

and a variety of other educational events which enrich the lives of almost 20,000 area students each year.

The Ann Arbor Symphony Orchestra counts Joseph Maddy, who was also the founder of Michigan's prestigious Interlochen Center for the Arts, as one of its earliest conductors. It has been the orchestra in residence for the Martha Graham Dance Company, the University Musical Society, the Music Paradigm, and Peter Schickele, aka PDQ Bach. Guest artists have included world renowned violinists Jaime Laredo, Catherine Cho, Ilya Kaler, Augustin Hadelich, and Benny Kim; clarinetists Richard Stoltzman and David Shiffrin; and pianists Anton Nel and Vladimir Feltsman.

During its 75-year history, the Ann Arbor Symphony Orchestra has received many honors. It has received awards from the National Endowment for the Arts, including a Millennium Project award for the premiere of a new work for an orchestra. It has also consistently earned top marks from the Michigan Council for the Arts and Cultural Affairs. Furthermore, in 2002 it was recognized by Crain's Detroit Business magazine as one of the area's best-managed nonprofit organizations. In addition, the Ann Arbor Symphony Orchestra won the Nonprofit Enterprise at Work's Excellence Award for Management in 1997 and 2003.

The Ann Arbor Symphony Orchestra's repertoire ranges from Baroque to the 21st century and spans musical genres from Bach to Broadway. Each year, the Ann Arbor Symphony Orchestra has premiered a new work by a young composer through its annual "Mozart Birthday Bash" concert series. This year the orchestra is also commissioning a work by internationally known Michigan composer Michael Daugherty. "Silent Movies" is a work for the Barton Theater Organ, which is located in the historic Michigan Theater, in celebration of the orchestra's 75th anniversary.

The Ann Arbor Symphony Orchestra is an integral part of the cultural and economic landscape of Ann Arbor and southeastern Michigan. Senator STABENOW and I would like to congratulate and honor the Ann Arbor Symphony Orchestra, its Music Director Arie Lipsky, and the hundreds of musicians, board members, and staff who have brought musical gifts to so many over the past 75 years. We know our Senate colleagues will join us in offering our thanks to the Ann Arbor Symphony Orchestra for enriching our lives and in wishing the organization continued success in the future. ●

#### FERC NOTICE OF PROPOSED RULEMAKING

##### GRID MANAGEMENT

● Mr. KERRY. Mr. President, the front page of the Washington Post recently featured a local graduate student who skillfully mapped the electronic networks that interconnect every business

and industrial sector in the American economy. The article emphasized how the information was readily available on the Internet and the associated security concerns. It also discussed the astonishment and alarm among industry leaders upon hearing about it.

Early this year, the Department of Homeland Security published two papers emphasizing the need to secure critical infrastructure from physical and cyber-attacks, including all aspects of the electric power infrastructure system. This was clarified further by the Federal Energy Regulatory Commission (FERC) in its Notice of Proposed Rulemaking on Standard Market Design, which states, wholesale electric grid operations are highly interdependent, and a failure of one part of the generation, transmission, or grid management system can compromise the reliability of a major portion of the grid.

Simply put, experts in the public and private sector, time and time again, acknowledge the vulnerability of the entire national electric power infrastructure and that all aspects should be protected. As blatantly demonstrated by the recent blackouts in the northeastern United States, the viability of the national power grid is an important national security concern.

I am concerned, therefore, that a cyber security standard recently proposed by FERC, which is designed to protect the electric power grid, exempts process control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations from the definition of "critical cyber assets" to be protected.

Despite the clear intent of the Department of Homeland Security and FERC to protect the power system entirely, the proposed rule calls for only partial protection. The FERC decision may mean that power distribution is protected, while power generation remains vulnerable.

Mr. KENNEDY. If the Senator will yield for a comment, I have been made aware that technology exists in the marketplace that is capable of protecting power generation assets. I am aware of at least one company, in fact, a Massachusetts company, that has developed software capable of protecting our power generation assets from cyber attack. If the technology exists, are we not obligated to protect these assets? Protecting transmission without protecting generation is like protecting airports without protecting aircraft. Isn't it reasonable, therefore, to conclude that the entire national power grid, including generation, should be protected?

Mr. KERRY. Mr. President, I think the answer is yes. No aspect of the electric power grid should be exempt from this cyber security standard. I urge the ranking member to work with us to address this issue during conference committee consideration of the Energy and Water appropriations bill

for fiscal year 2004. With my good friend, the senior Senator from Massachusetts, I ask the Appropriations Committee, in conference with the House of Representatives, to include a requirement that the Federal Energy Regulatory Commission report to the committee and the Congress as to why generating infrastructure was excluded from the proposed rule.

Mr. REID. I thank the Senator from Massachusetts for bringing this issue to my attention. I agree that process control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations are indeed critical assets of the national electric power infrastructure and should not be exempt from protected assets. I look forward to addressing this issue in conference committee. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendments:

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrences of the Senate:

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 235. A concurrent resolution celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes."

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes", and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. VITTE, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes", and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: For consideration of the House bill and the Senate amendments (except for title III in the Senate amendment numbered 3), and modifications committed to conference: Mr. KINGSTON, Mr. LAHOOD, Mr. TIAHRT, Mr. CULBERSON, Mr. KIRK, Mr. YOUNG, of Florida, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference. Mr. YOUNG of Florida, Mr. TAYLOR, of North Carolina, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. MURTHA, Mr.

DICKS, Mr. SABO, Mr. VISCLOSKEY, Mr. MORAN of Virginia, and Mr. OBEY.

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

#### ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Energy and Natural Resources.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Energy and Natural Resources.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

#### MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4204. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4205. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4206. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-4207. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC-4208. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting Authority Revisions" (DFARS Case 2002-D041) received on September 15, 2003; to the Committee on Armed Services.

EC-4209. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance of Security-Guard Functions" (DFARS Case 2002-D042) received on September 15, 2003; to the Committee on Armed Services.

EC-4210. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Competitiveness Demonstration Codes update" (DFARS Case 2003-D003) received on September 15, 2003; to the Committee on Armed Services.

EC-4211. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Caribbean Basin country—Dominican Republic" (DFARS Case 2003-D007) received on September 15, 2003; to the Committee on Armed Services.

EC-4212. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to status of the female members of the Armed Forces; to the Committee on Armed Services.

EC-4213. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Liability for Loss Under Vessel Repair and Alteration Contracts" (DFARS Case