

pounds, under the requirements established in the rulemaking proceeding;

(2) consider whether to establish performance requirements for seat belt fit when used with booster seats and other belt guidance devices;

(3) consider whether to develop a solution for children weighing more than 40 pounds who only have access to seating positions with lap belts, such as allowing tethered child restraints for such children; and

(4) review the definition of the term "booster seat" in Federal motor vehicle safety standard No. 213 under section 571.213 of title 49, Code of Federal Regulation, to determine if it is sufficiently comprehensive.

(c) COMPLETION.—The Secretary shall complete the rulemaking proceeding required by subsection (a) not later than 30 months after the date of the enactment of this Act.

**SEC. 903. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY SIMULATING A 10-YEAR OLD CHILD.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the current schedule and status of activities of the Department of Transportation to develop, evaluate, and certify a commercially available dummy that simulates a 10-year old child for use in testing the effectiveness of child restraints used in passenger motor vehicles.

**SEC. 904. REQUIREMENTS FOR INSTALLATION OF LAP AND SHOULDER BELTS**

(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to amend Federal motor vehicle safety standard No. 208 under section 571.208 of title 49, Code of Federal Regulations, relating to occupant crash protection, in order to—

(1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement; and

(2) apply the requirement to passenger motor vehicles in phases in accordance with the subsection (b).

(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) shall be implemented in phases on a production year basis beginning with the production year that begins not later than 12 months after the end of the year in which the regulations are prescribed under subsection (a). The final rule shall apply to all passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less that are manufactured in the third production year of the implementation phase-in under the schedule.

(c) REPORT ON DETERMINATION TO EXCLUDE.

(1) REQUIREMENT.—If the Secretary determines under subsection (a)(1) that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of motor vehicle, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report specifying the reasons for the determination.

(2) DEADLINE.—The report under paragraph (1) shall be submitted, if at all, not later than 30 days after the date on which the Sec-

retary issues a final rule under subsection (a).

**SEC. 905. TWO-YEAR EXTENSION OF CHILD PASSENGER PROTECTION EDUCATION GRANTS PROGRAM.**

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking "and 2001." and inserting "through 2004."

**SEC. 906. GRANTS FOR IMPROVING CHILD PASSENGER SAFETY PROGRAMS.**

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

**"§ 412. Grant program for improving child passenger safety programs**

"(a) STANDARDS AND REQUIREMENTS REGARDING CHILD RESTRAINT LAWS.—Not later than October 1, 2003, the Secretary shall establish appropriate criteria applicable to child restraint laws for purposes of eligibility for grants under this section. The criteria shall be consistent with the provisions of Antons's Law.

"(b) REQUIREMENT TO MAKE GRANTS.

"(1) IN GENERAL.—The Secretary shall make a grant to each State and Indian tribe that, as determined by the Secretary, has a child restraint law in effect on September 30, 2004.

"(2) LIMITATION ON NUMBER OF GRANTS. Not more than one grant may be made to a State or Indian tribe under this section.

"(3) COMMENCEMENT.—The requirement in paragraph (1) shall commence on October 1, 2004.

"(c) GRANT AMOUNT.—The amount of the grant to a State or Indian tribe under this section shall be the amount equal to five times the amount provided to the State or Indian tribe, as the case may be, under section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note) in fiscal year 2003.

"(d) USE OF GRANT AMOUNTS.—

"(1) IN GENERAL.—A State or Indian tribe shall use any amount received by the State or Indian tribe, as the case may be, under this section to carry out child passenger protection programs for children under the age of 16 years, including programs for purposes as follows:

"(A) To educate the public concerning the proper use and installation of child restraints, including booster seats.

"(B) To train and retain child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child restraints.

"(C) To provide child restraint systems, including booster seats and the hardware needed for their proper installation, to families that cannot otherwise afford such systems.

"(D) To support enforcement of the child restraint law concerned.

"(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a program under paragraph (1) that is carried out using amounts from a grant under this section may not exceed 80 percent of the cost of the program.

"(e) ADMINISTRATIVE EXPENSES.—The amount of administrative expenses under this section in any fiscal year may not exceed the amount equal to five percent of the amount available for making grants under this section in the fiscal year.

"(f) APPLICABILITY OF CHAPTER 1.—The provisions of section 402(d) of this title shall apply to funds authorized to be appropriated to make grants under this section as if such funds were highway safety funds authorized to be appropriated to carry out section 402 of this title.

