

(7) a description of the manner in which such challenges can be overcome, including efforts to educate parents, increase confidence in the privacy of the surveillance program, and increase the rate of parental or patient consent, and including specific quantitative and qualitative justifications for any recommendations for changes to existing statutory authority, including the Family Educational Rights and Privacy Act of 1974.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment which is at the desk be agreed to; the committee-reported substitute, as amended, be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table en bloc; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2149) was agreed to, as follows:

AMENDMENT NO. 2149

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Birth Defects and Developmental Disabilities Prevention Act of 2003".

**SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking "and developmental disabilities" and inserting ", developmental disabilities, and disabilities and health"; and

(ii) by striking "subsection (d)(2)" and inserting "subsection (c)(2)";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(D) to conduct research on and to promote the prevention of such defects and disabilities, and secondary health conditions among individuals with disabilities; and

"(E) to support a National Spina Bifida Program to prevent and reduce suffering from the Nation's most common permanently disabling birth defect.";

(2) by striking subsection (b);

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

"(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of individuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life;"

(B) in paragraph (3), by inserting ", developmental disabilities, and secondary health conditions among individuals with disabilities" after "defects";

(C) in paragraph (4), by striking "and" at the end;

(D) by redesignating paragraph (5) as paragraph (7); and

(E) by inserting after paragraph (4) the following:

"(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities or developmental disabilities, information on the health status of individuals with disabilities, information on any health disparities experi-

enced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

"(6) contains a summary of recommendations from all birth defects research conferences sponsored by the Centers for Disease Control and Prevention, including conferences related to spina bifida; and";

(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

(5) by inserting after subsection (d) (as so redesignated), the following:

"(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities effective on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2003.";

(6) in subsection (f), by striking "\$30,000,000" and all that follows and inserting "such sums as may be necessary for each of fiscal years 2003 through 2007.".

**SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS ON DEVELOPMENTAL DISABILITIES.**

(a) IN GENERAL.—Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A)(ii), by inserting before the period the following: ", the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal year 2000, 2001, or 2002, whichever is greater"; and

(2) in paragraph (4)(A)(ii), by inserting before the period the following: ", the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal year 2000, 2001, or 2002, whichever is greater".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003 and apply to allotments beginning in fiscal year 2004.

**SEC. 4. REPORT ON SURVEILLANCE ACTIVITIES.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services jointly with the Secretary of Education shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and Committee on Education and the Workforce of the House of Representatives a report concerning surveillance activities under section 102 of the Children's Health Act of 2000 (Public Law 106-310), specifically including—

(1) a description of the current grantees under the National Autism and Pervasive Developmental Disabilities Surveillance Program and the Centers of Excellence in Autism and Pervasive Developmental Disabilities the data collected, analyzed, and reported under such grants, the sources of such data, and whether such data was obtained with parental consent as required under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(2) a description of current sources of data for the surveillance of autism and developmental disabilities and the methods for obtaining such data, including whether such data was obtained with parental or patient consent for disclosure;

(3) an analysis of research on autism and developmental disabilities with respect to the methods of collection and reporting, including whether such research was obtained

with parental or patient consent for disclosure;

(4) an analysis of the need to add education records in the surveillance of autism and other developmental disabilities, including the methodological and medical necessity for such records and the rights of parents and patients in the use of education records (in accordance with the Family Educational Rights and Privacy Act of 1974);

(5) a description of the efforts taken by the Centers for Disease Control and Prevention to utilize education records in conducting the surveillance program while obtaining parental or patient consent for such education records, including the outcomes of such efforts;

(6) a description of the challenges provided to obtaining education records (in the absence of parental or patient consent) for the purpose of obtaining additional surveillance data for autism and other developmental disabilities; and

(7) a description of the manner in which such challenges can be overcome, including efforts to educate parents, increase confidence in the privacy of the surveillance program, and increase the rate of parental or patient consent, and including specific quantitative and qualitative justifications for any recommendations for changes to existing statutory authority, including the Family Educational Rights and Privacy Act of 1974.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 286), as amended, was passed.

**HONORING FIREFIGHTERS AND OTHER PUBLIC SERVANTS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 265, which was introduced earlier today by Senator BOXER.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) recognizing and honoring firefighters and other public servants who responded to the devastating outbreak of wildfires in Southern California in October 2003.

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

Mr. FRIST. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table without any intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas in late October 2003, southern California experienced multiple simultaneous devastating wildfires that destroyed

thousands of homes, took many lives, and burned hundreds of thousands of acres of grasslands and forests, exceeding the devastation of any fires in the past century;

Whereas in the space of a few days, all of the resources of local firefighting companies were called on to man fire lines, first on 1 front and then on many fronts;

Whereas firefighters were thrown into extraordinarily dangerous situations because of the fast-moving, fuel- and wind-driven fires;

Whereas firefighters exhibited resilience and courage by continuing to stay on the lines, often in back-to-back shifts, while knowing, in some instances, that their own families were in danger or that their personal homes had been lost;

Whereas 1 firefighter, Steven Rucker, made the ultimate sacrifice by giving his life;

Whereas the firefighters who were called initially were later assisted by skilled and courageous pilots, who flew water-drop flights in the most challenging wind and smoke conditions, and by firefighters from throughout the State of California and neighboring States;

Whereas additional emergency personnel, including law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas members of the Armed Forces have once again met their country's call to duty, providing valuable firefighting assets and assistance to the emergency response efforts of California: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors all of the firefighters who responded to the devastating outbreak of wildfires in southern California in October 2003;

(2) recognizes and honors all others, including emergency, law enforcement, and medical personnel, pilots, and members of the Armed Forces, for their important contributions to controlling the wildfires and keeping Californians safe; and

(3) commends the firefighters and other personnel for dedicated service to the people of California.

#### DISTRICT OF COLUMBIA MILITARY RETIREMENT EQUITY ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be dis-

charged from further consideration of H.R. 3054 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3054) to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

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

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

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

The bill (H.R. 3054) was read the third time and passed.

#### ORDERS FOR WEDNESDAY, NOVEMBER 12, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the VA-HUD appropriations bill, as under the previous order.

I further ask consent that the senior Senator from West Virginia be recognized at noon for up to 30 minutes; provided further that the majority leader be recognized at 6 p.m.

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

#### PROGRAM

Mr. FRIST. Tomorrow morning, the Senate will begin consideration of the VA-HUD appropriations bill. This will be the last of the appropriations bills brought individually to the floor. We expect to have amendments offered in the morning and therefore rollcall votes are anticipated tomorrow morning. It is my hope that we can finish that bill during Wednesday's session.

As previously announced, the Senate will recess from 12:30 to 2:15 for the Democratic Party luncheon. Following that recess, there will be 20 minutes remaining for debate before the vote on adoption of the Department of Defense authorization conference report. Immediately following that vote, the Senate will vote on the adoption of the Military Construction appropriations conference report.

Tomorrow evening it is my intent to focus the Senate's attention on several judicial nominations. This debate will go forward. I do encourage all Members to participate. This will be an opportunity for all Members to express themselves with respect to these highly qualified nominees. I hope that if Senators have reservations on any of these judicial nominations they would be present for this important debate.

I have stated repeatedly on the floor that we need to give these nominations a very straightforward up-or-down vote. I will have more to say on the plans for tomorrow night tomorrow but I do want to announce that this important debate will begin tomorrow evening.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

Thereupon, the Senate, at 9:03 p.m., adjourned until Wednesday, November 12, 2003, at 9:30 a.m.