

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 748

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 748 intended to be proposed to S. 1050, an original bill to authorize appropriations for fiscal year 2004 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 Forces, and for other purposes.

AMENDMENT NO. 750

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. BYRD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 750 proposed to S. 1050, an original bill to authorize appropriations for fiscal year 2004 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 Forces, and for other purposes.

AMENDMENT NO. 751

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 751 proposed to S. 1050, an original bill to authorize appropriations for fiscal year 2004 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 Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. LEVIN, Ms. STABENOW, Mr. BAYH, Mr. LUGAR, Mrs. HUTCHISON, Mr. CORNYN, Mr. WARNER, Mr. CHAMBLISS, Mr. LOTT, Mr. GRAHAM of South Carolina, Mr. NELSON of Florida, Mr. ALEXANDER, Mr. DEWINE, Mrs. DOLE, Mr. COCHRAN, Mr. LANDRIEU, Mr. MILLER, Mr. HOLLINGS, Mr. BREAUX, and Mr. BUNNING):

S. 1090. A bill to amend title 23, United States Code, to increase the minimum allocation provided to States for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Highway Funding Equity Act of 2003. I am joined on a bipartisan basis by Senators LEVIN, STABENOW, BAYH, LUGAR, HUTCHISON, CORNYN, WARNER, CHAMBLISS, LOTT, LINDSEY GRAHAM, BILL NELSON, ALEXANDER, DEWINE,

DOLE, COCHRAN, LANDRIEU, MILLER, HOLLINGS, BREAUX, and BUNNING.

The Transportation Equity Act for the 21st century, TEA-21, authorized more than \$218 billion for transportation programs and will expire in September 2003. TEA-21 requires certain States, known as Donor States, to transfer to other States a percentage of the revenue from Federal highway user fees. Several of these donor States transfer more than 10 percent of every Federal highway user fee dollar to other States. As a result, donor States receive a significantly lower rate-of-return on their transportation tax dollar being sent to Washington. Currently, over 25 States, including my State of Ohio, contribute more money to the Highway Trust Fund than they receive back.

My State of Ohio has the Nation's 10th largest highway network, the 5th highest volume of traffic, the 4th largest interstate highway network, and the 2nd largest inventory of bridges in the country. Ohio is a major manufacturing State and is within 600 miles of 50 percent of the population of North America. The interstate highways throughout Ohio and all the donor States provide a vital link to suppliers, manufacturers, distributors, and consumers.

Maintaining our Nation's highway infrastructure is essential to a robust economy and increasing Ohio's share of Federal highway dollars has been a longtime battle of mine. One of my goals when I became governor 12 years ago was to increase our rate-of-return from 79 percent to 87 percent in the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. Then, in 1998, as Chairman of the National Governors Association, I lobbied Congress to increase the minimum rate-of-return to 90.5 percent. The goal of the Highway Funding Equity Act of 2003 is to increase the minimum guaranteed rate-of-return to 95 percent.

The Highway Funding Equity Act of 2003 has two components. First, the bill would increase the minimum guaranteed rate-of-return in TEA-21 from 90.5 percent of a State's share of contributions to the Highway Trust Fund to 95 percent. The Minimum Guarantee under TEA-21 includes all major Core highway programs: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality, Metropolitan Planning, Recreational Trails, and any funds provided by the Minimum Guarantee itself.

Second, the bill uses the table of percentages now in Section 105 of Title 23 to guarantee States with a population density of less than 50 people per square mile a minimum rate-of-return that may exceed 95 percent of that State's share of Highway Account contributions. This provision is intended to ensure that every State is able to provide the quality of road systems needed for national mobility, economic pros-

perity, and national defense. Under the 2000 Census, this provision would benefit 15 states: Alaska, Arizona, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

Increasing donor States' rate of return to 95 percent will send more than \$60 million back to Ohio for road improvements we sorely need. The interstate system was built in the 1950s to serve the demands and traffic of the 1980s. Today, Ohio's infrastructure is functionally obsolete. Nearly every central urban interstate in Ohio is over capacity and plagued with accidents and congestion. Ohio's critical roadways are unable to meet today's traffic demands, much less future traffic which is expected to grow nearly 70 percent in the next 20 years. Like all the donor States, we need these funds in Ohio.

States can no longer afford to support others that are already self-sufficient. Each State has its own needs that far outweigh total available funding, especially in light of the so-called "mega projects" coming due in the next decade. For example, the Brent Spence Bridge that carries Interstates 71 and 75 across the Ohio River into Kentucky is in need of replacement within the next 10 years at a cost of about \$500 million. With the inclusion of the approach work, the total project could cost close to \$1 billion.

The goal of this legislation is to improve the rate-of-return on donor states' dollars to guarantee that federal highway program funding is more equitable for all states. Donor States seek only their fair share, and I look forward to working with my colleagues to improve highway funding equity during the upcoming surface transportation reauthorization process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1090

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Funding Equity Act of 2003".

SEC. 2. MINIMUM GUARANTEE.

Section 105 of title 23, United States Code, is amended—

(1) by striking subsection (a) and subsections (c) through (f);

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after the section heading the following:

“(a) GUARANTEE.—

“(1) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that the percentage for each State of the total apportionments for the fiscal year for the National Highway System under section 103(b), the high priority projects program under section 117, the Interstate maintenance program under section 119, the surface transportation program under section

133, metropolitan planning under section 134, the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, the recreational trails program under section 206, the Appalachian development highway system under subtitle IV of title 40, and the minimum guarantee under this paragraph, equals or exceeds the percentage determined for the State under paragraph (2).

“(2) STATE PERCENTAGES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the percentage for each State referred to in paragraph (1) is the percentage that is equal to 95 percent of the ratio that—

“(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; bears to

“(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

“(B) EXCEPTION.—In the case of a State having a population density of less than 50 individuals per square mile according to the 2000 decennial census, the percentage referred to in paragraph (1) shall be the greater of—

“(i) the percentage determined under subparagraph (A); or

“(ii) the percentage specified in subsection (e).

“(b) TREATMENT OF FUNDS.—

“(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion the amounts made available under this section that exceed \$2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) is equal to the product obtained by multiplying—

“(A) the amount to be apportioned under this paragraph; and

“(B) the ratio that—

“(i) the amount of funds apportioned to the State for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) for a fiscal year; bears to

“(ii) the total amount of funds apportioned to the State for that program for the fiscal year.

“(2) REMAINING DISTRIBUTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall apportion the remainder of funds made available under this section to the States, and administer those funds, in accordance with section 104(b)(3).

“(B) INAPPLICABLE REQUIREMENTS.—Paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned in accordance with this paragraph.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2004 through 2009.

“(d) GUARANTEE OF 95 PERCENT RETURN.—

“(1) IN GENERAL.—For each of fiscal years 2004 through 2009, before making any apportionment under this title, the Secretary shall—

“(A) determine whether the sum of the percentages determined under subsection (a)(2) for the fiscal year exceeds 100 percent; and

“(B) if the sum of the percentages exceeds 100 percent, proportionately adjust the percentages specified in the table contained in subsection (e) to ensure that the sum of the percentages determined under subsection (a)(1)(B) for the fiscal year equals 100 percent.

“(2) ELIGIBILITY THRESHOLD FOR ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the percentage for the State in the table contained in subsection (e) is equal to or exceeds 95 percent of the ratio determined for the State under subsection (a)(1)(B)(i) for the fiscal year.

“(3) LIMITATION ON ADJUSTMENTS.—Adjustments of the percentages in the table contained in subsection (e) in accordance with this subsection shall not result in a total of the percentages determined under subsection (a)(2) that exceeds 100 percent.”; and

(4) in subsection (e) (as redesignated by paragraph (2)), by striking “subsection (a)” and inserting “subsections (a)(2)(B)(ii) and (d)”.

Mr. LEVIN. Mr. President, today I join Senator VOINOVICH in introducing the Highway Funding Equity Act of 2003.

Our bill will allow States to get back more of what they contribute in gas taxes to the highway trust fund. We do this by increasing the Federal minimum guaranteed funding level for highways from the current 90.5 percent of a State's share of contributions made to the Federal Highway Trust Fund in gas tax payments to 95 percent.

Increasing this minimum guarantee to 95 percent will bring us one step closer to achieving fairness in the distribution of Federal highway funds to States.

Historically about 20 States, including Michigan, known as “donor” States, have sent more gas tax dollars to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as “donee” States, have received more transportation funding than they paid into the Highway Trust Fund.

This came about in 1956 when a number of small States and large Western States banded together to develop a formula to distribute Federal highway dollars that advantaged themselves over the remaining States. They formed a coalition of about 30 States that would benefit from the formula and, once that formula was in place, have tenaciously defended it.

At the beginning there was some legitimacy to the large low-population predominately Western States getting more funds than they contributed to the system in order to build a national interstate highway system. Some arguments remain for providing additional funds to those States to maintain the national system and our bill will do that. However, there is no justification for any state getting more than its fair share.

Each time the highway bill is reauthorized the donor States that have

traditionally subsidized other States' road and bridge projects have fought to correct this inequity in highway funding. It has been a long struggle to change these outdated formulas. Through these battles, some progress has been made. For instance, in 1978, Michigan was getting around 75 cents on our gas tax dollar. The 1991 bill brought us up to approximately 80 cents per dollar and the 1998 bill guaranteed a 90.5 cent minimum return for each State.

We still have a long way to go to achieve fairness for Michigan and other States on the return on our Highway Trust Fund contributions. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in Michigan and the jobs that go with it. According to Federal Highway Administration calculations, Michigan would have received an additional \$42 million in FY 02 under the Voinovich-Levin 95 percent minimum guarantee bill. That's a critically important difference for Michigan each year. The same is true for other donor States that stand to get back millions more of their gas tax dollars currently being sent to other States. There is no logical reason for some States to continue to send that money to other States to subsidize their road and bridge projects and to perpetuate this imbalance is simply unfair.

With the national interstate system completed, the formulas used to determine how much a State will receive from the Highway Trust Fund are antiquated and do not relate to what a State's real needs or contributions are.

The Voinovich-Levin bill is consensus bill developed with the help of donor State Department of Transportation agencies and their coalition working group. This legislation would increase the minimum guarantee from 90.5 percent to 95 percent for all States. A companion bill is being introduced in the House today by majority leader TOM DELAY and Representative BARON HILL. With this legislation, we intend to send a strong message to the authorizing committees that they should address the equity issue in the Senate and House highway reauthorization bills. We are determined to make progress in this bill to redistribute the highway funds in a more equitable manner so that every State gets its fair share.

This is an issue of equity and we will not be satisfied until we achieve it.

By Mr. CAMPBELL:

S. 1092. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce legislation, the National War Permanent Tribute Historical Database Act, which would establish a permanent database to catalogue, identify, and locate the thousands of permanent veterans' memorials on public land.

Right now, an individual can go online and access a network of all railway mainlines, railroad yards, and major sidings in the continental U.S. through the Bureau of Transportation Statistics. If someone wants to search all scenic byways—by location or keyword—he or she can easily access this database through the Federal Highway Administration. Through the National Park Service, one can access the inventory of historic light stations and publicly accessible lighthouses.

But if one of my constituents, a veteran, or a young person working on a school project, wants to access a comprehensive list of veterans' memorials, they can't.

Currently, there is no central catalogue of information on structures commemorating an individual or group in the Armed Forces available to the public—maintained either by the Federal Government or by a non-governmental entity. Unfortunately, many of these structures are in a terrible state of disrepair and rest in unknown storage facilities around the country. Through the Department of Veterans' Affairs, an individual can look up a list of all State cemeteries and their contact information. But, as I understand it, that's the extent of the database. And that's simply not enough.

Admittedly, I am not an expert on navigating through the Internet, but I know that many of my constituents are. The ultimate purpose of this bill is to compile and classify the myriad of information that exists and make it available for anyone to access. Even those not proficient on a computer will benefit from a standardized database, because hopefully it will be operative from a number of means.

In fact, under my bill, this database would be established by the Department of the Interior with the assistance of other agencies, non-profits, tribal governments, and any other entities the Secretary of the Interior deem appropriate. Since the Department of the Interior already maintains several databases, I believe it already has the infrastructure and the proven capability to maintain a catalogue of veterans' memorials. The Secretary would also have to report back to Congress three years after enactment to assess the feasibility of establishing a permanent fund to repair, maintain, and restore memorials that need help.

Several years ago, Congress passed a law which expressed the need for cataloguing and maintaining these public veterans' memorials. When similar legislation, upon which this bill is based, was reported favorably out of the House Committee on Resources last Congress, staff from the Congressional

Budget Office estimated that enacting this bill would not have a significant impact on the budgets of State, local, or tribal governments. It would also not preempt authority of State, local, or tribal law. Let's work together to get this common-sense, low cost effort off the ground and working for the millions of people who have so courageously defended our freedom.

I have said this before, but I truly believe that veterans' memorials often serve as the only tangible reminders we have of their service to this country. Not only have we lost many of these brave men and women during conflict, we are losing thousands of them forever, each year, as the veteran population ages. A common-sense first step to making sure that the sites and structures honoring them are properly maintained is also making sure we know where each of them is. Future generations depend on it.

Yesterday, the House of Representatives passed another veterans' bill of mine, the Veterans' Memorial Preservation and Recognition Act of 2003, which is on its way to the President's desk. This bill, S. 330, would make a Federal crime, the destruction of veterans' memorials and would permit guide signs to veterans' cemeteries on Federal-aid highways. I cannot think of a better way to make this law more effective than to have a national database to identify these veterans' memorials.

Having said that, it is my hope that we can work swiftly together to move this legislation introduced today. This weekend, we will be commemorating our veterans with festive celebrations and somber vigils. Let us honor what they have done to preserve our freedom by protecting and recognizing the sites which commemorate them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1092

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National War Permanent Tribute Historical Database Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) on November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials;

(2) there are many thousands of public memorials and permanent tributes throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(3) many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage; and

(4) there exists a need to collect and centralize information regarding the identifica-

tion, location, and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental entity.

SEC. 3. ESTABLISHMENT OF DATABASE.

(a) ESTABLISHMENT.—In order to locate, identify, and catalog the many thousands of permanent tributes that commemorate the military conflicts of the United States, and the service and sacrifice of individuals in the Armed Forces of the United States, and to make such information readily available for the educational benefit of the public, the Secretary of the Interior, in consultation with the Secretary of Veterans Affairs, may establish and maintain a database known as the National War Permanent Tribute Historical Database.

(b) CONTENT.—The database shall contain information on—

(1) the location, history, and background of the permanent tributes;

(2) photographs and other information to enhance the understanding of the permanent tributes;

(3) information about the veterans in whose honor the permanent tributes are dedicated; and

(4) any other information the Secretary considers appropriate and necessary.

(c) PUBLIC ACCESS.—The database shall be made accessible to the public, through the Internet or by other means, in a format that permits the public to submit information on permanent tributes for the purpose of updating and expanding the database.

(d) ASSISTANCE.—The Secretary of the Interior may seek the assistance of other Federal agencies and the States and their political subdivisions, tribal governments, public or private educational institutions, non-profit organizations, and individuals or other entities that the Secretary considers appropriate in carrying out this Act, and may enter into contracts and cooperative agreements to obtain information or services that assist in the development and implementation of the database.

(e) DEFINITION.—As used in this section, the term "permanent tribute" means any statue, structure, or other monument on public property commemorating the service of any person or persons in the Armed Forces.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

SEC. 5. REPORT.

Within 3 years after the date of enactment of this Act, the Secretary of the Interior shall transmit to Congress a report assessing the efficacy and desirability of establishing a permanent fund within the Treasury for the repair, restoration, and maintenance of the memorials identified and catalogued under section 3. The report shall include recommended criteria regarding appropriate recipients of expenditures from such a fund as well as proposed funding mechanisms and any other information considered by the Secretary to be relevant.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 1093. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to acknowledge the many thousands of bicycle commuters across the Nation who, by taking part in National Bike-to-Work Day on May 16, 2003, have chosen a healthy and pollution-

free alternative to driving to work. In recognition of the importance of bicycle commuting and National Bike-to-Work Month, it is my pleasure to be joined by my good friend, the Senator from Oregon, to introduce legislation to extend the Transportation Fringe Benefit to bicycle commuters. By including bicycle commuting as an eligible mode of alternative transportation under the Transportation Fringe Benefit, this legislation will ensure that bicycle commuters will have access to the benefits already available to individuals who commute by mass transit and van-pool.

The Transportation Fringe Benefit was added to the Tax Code to give individuals an incentive to use alternative modes of transportation. It is entirely voluntary for both employers and employees. Under current law, an employer may offer a Transportation Fringe Benefit to an employee who commutes by mass transit or van-pool and count that contribution as a business deduction. An employee of a participating company may choose to receive a tax-exempt benefit of \$180 per month for qualified parking or \$100 per month for mass transit or van-pool.

The Bicycle Commuter Act simply adds bicycling as a qualifying transportation method. This straightforward but significant addition to the Transportation Fringe Benefit not only provides fairness to commuters traveling by bike, but would also help achieve the broader goals of the Transportation Fringe Benefit provision by encouraging healthy, environmental, community-oriented commuting.

Consider a June 2002 study by the Texas Transportation Institute that details the growing severity of traffic congestion on our Nation's roadways—according to this study, commuters traveling during rush hour are encountering longer delays, rush hour periods themselves are growing, and more streets and highways are becoming congested. This rising trend of greater congestion costs both our Nation's economy and our environment.

Thankfully, there are alternatives, and that is why I am introducing the Bicycle Commuter Act. According to the Bureau of Transportation Statistics, over 20 percent of Americans used a bicycle for transportation within a 30-day study period. Combined with the fact that more than 50 percent of the working population has a work commute of 5 miles or fewer, bicycles present an opportunity for our Nation to reduce problems of grid lock, air pollution, and roadway wear and tear.

Indeed, our Nation has made significant gains through mass transit and alternative transportation. However, more can and must be done—and I believe the Bicycle Commuter Act would be an important step in ensuring that our Nation's transportation policies recognize the potential benefits to the individual and community of bicycle commuting. I urge my colleagues to join myself and the Senator from Oregon in this effort.

By Mr. SUNUNU (for himself, Mr. KERRY, Mr. STEVENS, Mr. MCCAIN, Mrs. LINCOLN, Ms. COLLINS, Mr. BUNNING, Mr. MILLER, Mr. SPECTER, Mr. ROCKEFELLER, Ms. CANTWELL, Mr. KENNEDY, Ms. LANDRIEU, Mr. BURNS, and Mr. ALLEN):

S. 1095. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program; to the Committee on Finance.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1095

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Vision Rehabilitation Services Act of 2003".

SEC. 2. IMPROVEMENT OF OUTPATIENT VISION SERVICES UNDER PART B.

(a) COVERAGE UNDER PART B.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (U), by striking "and" after the semicolon at the end;

(2) in subparagraph (V)(iii), by adding "and" after the semicolon at the end; and

(3) by adding at the end the following new subparagraph:

"(W) vision rehabilitation services (as defined in subsection (ww)(1));"

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Vision Rehabilitation Services: Vision Rehabilitation Professional

"(ww)(1)(A) The term 'vision rehabilitation services' means rehabilitative services (as determined by the Secretary in regulations) furnished—

"(i) to an individual diagnosed with a vision impairment (as defined in paragraph (6));

"(ii) pursuant to a plan of care established by a qualified physician (as defined in subparagraph (C)) or by a qualified occupational therapist that is periodically reviewed by a qualified physician;

"(iii) in an appropriate setting (including the home of the individual receiving such services if specified in the plan of care); and

"(iv) by any of the following individuals:

"(I) A qualified physician.

"(II) A qualified occupational therapist.

"(III) A vision rehabilitation professional (as defined in paragraph (2)) while under the general supervision (as defined in subparagraph (D)) of a qualified physician.

"(B) In the case of vision rehabilitation services furnished by a vision rehabilitation professional, the plan of care may only be established and reviewed by a qualified physician.

"(C) The term 'qualified physician' means—

"(i) a physician (as defined in subsection (r)(1)) who is an ophthalmologist; or

"(ii) a physician (as defined in subsection (r)(4) (relating to a doctor of optometry)).

"(D) The term 'general supervision' means, with respect to a vision rehabilitation professional, overall direction and control of that professional by the qualified physician who established the plan of care for the individual, but the presence of the qualified phy-

sician is not required during the furnishing of vision rehabilitation services by that professional to the individual.

"(2) The term 'vision rehabilitation professional' means any of the following individuals:

"(A) An orientation and mobility specialist (as defined in paragraph (3)).

"(B) A rehabilitation teacher (as defined in paragraph (4)).

"(C) A low vision therapist (as defined in paragraph (5)).

"(3) The term 'orientation and mobility specialist' means an individual who—

"(A) if a State requires licensure or certification of orientation and mobility specialists, is licensed or certified by that State as an orientation and mobility specialist;

"(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in orientation and mobility; and

"(ii) has successfully completed 350 hours of clinical practicum under the supervision of an orientation and mobility specialist and has furnished not less than 9 months of supervised full-time orientation and mobility services;

"(C) has successfully completed the national examination in orientation and mobility administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

"(D) meets such other criteria as the Secretary establishes.