"(g) DEFINITIONS.—In this section:

"(1) CHILD RESTRAINT LAW.—The term 'child restraint law' means a law that—

"(A) satisfies standards established by the Secretary under Antons's Law for the proper restraint of children who are over the age of 3 years or who weigh at least 40 pounds;

"(B) prescribes a penalty for operating a passenger motor vehicle in which any occupant of the vehicle who is under the age of 16 years is not properly restrained in an appropriate restraint system (including seat belts, booster seats used in combination with seat belts, or other child restraints); and

"(C) meets any criteria established by the Secretary under subsection (a) for purposes of this section.

"(2) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given that term in section 405(f)(5) of this title.

"(3) STATE.—The term 'State' has the meaning given in section 101 of this title and includes any Territory or possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 411 the following new item:

"412. Grant program for improving child passenger safety programs."

**SEC. 907. DEFINITIONS.**

In this title:

(1) CHILD RESTRAINT.—The term "child restraint" means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) PRODUCTION YEAR.—The term "production year" means the 12-month period between September 1 of a year and August 31 of the following year.

(3) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning given that term in section 405(f)(5) of title 23, United States Code.

**SEC. 908. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this title, including the making of grants under section 412 of title 23, United States Code, as added by section 906.

**PRIVILEGE OF THE FLOOR**

Mr. LEAHY. Mr. President, I ask unanimous consent that Marit Delozier and Brian Greer, law clerks with the Judiciary Committee, be allowed floor privileges during the pendency of and vote on the Shedd nomination.

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

Mr. REID. Mr. President, I ask unanimous consent that Alaine Perry, a detailee with the Finance Committee, be granted floor privileges for the duration of consideration of H.R. 4070.

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

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Environment Committee be discharged from further consideration of the following nominations: Ann Pope to be

Federal Cochairman of the Appalachian Regional Commission; Richard Peltz to be alternative Federal Cochairman of the Appalachian Regional Commission; that the Senate proceed to the consideration of the nominees; the nominees be confirmed; the motions to reconsider be laid on the table, any statements thereon be printed at the appropriate place in the RECORD as if read, and that the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed, as follows:

Anne B. Pope, of Tennessee, to be Federal Cochairman of the Appalachian Regional Commission.

Richard J. Peltz, of Pennsylvania, to be Alternative Federal Cochairman of the Appalachian Regional Commission.

#### NOMINATION OF JAMES M. LOY, TO BE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of the following nomination: James M. Loy, to be Under Secretary of Transportation for Security; that the Senate proceed to the immediate consideration of the nomination; that the nomination be confirmed; the motion to reconsider be laid on the table; that any statements thereon be printed in the RECORD as if read; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination was considered and confirmed, as follows:

James M. Loy, of Virginia, to be Under Secretary of Transportation for Security for a term of five years.

#### EXPRESSING THE SENSE OF CONGRESS REGARDING SECURITY, RECONCILIATION, AND PROSPERITY FOR ALL CYPRIOTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 539, S. Con. Res. 122.

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

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 122) expressing the sense of the Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union, which will provide significant rights and obligations for all Cypriots, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

(Strike the parts shown in black brackets and insert the parts shown in italic.)

S. CON. RES. 122

[Whereas the status quo on Cyprus remains unacceptable;

Whereas a just and lasting resolution of the Cyprus problem, on the basis of United Nations Security Council resolutions, must safeguard the security and fundamental rights of all citizens of Cyprus, Greek-Cypriots and Turkish-Cypriots alike;

Whereas Cyprus is among the leading candidate countries for accession to the European Union, in recognition of its commitment to free markets, human rights, democracy, and the rule of law;

Whereas the European Union guarantees to all its citizens the indivisible universal values of human dignity (supporting fair and equal treatment of all), freedom (right to security, marriage, family, among others), equality (celebrating cultural, religious, and linguistic diversity), solidarity (protecting workers' rights and providing social security), citizens' rights (voting), and justice (holding a fair trial);

Whereas membership in the European Union will guarantee each citizen of Cyprus important legal, civil, and human rights, as well as the means and legal recourse necessary to secure the full application of these fundamental individual rights, and to promote the respect of cultural diversity and traditions;

Whereas membership in the European Union will bring significant benefits to both the Greek-Cypriot and Turkish-Cypriot communities, including new economic opportunities, access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods, and services and capital;

Whereas the European Council in its Summit Conclusions of December 1999, in Helsinki, stated that "a political settlement [of the Cyprus problem] will facilitate the accession of Cyprus to the European Union . . . [i]f no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition";

Whereas both the United States and the European Union in their summit statement on the New Transatlantic Agenda of June 14, 2001, pledge to continue to work together to support the efforts of the United Nations Secretary General to achieve a comprehensive settlement with respect to Cyprus consistent with relevant United Nations Security Council resolutions and to continue to work toward the resumption of talks;

Whereas resolution of the Cyprus problem is in the strategic interests of the United States, given the important location of Cyprus at the crossroads of Europe, Africa, and Asia; and

Whereas resolution of the Cyprus problem is also consistent with American values, as enshrined in the rights guaranteed by the Constitution of the United States, which guarantees the right to life, liberty, and the pursuit of happiness: Now, therefore, be it

*Whereas the current status quo on Cyprus remains unacceptable and the reunification of Cyprus remains a desirable foreign policy objective;*

*Whereas a just and lasting resolution of the Cyprus problem, in full consideration of United Nations Security Council resolutions and international treaties, must safeguard the security and fundamental rights of the population of Cyprus, Greek-Cypriots and Turkish-Cypriots alike;*

*Whereas Cyprus is among the leading candidate countries for accession to the European Union, in recognition of its commitment to free markets, human rights, democracy, and the rule of law;*

*Whereas the European Union guarantees to all its citizens the indivisible universal values of human dignity (supporting fair and equal treatment of all), freedom (right to security, marriage, family, among others), equality (celebrating cultural, religious, and linguistic diversity), solidarity (protecting workers' rights*

*and providing social security), citizens' rights (voting), and justice (holding a fair trial);*

*Whereas membership in the European Union will guarantee each citizen of the Republic of Cyprus important legal, civil, and human rights, as well as the means and legal recourse necessary to secure the full application of these fundamental individual rights, and to promote the respect of cultural diversity and traditions;*

*Whereas membership in the European Union will bring significant benefits to both Greek-Cypriots and Turkish-Cypriots, including new economic opportunities, access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods, and services and capital;*

*Whereas the European Council in its Summit Conclusions of December 1999, in Helsinki, stated that "a political settlement [of the Cyprus problem] will facilitate the accession of Cyprus to the European Union . . . [i]f no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition . . . [i]n this the Council will take account of all relevant factors";*

*Whereas both the United States and the European Union in their summit statement on the New Transatlantic Agenda of June 14, 2001, pledge to continue to work together to support the efforts of the United Nations Secretary General to achieve a comprehensive settlement with respect to Cyprus in full consideration of relevant United Nations Security Council resolutions and international treaties;*

*Whereas the Greek and Turkish Cypriot leadership began direct talks on January 16, 2002, with the United Nations Special Advisor in attendance and the European Council at the Seville Conference in June 2002 called on the Greek and Turkish Cypriot leaders to intensify and expedite their talks in order to seize the unique opportunity to reach a comprehensive settlement; and*

*Whereas resolution of the Cyprus problem is also consistent with American values, as enshrined in the rights guaranteed by the Constitution of the United States, which guarantees the right to life, liberty, and the pursuit of happiness: Now, therefore, be it*

*Resolved by the Senate (the House of Representatives concurring), [That it is the sense of Congress that—*

**(1)** the unacceptable status quo on Cyprus must be ended and the island and its people be reunited, in a bizonal, bicommunal federal Cyprus, on the basis of United Nations Security Council resolutions;

**(2)** the accession of Cyprus to the European Union would act as a catalyst for the solution of the Cyprus problem without the latter being a precondition for accession;

**(3)** membership of Cyprus to the European Union should be strongly supported;

**(4)** all Cypriots be urged to support and encourage efforts to bring Cyprus into the European Union; and

**(5)** the various agencies of the United States Government should pursue vigorously and as an issue of high and urgent priority new initiatives that will help promote and achieve reunification, reconciliation, stability, and prosperity on Cyprus.]

*That it is the sense of Congress that—*

*(1) the current status quo on Cyprus must be ended and the island and its people be reunited, in a bizonal, bicommunal federal Cyprus, with full consideration of United Nations Security Council resolutions and international treaties;*

*(2) the direct and intensive negotiations between the Greek and Turkish Cypriot leaders, which began in January 2002, and which are continuing on a regular basis, have been most welcome and are encouraged to continue until a comprehensive settlement has been achieved;*

*(3) while a successful resolution of the Cyprus problem would facilitate the accession of Cyprus*