the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. FITZGERALD), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 711

At the request of Mr. WARNER, his name was added as a cosponsor of S. 711, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712

At the request of Mr. WARNER, his name was added as a cosponsor of S. 712, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 721

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 30

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 30, a concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

S. CON. RES. 30

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. CON. RES. 30

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. DAYTON, and Mr. LEAHY):

S. 725. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2003. The bill is cosponsored by Senators FEINSTEIN, DAYTON, and LEAHY.

The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives.

Roads that serve Indian Country are part of one single national transportation network and Congress has long recognized the importance of improving transportation in Indian Country. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. This year, Congress must reauthorize the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as the first step in the reauthorization process.

The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs has been provided from the federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Of the 25,600 miles of State, county, or local government IRR roads, about 40 percent are paved. In total, over two-thirds of all IRR roads remain unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. Some are little more than wheel tracks. Even though the IRR system has perhaps the most rudimentary infrastructure of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality

rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion.

The current authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

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

Exhibit 1.—Approximate distribution of FY02 Indian Reservation Road Funding

State	*FY2002 IRR Funding to Tribes*
Arizona	56,100,000
Oklahoma	34,000,000
New Mexico	31,900,000
Alaska	18,500,000
Montana	13,600,000
South Dakota	11,700,000
Washington	10,100,000
Wisconsin	6,600,000
North Dakota	6,500,000
Minnesota	5,780,000
California	5,100,000
Oregon	3,900,000
Utah	2,970,000
Idaho	2,850,000
Wyoming	2,070,000
Michigan	1,560,000
Nevada	1,290,000
North Carolina	1,190,000
Colorado	1,100,000
New York	949,000
Maine	890,000
Kansas	851,000
Mississippi	706,000
Nebraska	626,000
Florida	550,000
Texas	220,000
Louisiana	197,000
Rhode Island	162,000
Iowa	126,000
Alabama	100,000
South Carolina	89,000
Connecticut	83,000
Massachusetts	47,000

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every Senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most Senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000 people. By itself, Navajo lands hold about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance. Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the Nation's 957,000 miles of Federal-aid highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The reduction for 2003 is about $36 million. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for administrative capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, the bill establishes a pilot program, in accordance with the Indian Self-Determination and Education Act, P.L. 93–638, authorizing 12 tribes to contract directly with FHWA for IRR funding to improve efficiency and streamline the administration of the program. The 12 tribes will be selected to ensure representation from each region of the country.

Seventh, the bill establishes a new six-year, $120 million tribal transportation safety program. Tribes may

apply directly to the Department of Transportation for grants to improve transportation safety. The program parallels existing safety programs for the states.

Eighth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for nonurbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the States, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Ninth, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads system. Maintenance of IRR roads is a Federal responsibility and adequate funding is needed to protect the Federal investment in transportation infrastructure. Federal funding for road maintenance is provided through the BIA's annual appropriations bill. Unfortunately, year after year, the Appropriations Committees have failed to provide adequate funding for maintenance. Funding for BIA's road maintenance program has typically been around $25 million per year about one-fifth of the level needed to protect the federal investment in IRR roads.

The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations of the National Congress of American Indians' TEA–21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of TEA–21.

It is essential that we begin this process as soon as possible because I believe the tribes are being shortchanged in annual federal funding. I was disappointed this year when the appropriations committee cut the funding for the IRR program in fiscal year 2003 to $238 million, about $40 million below the 2002 level. At the same time, FY2003 highway funding for the states was increased slightly above the 2002 level. I believe this year's reduction in IRR funding may reflect a lack of understanding on the part of many senators of the current poor state of transportation in Indian Country.

To try to raise awareness, last year I circulated a ''dear colleague'' letter to the Chair and Ranking Members of the Transportation Appropriations Subcommittee to urge them to fund the IRR program at the full $275 million authorized level. The bipartisan letter, signed by eleven of my colleagues, laid out the case for full funding of the tribal transportation program in 2003.

My goal in introducing the bill today is to start the process of improving IRR as soon as possible. The tribes cannot bear another cut in funding like occurred in 2003.

I hope that Chairman CAMPBELL and Vice Chairman INOUYE of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them and the other members of the committee on developing a consensus proposal that is fair to all tribes.

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

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

S. 725

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 ''Tribal Transportation Program Improvement Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(A) FINDINGS.—Congress finds that—

(1) because many Indian tribes are located in remote areas, transportation is particularly important to the basic quality of life and economic development of Indian tribes;

(2) safe roads are essential for—

(A) Indian children to travel to and from school;

(B) sick and elderly individuals to receive basic health care and medical treatment; and

(C) food and other necessities to be delivered to shops and consumers;

(3) transportation is critical to the efforts of Indian tribes to—

(A) sustain robust economies; and

(B) attract new jobs and businesses;

(4) most Indian tribes lack the basic transportation systems that other people in the United States take for granted;

(5) Indian communities continue to lag behind the rest of the United States in quality of life and economic vitality;

(6) unemployment rates in Indian country frequently exceed 50 percent, and poverty rates often exceed 40 percent;