"(4) The term 'rehabilitation teacher' means an individual who—

"(A) if a State requires licensure or certification of rehabilitation teachers, is licensed or certified by the State as a rehabilitation teacher;

"(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in rehabilitation teaching, or holds such a degree in a health field; and

"(ii) has successfully completed 350 hours of clinical practicum under the supervision of a rehabilitation teacher and has furnished not less than 9 months of supervised full-time rehabilitation teaching services;

"(C) has successfully completed the national examination in rehabilitation teaching administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

"(D) meets such other criteria as the Secretary establishes.

"(5) The term 'low vision therapist' means an individual who—

"(A) if a State requires licensure or certification of low vision therapists, is licensed or certified by the State as a low vision therapist;

"(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in low vision therapy, or holds such a degree in a health field; and

"(ii) has successfully completed 350 hours of clinical practicum under the supervision of a physician, and has furnished not less than 9 months of supervised full-time low vision therapy services;

"(C) has successfully completed the national examination in low vision therapy administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

"(D) meets such other criteria as the Secretary establishes.

"(6) The term 'vision impairment' means vision loss that constitutes a significant limitation of visual capability resulting from

disease, trauma, or a congenital or degenerative condition that cannot be corrected by conventional means, including refractive correction, medication, or surgery, and that is manifested by 1 or more of the following:

“(A) Best corrected visual acuity of less than 20/60, or significant central field defect.

“(B) Significant peripheral field defect including homonymous or heteronymous bilateral visual field defect or generalized contraction or constriction of field.

“(C) Reduced peak contrast sensitivity in conjunction with a condition described in subparagraph (A) or (B).

“(D) Such other diagnoses, indications, or other manifestations as the Secretary may determine to be appropriate.”

(c) PAYMENT UNDER PART B.—

(1) PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting “(2)(W),” after “(2)(S),”.

(2) CARVE OUT FROM HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395i(t)(1)(B)(iv)) is amended by inserting “vision rehabilitation services (as defined in section 1861(ww)(1)) or” after “does not include”.

(3) CLARIFICATION OF BILLING REQUIREMENTS.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking “and” before “(G)”;

(B) by inserting before the period the following: “, and (H) in the case of vision rehabilitation services (as defined in section 1861(ww)(1)) furnished by a vision rehabilitation professional (as defined in section 1861(ww)(2)) while under the general supervision (as defined in section 1861(ww)(1)(D)) of a qualified physician (as defined in section 1861(ww)(1)(C)), payment shall be made to (i) the qualified physician or (ii) the facility (such as a rehabilitation agency, a clinic, or other facility) through which such services are furnished under the plan of care if there is a contractual arrangement between the vision rehabilitation professional and the facility under which the facility submits the bill for such services”.

(d) PLAN OF CARE.—Section 1835(a)(2) of the Social Security Act (42 U.S.C. 1395n(a)(2)) is amended—

(1) in subparagraph (E), by striking “and” after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”;

(3) by inserting after subparagraph (F) the following new subparagraph:

“(G) in the case of vision rehabilitation services, (i) such services are or were required because the individual needed vision rehabilitation services, (ii) an individualized, written plan for furnishing such services has been established (I) by a qualified physician (as defined in section 1861(ww)(1)(C)), (II) by a qualified occupational therapist, or (III) in the case of such services furnished by a vision rehabilitation professional, by a qualified physician, (iii) the plan is periodically reviewed by the qualified physician, and (iv) such services are or were furnished while the individual is or was under the care of the qualified physician.”

(e) RELATIONSHIP TO REHABILITATION ACT OF 1973.—The provision of vision rehabilitation services under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall not be taken into account for any purpose under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(f) EFFECTIVE DATE.—

(1) INTERIM, FINAL REGULATIONS.—The Secretary of Health and Human Services shall publish a rule under this section in the Federal Register by not later than 180 days after the date of enactment of this Act to carry

out the provisions of this section. Such rule shall be effective and final immediately on an interim basis, but is subject to change and revision after public notice and opportunity for a period (of not less than 60 days) for public comment.

(2) CONSULTATION.—The Secretary of Health and Human Services shall consult with the National Vision Rehabilitation Cooperative, the Association for Education and Rehabilitation of the Blind and Visually Impaired, the Academy for Certification of Vision Rehabilitation and Education Professionals, the American Academy of Ophthalmology, the American Occupational Therapy Association, the American Optometric Association, and such other qualified professional and consumer organizations as the Secretary determines appropriate in promulgating regulations to carry out this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1097. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator BOXER and myself, I rise today to introduce the Calfed Bay-Delta Authorization Act. This bill, an \$880 million authorization, is a 33 percent match for state and local dollars over the next 4 years to address California's water needs through a balanced program.

Last year's bill passed the Energy and Natural Resources Committee by a vote of 18-5, and since that time I have worked with Republicans, most notably Senator JON KYL of Arizona, to come up with an even stronger bill.

The result: the legislation we introduced today is greatly improved from last year's bill—it is smaller, the authorizations are more specific, and it does a better job of ensuring that the CALFED program be implemented in a balanced manner. Let me describe how the bill is improved:

First, many Senators from other States were afraid CALFED was going to use up the Bureau of Reclamation's entire budget. To meet these concerns, we have cut the authorization level, ultimately to \$880 million over four years. We also limited the Federal cost-share to one-third.

Second, some Republican Senators were afraid that environmental projects not needing authorization would sail smoothly ahead, while storage projects lacking Congressional approval would languish. To meet this concern, we required balanced implementation. The Secretary of the Interior must certify annually that the CALFED program is progressing in a balanced manner toward achieving all of its different components.

Third, other Republican Senators were concerned that they had no good handle on the Federal funding of the many different agencies involved in CALFED. We meet this concern by requiring the Office of Management and Budget, OMB, to prepare a cross-cut budget showing the Federal funding of each of the different agencies. We also

prepared a specific list of the projects to be funded and how much each one would receive.

In my view, these changes make the bill stronger and more likely to pass both the Senate and the House. Just as importantly, the bill continues to provide the funding necessary to implement the key elements of the CALFED program. In fact, the pieces of the legislation work together to solve our water needs:

One need is water storage. I don't believe we can meet all of our future water needs without increased water storage that is environmentally benign, that is off stream and that provides flexibility in the system for us to increase water supply, improve water quality, and enhance ecosystem restoration.

We must be able to take water in wet years and store it for use in dry years. The bill provides \$102 million for planning and feasibility studies for water storage projects—and an additional \$77 million for conveyance.

Next is ecological restoration. This means improving fish passages, restoring streams, rivers and habitats and improving water quality. The bill provides \$100 million for ecological restoration.

The bill authorizes \$153 million for water conservation and recycling, including \$84 million for desalination and water recycling projects, leveraging substantial additional water supplies for California with relatively little Federal investment.

The bill would also improve water quality for drinking through investment in treatment technology demonstration projects and water quality improvements in the San Francisco Bay Delta, the San Joaquin Valley, and other parts of the State.

I would also like to emphasize that the bill includes a grants program for local and regional communities throughout California, including the northern part of the State. The bill authorizes up to \$95 million for local California communities to develop plans and projects to improve their water situation. This State-wide grants program is an example of how the bill will benefit all Californians. The bill also includes \$50 million for watershed planning and assistance.

The bill also includes other important provisions on levee stability, with \$70 million, ensuring CALFED has strong supporting science, with \$50 million, and \$25 million for program management, oversight, and coordination. There is also \$75 million for the environmental water account, which purchases available water for environmental and other purposes.

The bill also includes balance and cross-cut budget reporting requirements.

Through the CALFED process, we have discovered that, as Californians, we have many common water interests. For example, if we both conserve water and build new environmentally responsible off-stream storage, then we have

found two ways to increase the supply of water for everyone's use. And if we make intelligent investments in ecological restoration, we can continue to use water for growing our economy while benefitting our environment at the same time.

CALFED emerged after years of negotiations between Californians of different backgrounds who care about water. This bill proposes specific projects for each of CALFED's basic parts—and it appropriately defines the Federal role so that other states know that California is taking full responsibility for its own situation.

It is my strong belief that the Western energy crisis is a forerunner to what California will soon experience with water. Just consider the following: California has a population of over 35 million people, which is expected to grow to 50 million in twenty years, yet our water system infrastructure was built when the State had only 16 million people.

California is the sixth largest economy in the world. It is the number one agricultural producing State in the Nation. It is the leading producer of agriculture products, such as dairy, wine, grapes, strawberries, almonds, lettuce and tomatoes—the list goes on and on.

California's trade, manufacturing, and service sectors are substantial contributors to the American economy. Clearly, these sectors would be put at risk if there is not an adequate supply of water.

California has more endangered species than any State except Hawaii, as well as the largest population.

To make matters worse, a recent study by the Scripps Institute of Oceanography predicts that global warming could reduce the West's water supply by an much as 30 percent by 2050.

Clearly, California's water needs are tremendous; meanwhile, the last major infrastructure improvement in the state occurred in the 1970s. We need to prepare for the future and we need to do so in an environmentally sensitive way. If there is one lesson to learn from California's damaging energy crisis, it is that time to address a crisis is not while it is happening, but beforehand.

California is struggling to build more power plants, while also doing everything possible to reduce demand through increased efficiency and conservation. But because this started so late, we have encountered some serious problems in the past two years, which is why it is even more important that we fix our water problem before it, too, reaches a crisis stage.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1097

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Calfed Bay-Delta Authorization Act".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CALFED BAY-DELTA PROGRAM.—The "Calfed Bay-Delta Program" means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The term "California Bay-Delta Authority" means a committee of State and Federal agencies and public members established to oversee the Calfed Bay-Delta Program, as set forth in the California Bay-Delta Authority Act (2002 Cal. Stat. Chap. 812).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the reserve of water provided for in the Record of Decision to provide water, in addition to the amount of the regulatory baseline, to protect and restore Delta fisheries.

(4) FEDERAL AGENCIES.—The term "Federal agencies" means the following:

(A) The Department of the Interior (including the Bureau of Reclamation, Fish and Wildlife Service, Bureau of Land Management, and United States Geological Survey);

(B) The Environmental Protection Agency;

(C) The Army Corps of Engineers;

(D) The Department of Commerce (including NOAA Fisheries);

(E) The Department of Agriculture (including the Natural Resources Conservation Service and the Forest Service); and

(F) The Western Area Power Administration.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(6) IMPLEMENTATION MEMORANDUM.—The term "Implementation Memorandum" means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies.

(7) RECORD OF DECISION.—The term "Record of Decision" means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STAGE 1.—The term "Stage 1" means the programs and projects planned for the first 7 years of the Calfed Bay-Delta Program, as specified in the Record of Decision.

(10) STATE.—The term "State" means the State of California.

(11) STATE AGENCIES.—The term "State Agencies" means the following:

(A) The Resources Agency of California (including the Department of Water Resources and the Department of Fish and Game);

(B) The California Environmental Protection Agency (including the State Water Resources Control Board); and

(C) The California Department of Food and Agriculture.

SEC. 3. BAY OF DELTA PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the mission of the Calfed Bay-Delta Program is to develop and implement a long-term comprehensive plan that will improve water management and restore the ecological health of the Bay-Delta system.

(2) the Federal and State agencies participating in the Bay-Delta Program have prepared a thirty-year plan, the Record of Decision, dated August 28, 2000, to coordinate existing programs and direct new programs to improve the quality and reliability of the State's water supplies and to restore the ecological health of the Bay-Delta watershed.

(3) the Calfed Bay-Delta Program was developed as a joint Federal-State program to

deal effectively with the multijurisdictional issues involved in managing the Bay-Delta system; and

(4) while this Act authorizes appropriations for four years of this thirty-year Program, it is anticipated that the Federal Government will participate as a full partner with the State of California for the duration of this thirty-year Program.

(b) IN GENERAL.—The Record of Decision is approved as a framework for addressing Calfed Bay-Delta Program components consisting of water storage, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, governance, and science. The Secretary and the heads of the Federal agencies are authorized to carry out (undertake, fund, or participate in) the activities in the Record of Decision, subject to the provisions of this Act and the constraints of the Record of Decision, so that the Program activities consisting of protecting drinking water quality; restoring ecological health; improving water supply reliability, including additional water storage and conveyance; and protecting Delta levees; will progress in a balanced manner.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this subsection in furtherance of Stage 1 of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this Act, if the activity has been subject to environmental review and approval as required under applicable Federal and State law, and has been approved and certified by the California Bay-Delta Authority to be consistent with the Record of Decision.

(2) SPECIFIC ACTIVITIES AUTHORIZED.—The Secretary of the Interior is authorized to carry out the activities set forth in subparagraphs (A) through (H), and subparagraphs (K), (L), and (M) of subsection (c)(3). The Administrator of the Environmental Protection Agency is authorized to carry out the activities set forth in subparagraphs (G), (H), (I), (K), and (L) of subsection (c)(3). The Secretary of the Army is authorized to carry out the activities set forth in subparagraphs (G), (J), (K), and (L) of subsection (c)(3). The Secretary of Commerce is authorized to carry out the activities set forth in subparagraphs (E), (G), (H), and (K) of subsection (c)(3). The Secretary of Agriculture is authorized to carry out the activities set forth in subparagraphs (C), (G), (H), (I), and (K) of subsection (c)(3).

(3) PROGRAM ACTIVITIES.—

(A) WATER STORAGE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$102,000,000 may be expended for the following:

(i) planning activities and feasibility studies for the following projects to be pursued with project-specific study:

(I) enlargement of Shasta Dam in Shasta County (not to exceed \$12,000,000); and

(II) enlargement of Los Vaqueros Reservoir in Contra Costa County (not to exceed \$17,000,000);

(ii) planning and feasibility studies for the following projects requiring further consideration:

(I) Sites Reservoir in Colusa County (not to exceed \$6,000,000); and

(II) Upper San Joaquin River storage in Fresno and Madera Counties (not to exceed \$11,000,000);

(iii) developing and implementing groundwater management and groundwater storage projects (not to exceed \$50,000,000); and

(iv) comprehensive water management planning (not to exceed \$6,000,000).

(B) CONVEYANCE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$77,000,000 may be expended for the following:

(i) South Delta Actions (not to exceed \$45,000,000):

(I) South Delta Improvements Program to—

(aa) increase the State Water Project export limit to 8500 cfs;

(bb) install permanent, operable barriers in the south Delta;

(cc) design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities; and

(dd) increase the State Water Project export to the maximum capability of 10,300 cfs;

(II) reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on drinking water quality;

(III) design and construction of lower San Joaquin River floodway improvements;

(IV) installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed;

(V) actions to protect navigation and local diversions not adequately protected by the temporary barriers;

(VI) actions identified in Subclause (I) or other actions necessary to offset degradation of drinking water quality in the Delta due to the South Delta Improvements Program; and

(VII) actions at Franks Tract to improve water quality in the Delta.

(ii) North Delta Actions (not to exceed \$12,000,000):

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) design and construction of lower Mokelumne River floodway improvements;

(iii) interties (not to exceed \$10,000,000):

(I) evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy; and

(II) assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake; and

(iv) evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed \$10,000,000).

(C) WATER USE EFFICIENCY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$153,000,000 may be expended for the following:

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system (not to exceed \$61,000,000);

(ii) technical assistance for urban and agricultural water conservation projects (not to exceed \$5,000,000);

(iii) water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed \$84,000,000), as follows:

(I) in providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs;

(II) the Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary;

(III) the Secretary shall report to the Congress within 90 days after the completion of a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects; and

(IV) the Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 25 percent of the total cost of the activity or \$50,000,000;

(iv) water measurement and transfer actions (not to exceed \$1,500,000); and

(v) certification of implementation of best management practices for urban water conservation (not to exceed \$1,500,000).

(D) WATER TRANSFERS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$3,000,000 may be expended for the following:

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through permit streamlining; and

(iii) maintaining a water transfer information clearinghouse.

(E) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$75,000,000 may be expended for implementation of the Environmental Water Account.

(F) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$95,000,000 may be expended for the following:

(i) establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out Stage 1 of the Record of Decision; and

(ii) implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the Calfed Bay-Delta Program.

(G) ECOSYSTEM RESTORATION.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$100,000,000 may be expended for the following:

(i) implementation of large-scale restoration projects in San Francisco Bay, the Delta, and its tributaries;

(ii) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat;

(iii) fish screen and fish passage improvement projects;

(iv) implementation of an invasive species program, including prevention, control, and eradication;

(v) development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(vi) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(vii) water quality improvement projects to reduce salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(viii) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(ix) integrated flood management, ecosystem restoration, and levee protection projects;

(x) scientific evaluations and targeted research on program activities; and

(xi) strategic planning and tracking of program performance.

(H) WATERSHEDS. Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(i) building local capacity to assess and manage watersheds affecting the Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watersheds conservation, maintenance, and restoration actions.

(I) WATER QUALITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) state and local agencies are consulted on the activities to be funded; and

(III) this clause is not intended to create any right, benefit or privilege;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River,

(viii) supporting and participating in the development of projects to enable San Francisco Bay Area water districts to work cooperatively to address their water quality and supply reliability issues, including connections between aqueducts, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches, and investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation dated July 20, 2001, in order to determine if such capacity can be utilized to meet the above objectives; *Provided*, That these investigations and studies shall be conducted consistent with the Record of Decision;

(ix) development of water quality exchanges and other programs to make high quality water available to urban areas; and

(x) development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(J) LEVEE STABILITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$70,000,000 may be expended for the following:

(i) assisting local reclamation districts in reconstructing Delta levees to a base level of protection (not to exceed \$20,000,000);

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program (not to exceed \$20,000,000);

(iii) developing best management practices to control and reverse land subsidence on Delta islands (not to exceed \$1,000,000);

(iv) refining the Delta Emergency Management Plan (not to exceed \$1,000,000);

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes (not to exceed \$500,000);

(vi) developing a strategy for reuse of dredged materials on Delta islands (not to exceed \$1,500,000);

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees (not to exceed \$6,000,000); and

(viii) integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed \$20,000,000).

(K) SCIENCE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the program;

(ii) conducting expert evaluations and scientific assessments of all program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all program elements; and

(vi) preparing an annual Science Report.

(L) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$25,000,000 may be expended by the Secretary, acting through the Director of the Calfed Bay-Delta Program, for the following:

(i) program-wide tracking of schedules, finances, and performance;

(ii) multi-agency oversight and coordination of Calfed activities to ensure program balance and integration;

(iii) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(iv) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act; and

(v) development of Annual Reports.

(M) DIVERSIFICATION OF WATER SUPPLIES.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges, and to acquire additional water for level 4 refuge supplies.

(4) AUTHORIZED ACTIONS.—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this Act through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement will assist in implementing the authorized activity in an efficient, timely, and cost-effective manner. Provided, however, that such activities shall not include construction unless the United States is a party to the contract for construction.

SEC. 4. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) GOVERNANCE.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads are authorized to become voting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (2002 Cal. Stat. Chap. 812), to the extent consistent with Federal law. Nothing in this subsection shall preempt or otherwise affect any Federal law or limit the statutory authority of any Federal agency: *Provided*, That the California Bay-Delta Authority shall not be deemed to be an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App. 1) and the financial interests of the California Bay-Delta Authority shall not be imputed to any Federal official participating in such Authority.

(e) ENVIRONMENTAL JUSTICE.—Consistent with Executive Order 12899 pertaining to Federal Actions to address Environmental Justice in Minority and Low-Income Populations, it is the intent of the Congress that the Federal and State agencies should continue to collaborate to develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program and fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan dated December 13, 2000.

(f) LAND ACQUISITION.—Before obligating or expending any Federal funds to acquire land for the Ecosystem Restoration Program, the Secretary shall first determine that existing Federal land, State land, or other public land is not available for the project purpose. Private land acquisitions shall prioritize easements over acquisition of fee title unless easements are unavailable or unsuitable for the stated purpose.

(g) STATUS REPORTS.—The Secretary shall report monthly on the Authority's progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the Authority's ability to achieve those targets and requirements.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT AND CERTIFICATION BY CALFED.—The Secretary, in cooperation with the Governor, shall submit a report of the California Bay-Delta Authority by December 15 of each year to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status of implementation of all components of the Calfed Bay-Delta Program and that certifies whether or not the Calfed Bay-Delta Program is progressing in a balanced manner which allows all program components to be advanced, including additional water supply, ecosystem restoration, and water quality. The Secretary's report shall describe—

(1) the progress of the Calfed Bay-Delta Program in meeting the implementation

schedule for the Program in a manner consistent with the Record of Decision;

(2) the status of implementation of all components of the Calfed Bay-Delta Program;

(3) expenditures in the past fiscal year and year to date for implementing the Calfed Bay-Delta Program; and

(4) accomplishments in the past fiscal year and year to date in achieving the objectives of additional and improved—

(A) water storage;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

The report shall discuss the status of Calfed Bay-Delta Program goals, current schedules, and relevant financing agreements.

(b) STATEMENT OF BALANCE.—Substantial progress in each of the categories listed in subsection (a) shall be considered in determining whether the Calfed Bay-Delta Program is proceeding in a balanced manner for purposes of making the certification provided for in subsection (a). In addition, in making such certification the Secretary, in cooperation with the Governor, shall prepare a statement of whether the program is in balance which takes into consideration the following:

(1) status of all Stage 1 actions, including goals, schedules, and financing agreements;

(2) progress on storage projects, conveyance improvements, levee improvements, water quality projects, and water use efficiency programs;

(3) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(4) development and implementation of local programs for watershed conservation and restoration;

(5) progress in improving water supply reliability and implementing the Environmental Water Account;

(6) achievement of commitments under State and Federal Endangered Species Act;

(7) implementation of a comprehensive science program;

(8) progress toward acquisition of the State and Federal permits, including Clean Water Act section 404(a) permits, for implementation of projects in all identified program areas;

(9) progress in achieving benefits in all geographic regions covered by the Program;

(10) legislative action on water transfer, groundwater management, water use efficiency, and governance issues;

(11) status of complementary actions;

(12) status of mitigation measures; and

(13) revisions to funding commitments and program responsibilities

(c) REVISED SCHEDULE.—If the report provided for in subsection (a) and the statement of balance provided for in subsection (b) conclude that the Calfed Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the California Bay-Delta Authority shall prepare a revised schedule to ensure the Calfed Bay-Delta Program will progress in a balanced manner consistent with the intent of the Record of Decision. This revised schedule shall be subject to approval by the Secretary and the Governor, and upon such approval, shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(d) FEASIBILITY STUDIES.—Any feasibility studies completed for storage projects as a

result of this Act shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

(e) FINANCIAL SUMMARY.—In addition to the report required pursuant to subsection (a), no later than February 15 of each year the Secretary shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing a detailed accounting of all funds received and obligated by all Federal and State agencies responsible for implementing the Calfed Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds authorized under this Act, and a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this Act.

(f) REPORT.—Prior to December 2004, the Secretary, after consultation with the Governor and the Federal agency heads, shall submit a report to Congress that:

(1) details the accomplishments of the Calfed Bay-Delta Program to date;

(2) identifies the specific steps that remain to be undertaken in the Program;

(3) sets forth the specific funding levels and sources to accomplish such steps; and

(4) makes such recommendations as may be necessary to accomplish the goals and objectives of the continuing Calfed Bay-Delta Program.

SEC. 6. CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.

(a) CROSSCUT BUDGET.—The President's Budget shall include requests for the appropriate level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds, as set forth in section 3(c)(2). At the time of submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut report that displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this Act. The report shall also identify all expenditures since 1996 within the Federal and State governments used to achieve the objectives of the Calfed Bay-Delta Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the heads of the Federal agencies \$880,000,000 pay the Federal share of carrying out Stage 1 of the Record of Decision for fiscal years 2004 through 2007, in accordance with the provisions of this Act. The funds shall remain available without fiscal year limitation.

SEC. 7. FEDERAL SHARE OF COSTS.

The Federal share of the cost of implementing Stage 1 of the Calfed Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

SEC. 8. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act preempts or otherwise affects any Federal or State law, including any authority of a Federal agency to carry

out activities related to, or in furtherance of, the Calfed Bay-Delta Program.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mr. CORNYN):

S. 1099. A bill to amend the Transportation Equity Act for the 21st Century with respect to national corridor planning and development and coordinated border infrastructure and safety; to the Committee on Environmental and Public Works.

Mrs. HUTCHISON. Mr. President, for the past 50 years U.S. transportation policy has focused on building a system designed to meet the needs of a rapidly growing population that was still expanding westward. Today, I am pleased to introduce legislation that will ease congestion brought on by the North American Free Trade Agreement, NAFTA, by reforming the Coordinate Border Infrastructure Program and the National Corridor Planning and Development Program. These two programs are commonly known, collectively, as the Border and Corridor program.

Thanks to NAFTA, more of our trade crosses international borders, and 80 percent of that trade moves into and through the United States in trucks. Since the passage of NAFTA in 1993, traffic on America's trade corridors has doubled. Although this commerce has been a boon to the Nation's economy, it has been devastating to some of the country's infrastructure. With almost 80 percent of the NAFTA trade traveling through my home State of Texas, the increased volume has further congested and worn out our major highways including I-35, and created the need for new highways like I-69 and Ports-To-Plains. The loss of productivity resulting from increased time spent in traffic, and the declining condition of critical international corridors will have the long term effect of diminishing the economic benefits of NAFTA trade. It is also forcing border States to bear an unfair portion of the infrastructure cost.

In TEA-21, Congress created the Border and Corridor programs, intending to address the infrastructure needs generated by NAFTA trade. Unfortunately, funding for those discretionary programs has often been misdirected to non-border states and corridors lacking international significance.

The Border and Corridor programs provide funds for projects on the border to speed international crossings, and to provide resources to High Priority Corridors that experience increased NAFTA truck traffic. With almost every state in the country having a designated High Priority Corridor, the limited funding was insufficient to provide any real benefit where it is most needed. My legislation will reaffirm that only those corridors that are carrying the burden on NAFTA trade are eligible to receive funding.

Both programs are important to the goal of addressing infrastructure needs resulting from NAFTA trade traffic.

However, the two programs do not always receive equal funding. My legislation will guarantee that the Coordinated Border Infrastructure Program will receive 50 percent of the available funding, to ensure that border regions will have the resources to conduct truck and bus inspections, and inspect commercial vehicles rapidly enough to keep traffic moving at the border.

As Congress considers TEA-21 reauthorization, I will be dedicated to shifting the federal focus on programs that can address the critical need of states that have been impacted by NAFTA trade traffic. I want to thank my co-sponsors, including Senators DOMENICI, BINGAMAN, KYL, and CORNYN for recognizing the importance of restoring fairness to these critical highway programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1099

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

SECTION 1. NAFTA CORRIDOR PLANNING AND DEVELOPMENT.

(a) IN GENERAL.—Section 1118 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) is amended—

(1) by inserting "The Secretary shall provide consideration to corridors where traffic has increased since the date of enactment of the North American Free Trade Agreement Implementation Act and is projected to increase in the future." in subsection (a) after "trade.";

(2) by striking subsection (b) and inserting the following:

"(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 that connect to the border between the United States and Mexico or the United States and Canada.

(3) by striking "and section 1119" in subsection (e); and

(4) by adding at the end the following:

"(h) FUNDING.—Fifty percent of the funds made available by section 1101 of this Act to carry out section 1119 and this section for each of fiscal years 2004 through 2009 shall be—

"(1) available for obligation to carry out this section; and

"(2) made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code."

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 1118 of that Act is amended by striking "NATIONAL" in the section heading and inserting "NAFTA".

(2) TABLE OF CONTENTS.—Section 1(b) of that Act is amended by striking the item relating to section 1118 and inserting the following:

"Sec. 1118. NAFTA corridor planning and development program."

SEC. 2. COORDINATED BORDER INFRASTRUCTURE.

(a) IN GENERAL.—Section 1101(a)(9) is amended by striking "2003." and inserting "2003, and such sums as may be necessary for each of fiscal years 2004 through 2009."

Section 1119 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) is amended—

(1) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(2) by adding at the end the following:

“(e) FUNDING.—Fifty percent of the funds made available by section 1101 of this Act to carry out section 1118 and this section for each of fiscal years 2004 through 2009 shall be—

“(1) available for obligation to carry out this section; and

“(2) made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.”.

By Mr. REID (for himself and Mr. GRAHAM of South Carolina):

S. 1100. A bill to restore fairness and improve the appeal of public service to the Federal judiciary by improving compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

Mr. REID. Mr. President, I rise to introduce a bill with the junior Senator from South Carolina, Senator GRAHAM, entitled “Securing Judicial Independence Act of 2003.” This legislation is desperately needed to increase the compensation for members of the Federal bench. Before I came to work in the United States Congress in 1982, I practiced law in my home State of Nevada. I am proud to be a lawyer, and I have great respect and appreciation for the practice of law and those involved in the judicial process. The very reason there has been such a great deal of debate on the Senate floor regarding Federal judicial nominations is precisely because these positions are so important to the administration of a fair and effective legal system. The individuals chosen to serve on our Federal bench make lifetime commitments to public service. However, at the same time we have vacancies on the bench, the real pay for these jobs has declined drastically. The compensation for Federal judges has diminished by 25 percent in the past three decades. How can we continue to attract the “best of the best” when low salaries are offered for lifetime tenures?

The answer is simple. In order to continue to attract and retain the most talented men and women to the Federal bench the salaries must be raised. Our forefathers recognized that judicial compensation was intricately tied to judicial independence. In 1989, Congress linked the salaries of its own members to senior executives and Federal judges. As a result, Federal judges did not receive cost of living increases for several years in the 1990s. Additionally, even the Justices of our highest court, the United States Supreme Court, make far less than leaders of educational institutions and not-for-profit organizations. Thus, in raising Federal judicial salaries by 25 percent and eliminating the annual Congressional authorization of cost of living adjustments for Federal judges, this bill helps to secure judicial independence.

It restores both fairness and the appeal of public service to the Federal judiciary by improving compensation. Better compensation means better quality judges, and quality judges instill greater public confidence in the Federal courts. Our Constitution creates lifetime appointments to the Federal bench, and the men and women who accept these positions are giving up far more lucrative careers. They do this based on a calling to public service and a devotion to the administration and adherence of Federal laws. While the salaries are not of the level these individuals could demand in the private sector, it is only fair they be adequately compensated. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1100

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Judicial Independence Act of 2003”.

SEC. 2. SALARY ADJUSTMENTS.

(a) RESTORATION OF STATUTORY COST OF LIVING ADJUSTMENTS.—Each salary rate which is subject to adjustment under section 461 of title 28, United States Code, is adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100) equal to 25 percent of that salary rate in effect on the date preceding the date of enactment of this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT.

Section 140 of Public Law 97-92 (28 U.S.C. 461 note) is repealed.

SEC. 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS.

(a) CREDITABLE YEARS OF SERVICE.—Section 376 of title 28, United States Code, is amended—

(1) in subsection (k)(3), by striking the colon through “this section”; and

(2) in subsection (r), by striking the colon through “other annuity”.

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—

(1) IN GENERAL.—Section 376 (a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G) by striking “six months” and inserting “1 year”.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply only to written notifications received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a)(1) of title 28, United States Code.

By Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Mr. JEFFORDS, Mr. KENNEDY, Ms. COLLINS, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. JOHNSON, Mr. CORZINE, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CLINTON, Mr. LAUTENBERG, Mrs. MURRAY, Mr.

DODD, Mrs. BOXER, Ms. STABENOW, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HOLLINGS, Mr. REED, Mr. KERRY, Ms. MIKULSKI, and Mr. LEAHY):

S. 1101. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the National Cancer Act of 2003. I am pleased to have the support of Senators SMITH, DASCHLE, JEFFORDS, KENNEDY, COLLINS, LANDRIEU, HUTCHISON, JOHNSON, CORZINE, LINCOLN, CLINTON, CANTWELL, LAUTENBERG, MURRAY, DODD, BOXER, STABENOW, BILL NELSON, SCHUMER, HOLLINGS, REED, KERRY, MIKULSKI, and LEAHY on this important piece of legislation.

Today, cancer is the Nation’s second cause of death, trailing heart disease. Over the next 30 years, however, cancer will surpass heart disease and become the leading cause of death as the Baby Boomers age.

This bill represents a comprehensive national battle plan to re-energize the Nation’s war on cancer, a war that began on January 22, 1971 when President Richard Nixon proposed to Congress that we launch a war on cancer.

That commitment marked a critical first step. But it is clear that we must take further steps to address the scourge of cancer in every respect.

I am the Vice-Chair of the National Dialogue on Cancer—and in discussions with cancer experts from this group, it became clear to me that the National Cancer Act of 1971 was out of date.

We are now in the genomic era, on the cusp of discoveries and cures that we could only have dreamed about in 1971. The science of cancer has advanced dramatically with the revolution in molecular and cellular biology creating unprecedented opportunities for understanding how genetics relate to cancer.

The explosion in knowledge about the human genome and molecular biology will enable scientists to better target cancer drugs.

I believe that if we work smart we could find a cure for cancer in my lifetime.

Given these advances, I strongly believe that it is time to update the National Cancer Act of 1971, to reflect these breakthroughs. At the same time, I wanted to get input from some of the nation’s foremost cancer experts.

To that end, I asked John Seffrin, CEO of the American Cancer Society, and Dr. Vincent DeVita, Director of the Yale Cancer Center, to form a special committee of cancer experts to provide recommendations on a national battle plan to conquer cancer.

The committee produced an ambitious plan, and what I have tried to do is take the most important components, in light of the current budget

situation, and develop a piece of legislation that could pass the Senate.

On November 7, 2001, President George W. Bush commended the work of the Committee when he wrote, "The journey ahead will not be easy. But 30 years ago, no one would have imagined coming as far as we have. Working together, we will take the next steps necessary to defeat this deadly disease."

Today, I invite the President to join me again in taking these steps by supporting this legislation.

Finding a cure for cancer is a very personal goal. I lost both my father and my husband to cancer. I saw its ravages firsthand, and I experienced the frustrations, the difficulties, and the loneliness that people suffer when a loved one has cancer. I determined that I would do all I could to reduce the number of people who go through this devastating experience.

And it is my great hope that this legislation will help do just that, and enable us to find a cure for cancer in my lifetime.

This may in fact be the most important thing I do during my time in the Senate.

And I believe that this legislation addresses the issue in the right way, and I hope that my colleagues will agree.

The National Cancer Act of 2003 takes a multi-pronged approach to winning the war against cancer. Here's what the bill will do: 1. Accelerate Scientific Discovery. The advances in science that I spoke of earlier, regarding the human genome and molecular biology, have produced medications that can target the unhealthy cancer cells and leave healthy cells intact.

That is why this legislation establishes a grant program of \$20 million a year, specifically for research that focuses on the development of a molecularly-oriented knowledge-based approach to cancer drug discovery and development.

It also includes a sense of the Senate to encourage the Federal Government to continue its investment in cancer research by staying on track to funding the NCI bypass budget.

NCI now funds approximately 4,500 research project grants at nearly 600 institutions every year. This represents 28 percent of the 16,000 grant proposals NCI receives. NCI scientists think funding 40 percent will allow them to fund the most promising grants. Yet at 28 percent, it does not happen.

Funding basic research marks a full frontal assault on cancer—an assault that will lead to more breakthroughs, more treatments, and ultimately, I believe, to a cure.

We now have drugs, like Gleevec for Chronic Myeloid Leukemia and Herceptin for breast cancer, that can target and destroy cancer cells while leaving healthy cells unharmed.

Patients, who were considered terminal, have taken Gleevec and were able to get out of their beds and leave the hospice within days of treatment.

After one-year of clinical trials for Gleevec, 51 out of 54 patients were still doing well. With 4,500 Americans diagnosed with Chronic Myeloid Leukemia a year, the potential for this drug is tremendous.

From the Bench to the Bedside: Expanding Access to Clinical Trials. First, the bill will provide \$100 million per year for new grants for what is called "translational" research, work that moves promising drugs from the "bench to the bedside."

The purpose of this provision is to greatly accelerate the movement of basic research to the patient, from the "bench to the bedside," so that we can conduct more clinical trials.

Clinical trials test the safety and efficacy of drugs, devices or new medical techniques. They are required for FDA approval. These trials require thousands of participating people to help determine if drugs are safe and effective.

The bill includes several steps to expand clinical trials, those research projects that require thousands of people to determine whether new drugs are safe and effective.

Right now, there are many new drugs under development that are stuck, as if in a funnel, because we have not put the resources into having the people-based research to test those drugs. There are approximately 400 new drugs that are held up in the development process because the resources are not available to fund clinical research to test those drugs.

For every one drug approved, 5,000 to 10,000 were initially considered. The entire process can take as long as 15 years.

Second, the bill will require insurers to pay the routine or non-research costs for people to participate in clinical trials, while the drug sponsor would continue to pay the research costs. California already requires this coverage by private insurers.

Third, the bill requires the National Cancer Institute to establish a program to recruit patients and doctors to participate in clinical trials. Dr. Robert Comis, President of the Coalition of National Cancer Cooperative Groups, has said that eight out of ten cancer patients do not consider participating in a clinical trial. They are unaware that they might have the option. He has found that physician involvement is key.

This is why we must work to make both physicians and patients more aware of the importance of participating.

Currently, only 4 to 5 percent of adult cancer patients participate in clinical cancer trials. But Research America polls found that 61 percent of Americans would participate in a clinical trial if they could.

We should heed the example of what is called the "pediatric model." Over 60 percent of children with cancer participate in clinical trials. Children in these trials get optimal care, with an overall

physician manager or "quarterback." The five-year survival rates for children with cancer have increased significantly.

In the 1960s, childhood leukemia could not be cured. It was a death sentence. Today, 70 percent of children with acute lymphoblastic leukemia enter remission. This is but one example of the power and importance of clinical trials. An investigational treatment yesterday is standard treatment today.

Only by injecting new funding into cancer research will we enable cancer researchers to conduct the trials that are necessary to bring promising new drugs to market.

3. Transforming Research Into Treatments. Scientists say we will stop defining cancer by body part, like breast cancer or prostate cancer. Because everyday we are understanding better the genetic basis of cancer and can focus drugs on molecular targets. For example, we may have 50 different kinds of breast cancer, defined by their genetic basis.

As NCI's Dr. Rabson has said, "As we've come to understand the molecular signatures of cancer cells, we can classify tumors according to their genetic characteristics."

This means that we need to create incentives to encourage companies to make these targeted drugs, because as we redefine cancer, we will have smaller numbers of people who have that particular kind of breast cancer. Companies are often reluctant to make drugs for small patient populations.

This legislation would expand the current definition of "orphan drugs" from "disease and condition" to include "disease or condition or targets and mechanisms of pathogenesis of diseases" that effect a small patient population, less than 200,000. Current tax and marketing incentives remain the same. With an expansion of the definition, however, more drugs could potentially qualify for this designation.

Beginning with Gleevec and continuing into the future, drugs will target a narrow genetic or cellular mutation.

While this holds great promise for patients, it also means that the number of treatments will proliferate, thereby segmenting cancer patients into smaller and smaller populations. In some cases, this will mean that pharmaceutical companies for strictly financial reasons may not want to produce a given drug.

The impact: This will help to ensure that patients receive the highest quality care, even when the number of people faced with a particular type of cancer is small.

4. Having Enough Scientists. The bill will also create a new initiative to train more cancer researchers. Specifically, it will: 1. Pay off the medical school loans of 100 physicians who commit to spend at least 3 years doing cancer research; and 2. Boost the salaries of postdoctoral fellows from \$28,000 to \$45,000 per year over 5 years.

Every year, young physicians and researchers avoid the field of cancer research because, frankly, they feel they can make more money elsewhere. This provision will help reverse that trend and add thousands of men and women to the front lines of the fight.

The physician-scientist is endangered and essential, concluded a January 1999 study, showing that the number of first-time M.D. applicants for NIH research projects has been declining. The study, published in *Science*, said, “. . . fewer young M.D.’s are interested in (or perhaps prepared for) careers as independent NIH-supported investigators.”

Simply put, young doctors and Ph.D.s do not want to go into cancer research because they can make more money elsewhere. Graduating physicians have medical school debt averaging \$75,000 to \$80,000. Because of the low pay to be a physician-scientist, these doctors cannot afford to go into research.

Postdoctoral fellows, who conduct the bulk of day-to-day research, receive pay that is neither commensurate with their education and skills nor adequate. To attract the best and the brightest to the field of cancer research, we need to pay them more than \$28,000 to start.

The National Academy of Sciences in September 2000 called for increasing their compensation.

5. Quality Cancer Care. All too often having cancer is a lonely and frightening experience. Cancer patients have a team of doctors, from the primary care physician to the radiologist to the oncologist. Yet patients need one doctor to be in charge.

During a June 16, 1999 hearing, The Institute of Medicine told the Senate Cancer Coalition that the care that cancer patients get is all too often just a matter of circumstance: “. . . for many Americans with cancer, there is a wide gulf between what could be construed as the ideal and the reality of [Americans’] experience with cancer care . . . The ad hoc and fragmented cancer care system does not ensure access to care, lacks coordination, and is inefficient in its use of resources.”

The Institute of Medicine study on the uneven quality of health care says, “Health care today is characterized by more to know, more to manage, more to watch, more to do, and more people involved in doing it than at any time in the nation’s history.”

The bill will require insurance plans to pay doctors, preferably oncologists, to become the overall managers of patients’ care, what I call a “quarterback physician,” to be with the patient from diagnosis through treatment, to prevent the patient from being forced to navigate the medical system alone.

I developed this concept after meeting Dr. Judy Schmidt, a solo-practicing oncologist from Montana. Dr. Schmidt cares for her patients from diagnosis to treatment, and she is really a model for doctors across the Nation to emulate.

This “quarterback physician” would provide overall management of the patient’s care among all the providers. Someone would be in charge. This provision could save money because good coordination can reduce hospitalization costs.

The bill authorizes grants to health centers for the development and operation of programs that assign patient navigators, nurses, social workers, cancer survivors and patient advocates, to individuals of health disparity populations, to assist in following-up on a cancer diagnosis and to help them find the appropriate services and follow-up care, which includes facilitating access to health care services.

This program is important because many people receive unequal access to care. The Institute of Medicine issued a report last year called *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*. This report emphasized the importance of “providing advocates for patients who can assist them in asking the appropriate questions, and making the necessary inquiries as they access the health care system . . .”

Often these are patients without health insurance who are not fluent in English. Having a culturally appropriate “navigator” who will assist them in making appointments and understanding the services available to them could help improve quality of life for minorities.

Lastly, the bill also authorizes grants through the Centers for Disease Control and the National Cancer Institute to monitor and evaluate quality cancer care, develop information concerning quality cancer care and monitor cancer survivorship.

6. Coverage of Preventive Measures. People cannot get good health care if they have no way to pay for it, if insurance plans, public and private, do not cover the basics like screenings for cancer.

My bill will require public plans, like Medicare and Medicaid, and private insurance plans to cover four services important to good cancer care: 1. Cancer screenings; 2. Genetic testing and counseling for people at risk; 3. Smoking cessation counseling; and 4. Nutrition counseling.

Access to mammograms, pelvic exams, along with reducing fat in the diet and stopping smoking—all of which could be enhanced by this bill—can stop cancer before it is too late.

Because too many Americans have no way to pay for their health care when cancer strikes and because seven percent of cancer patients are uninsured, the bill also requires the Institute of Medicine of the National Academy of Sciences to conduct a study of the feasibility and cost of providing Medicare coverage to individuals at any age who are diagnosed with cancer and have no other way to pay for their health care.

Medicare already covers care for people of any age who have End Stage Renal Disease and Amyotrophic Lat-

eral Sclerosis, Lou Gehrig’s Disease. This study could provide helpful guidance to the Congress.

Because no assault on cancer is complete without a strong cancer prevention component, the bill provides funds and requires the Centers for Disease Control and Prevention to prepare a model state cancer control and prevention program; expand the National Program of Comprehensive Cancer Control plans, and to assist every state to develop a cancer prevention and control program.

The bill also authorizes \$250 million to expand the Center for Disease Control and Prevention’s breast and cervical cancer screening program and authorizes \$50 million for CDC to begin screening programs for colorectal cancer.

7. Bolstering the Number of Health Care Providers. Because of the aging of the American population, we face a virtual explosion of cancer in the coming 30 years. The number of cases will double. But the sad fact is that we do not have enough nurses and other health care professionals to take care of this expected rise in cancer patients.

My bill will provide \$100 million for loans, grants and fellowships to train for the full range of cancer care providers, including nurses for all settings, allied health professionals, and physicians. The bill requires that these applicants have the intention to get a certificate, degree, or license and demonstrate a commitment to working in cancer care.

In nursing alone—those critical people on the front line of care—many experts say we face a national nursing shortage in virtually every setting, which will peak in the next 10 to 15 years unless steps are taken. By 2020, the RN workforce will be 20 percent short of what will be needed. My home State of California ranks 50th among registered nurses per capita.

And it’s not just nurses. The Health Resources Services Administration says that the demand of health care professionals will grow at twice the rate of other occupations.

Cancer is primarily a disease of aging. As the baby boomers age, there will be more cancer. Cancer care is becoming more and more complex as technology improves. Skilled providers, from the nurse assistant to the oncologist are needed to administer the complex therapies. This bill should provide some help.

8. Cancer Survivorship. Thanks to advances in cancer detection and early diagnosis, more aggressive and effective treatments, and better screening tools, about 9 million Americans—nearly one in 30—can call themselves a cancer survivor. This represents 3 percent of the population.

Thirty years ago a cancer diagnosis was a death sentence. That is not the case today. As a result, addressing a person’s quality of life post-cancer is becoming increasingly important.

To give you a snapshot picture of what a typical cancer survivor looks

like: about 59 percent of cancer survivors are over the age of 65; 3 million (30 percent) were diagnosed between 5–15 years ago; and, 23 percent are breast cancer survivors and 17 percent are prostate cancer survivors.

Current statistics suggest that for individuals who receive a diagnosis today, 60 percent can expect to be alive in 5 years. The 5-year survival rate for children is even higher—almost 75 percent.

What this means is that more than half of all people, children or adults, diagnosed with cancer today, will become cancer survivors.

We've come a long way. And the survival rate for cancer will only get better as we continue to make improvements in screenings, detection, diagnosis and treatment.

But now we face new challenges. We need to better understand what services are necessary to help address the needs of people who are surviving cancer.

This bill would do several things to help support cancer survivors.

First, it would codify an Office of Cancer Survivorship at NCI. Since 1999, such an Office has been in existence but it has not been officially recognized by Congress or received its own budget.

This Office is crucial because it sets the research agenda at NCI on survivorship-related issues.

The National Cancer Institute found in 1999 that "surviving cancer can leave a host of problems in its wake. Physical, emotional, and financial hardships often persist for years after initial diagnosis and treatment. Many survivors suffer decreased quality of life following treatment, leading one cancer activist and survivor to say, 'surviving is not just about a cure, but about living the rest of our lives.'"

For some, long-term health problems result, for example, because a surgery to remove a cancer tumor has impaired nearby organs which could cause additional health problems.

Additionally, patients who survive one cancer have almost twice the risk of developing a second cancer as the general population. Almost 100,000 people are diagnosed each year with "second cancers." What can be done to reduce the chance of a second diagnosis of cancer?

And the bill also authorizes grants through the Centers for Disease Control for activities including the development of a cancer surveillance system to track the health status of cancer survivors, and the development of a national cancer survivorship action plan.

For 9 years I have co-chaired the Senate Cancer Coalition. We have held ten hearings on cancer. With each hearing, I become more and more convinced that we can conquer cancer in my lifetime. These are the highlights of the cancer battle plan.

It is my hope that this legislation will become the rallying cry for the Cancer community.

Polls by Research America show that the public wants their tax dollars spent on medical research and that in fact people will pay more in taxes for more medical research.

Cancer impacts everyone. Everyone knows someone who has had cancer or will have cancer.

I am thoroughly convinced that if we just marshal the resources, we can conquer cancer in the 21st century. Let's begin. The road ahead is long and treacherous. But if we all work together, I honestly believe we can do it.

Mr. SMITH of Oregon. Mr. President, I rise today in support of the National Cancer Act of 2003. This bill represents the way ahead in the battle against cancer, and I am proud to co-sponsor it again in the 108th Congress.

Like many Americans, I have seen the battle for cancer first hand. I support this important legislation for the millions of Americans who have been diagnosed with cancer and their family members. I do so also in honor of my mother, whom I lost to cancer in October, 2001.

The statistics for cancer victims can be so numbing that they lose their effect over time, but behind every number is a face and a family. And while Oregon is a small state, the pain experienced by cancer sufferers and their families is the same regardless of where they live.

Cancer kills more people in my home State of Oregon than any other condition except heart disease, and as the population ages, it will surpass heart disease to become the number one killer. Each year, more than 18,000 new cases of cancer are diagnosed among Oregonians—about 50 every day. On average, 19 Oregonians die of cancer every day.

Breast cancer is the most often diagnosed cancer in Oregon. Nine women every day hear the words, "You have breast cancer," and every day, one family in Oregon will lose a family member to breast cancer. Every three days, one child in Oregon will be diagnosed with cancer.

I could continue to cite statistics, but the message is clear: we have worked hard to eradicate cancer, but we must do more. While little progress has been made in reducing the incidence of cancer, advances from research are producing more effective treatments, allowing us to improve mortality rates. The National Cancer Act of 2003 is designed to do just that. It represents a comprehensive plan to speed the discovery and application of new cancer treatments to find cures for—and to prevent—cancer.

The bill's special provisions for additional research dollars for targeted cancer drugs will directly impact the work of Brian Druker, a researcher at Oregon Health and Sciences University who has worked to develop a cancer treatment and prevention drug called Gleevac. Gleevac is a promising new oral treatment for patients with chronic myeloid leukemia, CML—a rare, life-threatening form of cancer.

The National Cancer Act will help ensure that new and groundbreaking cancer treatments like Gleevac make their way from the research bench to the patient's bedside table faster. Currently, there are many promising new drugs awaiting clinical trial. Although 60 percent of children with cancer are currently participating in clinical drug trials, only 4–5 percent of adult patients do the same. In order to save lives, new cancer drugs must be tested and perfected.

The National Cancer Act will also authorize a program to help attract, train, and retrain health care professionals who provide cancer care. By offering tuition assistance in exchange for cancer patient care, the National Cancer Act makes a decisive step in lessening a Nation-wide cancer-care workforce crisis.

The National Cancer Act also aims to stop cancer before it starts by allocating significant funds to early prevention and detection efforts. The bill would require that insurers pay for cancer screenings, smoking cessation, nutritional counseling and other preventive measures. Additionally, Medicare and Medicaid would be authorized to make payments to cancer specialists who coordinate their patients' cancer care. Coordinated care will, in turn, improve the health outcomes for cancer patients.

I am also pleased that this year the bill adds a new provision authorizing the creation of a permanent office of Cancer Survivorship to focus research on the issues of cancer survivors. By developing a new cancer surveillance system and a national cancer survivorship action plan, we will be better able to address the challenges affecting those in recovery.

Cancer is not a partisan disease and we can, and should, do more to treat and prevent it. I am proud to sponsor the National Cancer Act of 2003 as a Republican, an American, and a member of the human family.

Mr. HATCH. Mr. President, I rise in support of the Prevention and Recovery of Missing Children's Act. I especially want to commend my colleagues Senator DODD and Senator COLLINS for their hard work on this important legislation.

Sex offenders prey upon the weakest and most innocent in our society—our youth—and in astonishing numbers. According to the National Center for Missing and Exploited Children, 3.9 million of the Nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted, and one in three girls and one in five boys are sexually abused before the age of 18. Even more troubling is the fact that most sex offenders are not in our prisons. Instead, they remain in our communities, often targeting their next victim. To illustrate, among the Federal Bureau of Investigation's 'Most Wanted Fugitives' is a sex offender who allegedly sexually abused a 12-year old boy over a 6-year period

after he was released from prison for previous acts of sexual abuse.

