violations of section 1464 of title 18, United States Code, shall apply to a violation of this section, or any regulation promulgated under it in the same manner as if a violation of this section, or such a regulation, were a violation of law subject to a forfeiture penalty under that section.

“(2) **LICENSE REVOCATION.**—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

“(3) **LICENSE RENEWALS.**—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **BLOCKABLE BY ELECTRONIC MEANS.**—The term ‘blockable by electronic means’ means blockable by the feature described in section 303(x).

“(2) **DISTRIBUTE.**—The term ‘distribute’ means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite, but it does not include the transmission, retransmission, or receipt of any voice, data, graphics, or video telecommunications accessed through an interactive computer service as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), which is not originated or transmitted in the ordinary course of business by a television broadcast station or multichannel video programming distributor as defined in section 602(13) of that Act (47 U.S.C. 522(13)).

“(3) **VIOLENT VIDEO PROGRAMMING.**—The term ‘violent video programming’ as defined by the Commission may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December 1992.”

**SEC. 205. SEPARABILITY.**

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

**SEC. 206. EFFECTIVE DATE.**

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section 204 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

**SA. 3467.** Mr. ENSIGN proposed an amendment to amendment SA 3315 proposed by Ms. LANDRIEU 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:

On page 9, strike lines 12 through 22, and insert the following:

(8)(A) The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid

by a person under the regulations shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(B) Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(C) In this paragraph, the term “Department of Defense Military Retirement Fund” means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

**SA. 3468.** Mr. DASCHLE (for himself, Mr. DORGAN, Mrs. MURRAY, Mr. NELSON of Florida, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. ROCKFELLER, Mrs. BOXER, and Mr. DAYTON) proposed an amendment to amendment SA 3409 proposed by Mr. DASCHLE 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 the amendment strike all after Sec. in line 2 and insert the following:

**FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.**

(a) **FUNDING TO ADDRESS CHANGES IN POPULATIONS AND INFLATION.**—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 320. Funding for veterans health care to address changes in population and inflation**

“(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2004 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal

year 2004. The success of that arrangement, as well as of the funding formula, are to be reviewed after two years.

“(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

“(c)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

“(A) 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (d), minus

“(B) the amount appropriated for those purposes for fiscal year 2004.

“(2) The amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2004:

“(A) The sum of—

“(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

“(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

“(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

“(3)(A) For purposes of paragraph (2)(B), the term ‘per capita baseline amount’ means the amount equal to—

“(i) the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (d), divided by

“(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

“(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

“(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

“(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

“(2) Amounts made available pursuant to subsection (b) are not available for—

“(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

“(B) grants under subchapter III of chapter 81 of this title.

“(e) Nothing in this section shall be construed to prevent or limit the authority of

Congress to reauthorize provisions relating to veterans health care.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“320. Funding for veterans health care to address changes in population and inflation.”.

(b) COMPTROLLER GENERAL REPORT.—(1) Not later than January 31, 2007, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 320 of title 38, United States Code (as added by subsection (a)), has achieved the purpose set forth in subsection (a) of such section 320 during fiscal years 2005 and 2006.

(2) The report under paragraph (1) shall set forth the following:

(A) The amount appropriated for fiscal year 2004 for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) of section 320 of title 38, United States Code.

(B) The amount appropriated by annual appropriations Acts for each of fiscal years 2005 and 2006 for such programs, functions, and activities.

(C) The amount provided by section 320 of title 38, United States Code, for each of fiscal years 2005 and 2006 for such programs, functions, and activities.

(D) An assessment whether the amount described in subparagraph (C) for each of fiscal years 2005 and 2006 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(E) An assessment whether the amount provided by section 320 of title 38, United States Code, in each of fiscal years 2005 and 2006, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(F) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 320 of title 38, United States Code, or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

(c) CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) JOINT RESOLUTION.—For purposes of this subsection, the term “joint resolution” means only a joint resolution which is introduced (in the House of Representatives by the Speaker of the House of Representatives (or the Speaker’s designee) or the Minority Leader (or the Minority Leader’s designee) and in the Senate by the Majority Leader (or the Majority Leader’s designee) or the Minority Leader (or the Minority Leader’s designee)) within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under subsection (b), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws under the jurisdiction of the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under subsection (b)(2)(F); and

(C) the title of which is as follows: “Joint resolution to ensure adequate funding of health care for veterans.”.

(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the

Committee on Veterans’ Affairs of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Veterans’ Affairs of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under subsection (b), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member’s intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 3469.** Mr. REID proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY 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 appropriate place, insert the following:

**SEC. —. REQUEST FOR DOCUMENTS AND RECORDS.**

The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

**SA 3470.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3315 proposed by Ms. LANDRIEU 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; which was ordered to lie on the table; as follows:

Add at the end the following:

**SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date speci-

fied in subsection (c) by reason of the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

**SA 3471.** Mr. WARNER 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:

On page 30, between lines 14 and 15, insert the following:

**SEC. 216. SPIRAL DEVELOPMENT OF JOINT THREAT WARNING SYSTEM MARITIME VARIANTS.**

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 201(4) is hereby increased by \$2,000,000, with the amount of the increase to be available in the program element PE 1160405BB for joint threat warning system maritime variants.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

**SA 3472.** Mr. MCCONNELL submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

**SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.**

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following information:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq, and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including efforts, as determined by the United States combatant commander, in consultation with coalition forces, to evaluate the—

(A) the current military forces of the NATO and non-NATO member countries deployed to Iraq;

(B) the current police forces of NATO and non-NATO member countries deployed to Iraq; and

(C) the current financial resources of NATO and non-NATO member countries provided for the stabilization and reconstruction of Iraq.

(3) As a result of the efforts described in paragraph (2)—

(A) a list of the NATO and non-NATO member countries that have deployed and will have agreed to deploy military and police forces; and

(B) with respect to each such country, the schedule and level of such deployments.

(4) A description of the efforts of the United States and coalition forces to develop the domestic security forces of Iraq for the internal security and external defense of Iraq, including a description of United States plans to recruit, train, equip, and deploy domestic security forces of Iraq.

(5) As a result of the efforts described in paragraph (4)—

(A) the number of members of the security forces of Iraq that have been recruited;

(B) the number of members of the security forces of Iraq that have been trained; and

(C) the number of members of the security forces of Iraq that have been deployed.

(6) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(7) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(8) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

**SA 3473.** Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the joint resolution S.J. Res. 33, expressing support for freedom in Hong Kong; as follows:

On page 5, line 6, strike “all”.

On page 5, line 8, strike “a fully” and insert “universal suffrage and a”.

On page 5, beginning on line 11, strike all through line 23, and insert the following:

(B) declare that the lack of movement towards universal suffrage and a democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Basic Law of the Hong Kong Special Administrative Region and in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing, December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Standing Committee of the National People's Congress to guarantee that the Hong Kong Government develop and implement a plan and timetable to achieve universal suffrage and the democratic election of the legislature and chief executive of Hong Kong as provided for in the Basic Law of the Hong Kong Special Administrative Region, promulgated on July 1, 1997.

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 23, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting