

A bill (H.R. 3277) to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

A bill (H.R. 2768) to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bills be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills (H.R. 1914, H.R. 3277, and H.R. 2768) were read the third time and passed.

#### JOHN MARSHALL COMMEMORATIVE COIN ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to honor the contributions of John Marshall, the great Chief Justice of the Supreme Court, through the minting and issuance of a commemorative coin by the U.S. Treasury.

As an original cosponsor of S. 1531, the Chief Justice John Marshall Commemorative Coin Act, I have worked closely with Senator HATCH to do all that we possibly can to speedily pass this act into law. The act authorizes the Treasury Department to mint and issue coins in honor of Chief Justice John Marshall in the year 2005. Funds raised by sale of the coin will support the Supreme Court Historical Society. Sales of the coin also cover all of the costs of minting and issuing these coins, so that the American taxpayer is not bearing any cost whatsoever of this commemoration.

It is fitting that sales of a coin that bears the likeness of Chief Justice Marshall will be used to support the Supreme Court Historical Society. The society is a nonprofit organization whose purpose is to preserve and disseminate the history of the Supreme Court of the United States. Founded by Chief Justice Warren Burger, the society's mission is to provide information and historical research on our Nation's highest court. The society accomplishes this mission by conducting programs, publishing books, supporting historical research, and collecting antiques and artifacts related to the Court's history. We are happy to assist a worthwhile organization like the Supreme Court Historical Society.

In our successful efforts to obtain support for the bill, we gained 75 cosponsors in the Senate over the past year. Given the noble cause, it was not a hard sell. Yet, the number of bipartisan supporters is a proper tribute to the great Chief Justice John Marshall. John Marshall is known as "the great Chief Justice" of the Supreme Court.

Marshall served on the bench for 34 years and established many of the constitutional doctrines we revere today. He is best known and respected for the fundamental principle of checks and balances of our democratic government.

I thank all the Senators and Representatives who supported this legislation—too numerous to name. I also thank the Supreme Court Historical Society for its dedication to this important tribute to Chief Justice John Marshall.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, pursuant to Public Law 96-114, as amended, appoints the following individuals to the Congressional Award Board: Kathy Didawick of Virginia and Michael Carozza of Maryland.

#### SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 410 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 410) to authorize Senate employees to testify and produce documents with legal representation.

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

Mr. FRIST. Mr. President, the Department of Justice is conducting an investigation into whether false statements were made to a committee of the Senate in the course of responding to oversight inquiries by that committee. As part of that investigation, the Justice Department is seeking testimony about potentially relevant information from the Senate.

Accordingly, in keeping with the Senate's usual practice, this resolution would authorize present and former employees of the Senate to provide testimony sought by the Justice Department, except for material as to which a privilege should be asserted, in order to assist the Department in this matter.

Also in keeping with the Senate's usual practice, this resolution authorizes documentary production and representation by the Senate legal counsel in connection with this testimony, where appropriate.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 410) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas, the Department of Justice is requesting testimony in connection with a pending investigation into potential false statements to a committee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* That present and former employees of the Senate are authorized to testify and to produce documents, except as to matters for which a privilege should be asserted, in connection with the pending investigation into potential false statements to a committee of the Senate, and any related proceedings.

SEC. 2. The Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one of this resolution.

#### AUTHORIZING DOCUMENT PRODUCTION BY SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 411 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 411) to authorize document production by the Select Committee on Intelligence.

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

Mr. FRIST. Mr. President, the Select Committee on Intelligence conducted a review in 2001 of United States assistance to Peruvian counter-drug air interdiction efforts, following the mistaken shootdown of a civilian aircraft by the Peruvian Air Force in that same year. The committee prepared a report in which it made factual findings detailing the shortcomings that led to this tragic incident. The committee report made a number of recommendations about requirements that should precede further U.S. assistance to a foreign government engaged in a program of interdicting drug trafficking aircraft.

The United States Department of Justice is now conducting an investigation of the involvement of U.S. government officials in the Peruvian counter-narcotics air interdiction program, which has been operating since 1995. During that time the Senate Intelligence Committee has had oversight

jurisdiction. As part of that investigation, the Justice Department is reviewing the testimony and briefings that CIA personnel gave to the congressional oversight committees, including the Senate Intelligence Committee, from the inception of the air interdiction program.

To assist the Justice Department in its investigation, this resolution would authorize the chair and vice chair, acting jointly, to provide to the Justice Department, under appropriate security procedures, committee hearing transcripts and other committee records pertinent to its oversight of the Peruvian counter-narcotics air interdiction program.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 411) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 411

Whereas, the United States Department of Justice has requested that the Senate Select Committee on Intelligence provide it with documents in connection with a pending investigation into the involvement of U.S. government officials in the counter-narcotics air interdiction program in Peru;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the United States Department of Justice, under appropriate security procedures, copies of Committee documents sought in connection with its investigation into the involvement of U.S. government officials in the counter-narcotics air interdiction program in Peru.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4766

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of H.R. 4766 and that the papers then be returned to the House of Representatives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2700, which was introduced earlier today by Senators SNOWE and KERRY.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2700) to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 17, 2004, and for other purposes.

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

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today I join Chairman SNOWE in supporting legislation to keep the Small Business Administration and its financing and counseling assistance available to small businesses. This bill authorizes the SBA and most of its programs through the September 17, 2004, which will allow time for the House to complete its work on the SBA's 3-year reauthorization bill, passed by the Senate in September 2003, and for the committee to find common ground with the administration on needed program changes to SBA's venture capital program, the Small Business Investment Company program. In addition to the 8-week extension, this bill includes a provision necessary to bring the administration into compliance with a January 2004 recommendation by the SBA's Inspector General. This change will save the SBA hundreds of thousands of dollars by allowing the agency's fiscal and transfer agent for the 7(a) loan program's secondary market program to keep the interest earned on fees lenders pay before they are remitted to the government. Currently, the SBA does not have that authority. The committee wants the program to continue running smoothly and successfully, and we think this change should accomplish this.

With passage of this bill, the committee expects the SBA to move forward on grants for all its programs and certification for minority businesses, and any other business it has been delaying.

I am pleased that this bill will extend all of SBA's programs and pilot programs; however I am disappointed that the dire and urgent needs of the Women's Business Center program have yet to be fully addressed.

As many of my colleagues know, there are currently 88 Women's Business Centers. Of these, 35 are in the initial grant program and 53 will have graduated to the sustainability part of the program in this funding cycle.

These sustainability centers make up more than half of the total Women's Business Centers, but under the current funding formula are only allotted 30 percent of the funds. Without changing the portion reserved for sustainability centers to 48 percent as the Snowe-Kerry bill, S. 2266, contemplates, all grants to sustainability centers could be cut in half, or worse, 23 experienced centers could lose funding completely. In short, this change would simply direct the SBA to reserve 48 percent of the appropriated funds for the sustainability centers, instead of 30 percent, which would allow enough funding to keep open the most experienced centers, while still permitting the establishment of new centers and protecting existing ones.

I believe it is not enough to merely extend the Women's Business Center program and not make this critical and bipartisan change.

I thank my colleagues for their support of small businesses and for considering immediate passage of this important small business bill. •

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2700) was read the third time and passed, as follows:

#### S. 2700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through June 4, 2004, by section 1 of Public Law 108-217 is further extended through September 17, 2004, under the same terms and conditions.

#### SEC. 2. TECHNICAL AMENDMENT.

Section 2 of Public Law 108-205 is amended by striking "October 1, 2003" and inserting "March 15, 2004". The amendment made by the preceding sentence shall take effect as if included in the enactment of the section to which it relates.

#### SEC. 3. COMPENSATION OF AGENTS.

Section 5 of the Small Business Act (15 U.S.C. 634) is amended—

(1) in subsection (g)(4), by adding at the end the following:

“(C) The Administration may contract with an agent to carry out, on behalf of the Administration, the assessment and collection of the annual fee established under section 7(a)(23). The agent may receive, as compensation for services, any interest earned on the fee while in the control of the agent before the time at which the agent is contractually required to remit the fee to the Administration.”; and

(2) in subsection (h)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

“(2) The agent described in paragraph (1)(B) may be compensated through any of