Time and again we see convicted pedophiles kidnapping, brutally raping, and in some cases, murdering young children. Too often we are unable to thwart such heinous acts because recidivists succeed in evading State registration requirements after they have been convicted and released from prison. We have a duty to our children to ensure that we know where convicted sex offenders are at all times. We also have a duty to take every step to find our missing and exploited children promptly.

The Prevention and Recovery of Missing Children Act of 2003 will enhance our ability to track recidivists and find child victims by strengthening sexual offender registration laws and missing children reporting requirements. This legislation (1) requires States to register sexual offenders prior to their release from prison to ensure that they comply with sex registration requirements; (2) requires States to obtain a DNA sample, as well as a photo and fingerprints, from convicted sexual offenders; (3) requires convicted sexual offenders to obtain a driver's license or State identification card as an additional means of identification; (4) requires convicted sexual offenders to report any change in registration within 10 days; (5) requires convicted sexual offenders to verify their registration information every 90 days; (6) makes it a felony offense to fail to comply with any sexual registration requirement; and (7) strengthens the missing children reporting requirements that are imposed on States.

It is critical that the law enforcement community be able to track down known child predators and to find our missing and exploited children promptly. This legislation provides law enforcement with the tools they need to achieve these goals. I am committed to working with Senator DODD and Senator COLLINS to enhance this valuable legislation even further.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. HATCH):

S. 1102. A bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator COLLINS, and my colleague from Utah, Senator HATCH, to introduce the Prevention and Recovery of Missing Children Act of 2003, to improve the recovery of missing children and the tracking of convicted sex offenders and child predators.

No child or parent should ever have to go through the recent nine-month ordeal of Elizabeth Smart and her family. Yet, from the sparse information we have, we know that over one million families have endured a similar, and sometimes far worse, trauma.

In only the second study of its kind, the National Incidence Studies of Missing, Abducted, Runaway and Thrown-away Children, NISMART-2, estimated that 1.3 million children met the criteria for being classified as missing, including runaway, from their caretakers in 1999. It is estimated that almost 800,000 of these cases involved notification to police or missing children agencies to help locate the child. When a parent's worst fear for a missing child materializes, in 91 percent of the cases the child became the victim of a homicide within 24 hours of abduction. In 74 percent of these cases, the homicide occurred within 3 hours of abduction.

With statistics such as these, it is truly a miracle and cause for celebration that Elizabeth Smart returned to her family alive and well nine months after her abduction.

We must build and expand on practices we know lead to the safe return of missing and abducted children. In Elizabeth's case, the family's circulation of the suspect's photograph led to the capture of Elizabeth's captor near her home community in Utah. This success story highlights the importance of the recently enacted National AMBER Alert Networks, which strengthens communication and notification to facilitate the recovery of other abducted children.

As important as AMBER Alert systems are, these are but one tool in our arsenal against child abduction. The bill we are introducing today will strengthen other tools used by law enforcement to help take every step possible to find missing children as soon as possible. For instance, we know now that Elizabeth's captor was already in custody in California during Elizabeth's ordeal. Those officials, at that time, did not have in their possession information to connect him to the Smart case. And so, he was released.

It is clear from this example that accurate, up-to-date information on missing children cases nationwide must be made available to law enforcement, as well. This act fosters the sharing of information about missing child cases among law enforcement by requiring the entry of child information into the National Crime Information Center, NCIC, within 2 hours of receipt. NCIC is a critical resource for linking 16,000 Federal, State, and local law enforcement agencies.

The availability of up-to-date identifying information of known child and sexual predators is a vital investigative tool. The women who signaled police in the Elizabeth Smart case identified the captor after seeing his photograph on television. One of these responsible women noted that it was the photograph, and not the composite sketch, that helped her recognize Elizabeth's captor as he walked down the street.

Whether the suspect in the Smart case had a history of sexual offenses is unclear. But, what is clear is that we can do more to help law enforcement track and investigate individuals with a history of sexual offenses.

Over the last decade, Congress enacted several laws designed to improve the tracking of convicted sex offenders and the recovery of missing children, including The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994, Megan's Law of 1996, and The Pam Lychner Sex Offender Tracking and Identification Act of 1996. Collectively, these acts established minimum standards for State sex offender registration programs and created systems to track convicted sex offenders.

While these current federal laws address the main features of an effective registry system, the discretion over registry details and procedures is left up to the states. This has led to a lack of consistency and wide disparities between states. For example, state requirements for sex offender notification of registration changes range from 1 day to 40 days, and state requirements for a sex offender to register an address after moving to a new state range from 48 hours to 70 days.

In addition, many States place the burden to notify changes in registry information solely on the sex offender. We need to tighten registry systems so that law enforcement in all states is better equipped to track sex offenders. This bill strengthens the registry foundation for all states. It builds upon successful practices already in place in some States, to better protect our communities nationwide.

Sex offenders pose an enormous challenge for policy makers and create unparalleled fear among citizens. Most of their victims are children and youth. Two-thirds of imprisoned sex offenders report that their victims were under age 18, and nearly half report that their victims were ages 12 and younger.

The tracking of released sex offenders is critical to protecting our children. Most sex offenders are not in prison—about 60 percent of convicted sex offenders are under conditional supervision in the community—and those who are in prison often serve limited sentences. This is of great concern because sex offenders, particularly if untreated, are at risk of re-offending.

For over two years, newspapers across the country, including the Hartford Courant, have highlighted the inadequacy of reporting information in missing child cases and tracking of convicted sex offenders and known child predators. One tragic example reported a convicted sex offender who moved from Massachusetts to Montana, where police were never contacted about his history. He brutally murdered several Montana children before he was apprehended, and was later linked to 54 cases of child abduction and molestation in several states.

In many cases, convicted sex offenders and child predators slip through law enforcement loopholes and continue to prey on children. While all 50 states have laws to create sex offender registry databases, states are unable to

adequately track these felons. For instance, in California, 33,000, or 44 percent of registered offenders are missing; it is estimated that states on average are unable to account for 24 percent of sex offenders.

Recently, the Supreme Court ruled against challenges from Alaska and Connecticut, and upheld current law pertaining to sexual offender registries. With the support of both Congress and the highest court of our land, it is inconceivable to me that we now allow bookkeeping challenges to deter law enforcements' ability to identify and locate child predators.

This bill makes several important changes to improve the tracking of sex offenders and the recovery of missing children. The bill: modifies the definition of "minimally sufficient program" to include: the registration of all convicted sex offenders prior to release; the collection of information to assist in tracking individuals, including a DNA sample, current photograph, driver's license and vehicle information; and verification of address and employment information for all offenders every 90 days. Modifies penalties for non-compliance with registry requirements. It provides that State programs must designate non-compliance as a felony and permits the issuance of a warrant. This provision is intended to encourage compliance by offenders as well as provide a tool for law enforcement and prosecutors. Improves the chances for recovering missing children and aids law enforcement in solving cases by preventing the removal of missing children from the National Crime Information Center (NCIC) database. Improves the chances for recovery of missing children by requiring entry of child information into the NCIC database within 2 hours.

We must make the tracking of convicted sex offenders and the post-release supervision of child sexual predators a higher priority. Since most sex offenders are in the community, we must ensure there is continuing contact and supervision of released sex offenders. Data management challenges are simply inexcusable reasons for not protecting our innocent children from crimes committed against them.

We have an obligation to protect our children from the abductors, sex offenders and sexual predators who prey on our children. I urge my colleagues to join myself, Senator COLLINS and Senator HATCH in supporting and furthering this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 151—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself, Mr. WYDEN, Mr. LUGAR, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 151

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

"7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice."

Mr. GRASSLEY. Mr. President, today I am resubmitting a Senate resolution to amend the Standing Rules of the United States Senate to eliminate the practice of secret holds. I'm pleased that I am once again joined by my colleague, Senator WYDEN, in this effort. Senator WYDEN and I have been working together on this issue for some time and we have made some progress in bringing this issue to light and having it addressed. Still, the problem continues to reoccur and a permanent solution is needed.

I know many of my colleagues are well aware of the practice of placing an anonymous "hold" on a piece of legislation or a nomination. Some Senators have been victims of a secret hold placed on one of their bills and others may have used this practice.

Holds are not explicitly mentioned anywhere in the Senate Rules, but they derive from the rules and traditions of the Senate where a single Senator possesses a great deal of power to derail any matter. In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided. Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration. If the Majority Leader were to attempt to bring a matter up for consideration despite an objection, the Senate would be forced to consider the motion to proceed, which would be subject to a filibuster. Because this kind of delay would paralyze the working of the Senate, holds are usually honored as both a practical necessity and a senatorial courtesy.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about an aspect of a bill or a nominee. However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous.

I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials. I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy to disclose in the CONGRESSIONAL RECORD any hold that I place on any matter in the Senate along with my reasons for doing so. I know Senator WYDEN does the same. I have used holds in the past when I thought a matter was progressing too fast and more questions needed to be answered. However, I feel that my colleagues have a right to know that it

was GRASSLEY that placed the hold as well as why I did it.

As a practical matter, other members of the Senate need to be made aware of an individual senator's concerns. How else can those concerns be addressed? As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate. But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing senators of a new policy regarding the use of holds. The Lott/Daschle letter stated, ". . . all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns."

This agreement was billed as marking the end of secret holds in the Senate. Unfortunately, this policy has not been followed consistently. Secret holds have continued to appear in the Senate. Last year, Senator WYDEN and I decided that we needed to continue to pursue a permanent change in the Senate Rules to end this practice and we introduced a Senate resolution to do just that. We were later joined by Senators LUGAR and LANDRIEU and I was glad to have their support. We are now submitting that same measure and I am encouraged that Rules Committee Chairman LOTT has expressed interest in examining our legislation and the problem of secret holds.

The Grassley-Wyden resolution would add a section to the Senate Rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership. This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent. It will reduce secrecy and public cynicism along with it. Moreover, this reform will improve the institutional reputation of the Senate. I look forward to working with Chairman LOTT and all my colleagues to address the problem of secret holds and hopefully make progress toward ending this distasteful practice once and for all.

Mr. WYDEN. Mr. President, for seven years Senator GRASSLEY and I have teamed up in a bipartisan way to champion the cause of the sunshine hold in the United States Senate. The sunshine hold is the less popular step sister of the more commonly used "secret" hold.

Even though it is one of the Senate's most popular procedures, neither the sunshine nor the secret "hold" can be found anywhere in the United States Constitution or in the Senate Rules. It