(7) the limited availability of housing and jobs on Indian reservations forces people to commute long distances each day to travel to work or school, obtain health care, take advantage of basic government services, go shopping, or even obtain drinking water;

(8) the Indian reservation roads system established under title 23, United States Code, comprises more than 50,000 miles of roads under the jurisdiction of the Bureau of Indian Affairs and tribal, State, county, and local governments;

(9) more than ⅔ of those roads are not paved, and many resemble roads in third-world countries;

(10) as of the date of enactment of this Act, approximately 140 of the 753 bridges under the jurisdiction of the Bureau of Indian Affairs are rated as being deficient;

(11) The Indian reservation roads system serves both Indians and the general public and is part of a unified national road network;

(12) even though the Indian reservation roads system is perhaps the most rudimentary of any transportation network in the United States, more than 2,000,000,000 vehicle miles are traveled annually on the system;

(13) the poor quality of so many Indian reservation roads has a serious impact on high safety;

(14) according to the Federal Highway Administration, the highway fatality rate on Indian reservation roads is 4 times the national average highway fatality rate on all roads;

(15) automobile accidents are the primary cause of death for young Indian individuals; and

(16) the Federal Highway Administration estimates the backlog of improvement needs for Indian reservation roads at approximately $6,800,000,000.

(b) PURPOSE.—The purpose of this Act is to reauthorize, expand, and streamline the Indian reservation roads program to improve transportation safety and better meet the needs of Indian individuals and other members of the traveling public.

SEC. 3. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking ''of such title'' and all that follows and inserting ''of that title—

''(i) $225,000,000 for fiscal year 1998;

''(ii) $275,000,000 for each of fiscal years 1999 through 2003;

''(iii) $350,000,000 for fiscal year 2004;

''(iv) $425,000,000 for fiscal year 2005; and

''(v) $500,000,000 for each of fiscal years 2006 through 2009.''.

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking ''distribute obligation'' and inserting the following: ''distribute—

''(A) obligation'';

(2) by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;''.

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''(B) RESERVATION.—Of the amounts'' and all that follows through ''to replace,'' and inserting the following:

''(B) FUNDING.—

''(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,''; and

(B) by adding at the end the following:

''(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.''; and

(2) in subparagraph (D)—

(A) by striking ''(D) APPROVAL REQUIREMENT.—'' and inserting the following:

''(D) APPROVAL AND NEED REQUIREMENTS.—''; and

(B) by striking ''only on approval of the plans, specifications, and estimates by the Secretary.'' and inserting ''only—

''(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

''(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.''.

(d) FAIR AND EQUITABLE DISTRIBUTION.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) FAIR AND EQUITABLE DISTRIBUTION.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

''(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

''(B) distribute funds based only on those roads.''.

(e) INDIAN RESERVATION ROAD PLANNING.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking ''2 percent'' and inserting ''4 percent''.

SEC. 4. FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.

Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

''(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

''(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

''(iii) SELECTION OF PARTICIPATING TRIBES.—

''(I) PARTICIPANTS.—

''(aa) IN GENERAL.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

''(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for the purpose of becoming part of the applicant pool under subclause (II).

''(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

''(II) APPLICANT POOL.—The applicant pool described in this sub-clause shall consist of each Indian tribe (or consortium) that—

''(aa) has successfully completed the planning phase described in subclause (III);

''(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

''(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

''(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

''(IV) PLANNING PHASE.—

''(aa) IN GENERAL.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall include legal and budgetary research and internal tribal government and organization preparation.

''(bb) ELIGIBILITY.—A tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.''.

SEC. 5. TRIBAL TRANSPORTATION SAFETY PROGRAM.

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

''§ 412. Tribal Transportation Safety Program

''(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program to provide to eligible Indian tribes (as determined by the Secretary) competitive grants for use in establishing tribal transportation safety programs on—

''(A) Indian reservations; and

''(B) other land under the jurisdiction of an Indian tribe.

''(2) USE OF FUNDS.—Funds from a grant provided under paragraph (1) may be used to carry out a project or activity—

''(A) to prevent the operation of motor vehicles by intoxicated individuals;

''(B) to promote increased seat belt use rates;

''(C) to eliminate hazardous locations on, or hazardous sections or elements of—

''(i) a public road;

''(ii) a public surface transportation facility;

''(iii) a publicly-owned bicycle or pedestrian pathway or trail; or

''(iv) a traffic calming measure;

''(D) to eliminate hazards relating to railway-highway crossings; or

''(E) to increase transportation safety by any other means, as determined by the Secretary.

''(c) FEDERAL SHARE.—The federal share of the cost of carrying out the program under this section shall be 100 percent.

''(d) FUNDING.—Notwithstanding any other provision of law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

''(1) $10,000,000 for each of fiscal years 2004 and 2005;

''(2) $20,000,000 for each of fiscal years 2006 and 2007; and

''(3) $30,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by inserting after the item relating to section 411 the following:

''412. Tribal Transportation Safety Program.''.

SEC. 6. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

''(B) AMOUNT OF GRANTS.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

''(3) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.''.

SEC. 7. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) FINDINGS.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

U.S. SENATE,
Washington, DC, April 26, 2002.

Hon. PATTY MURRAY,
Chairman, Senate Appropriations Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Senate Appropriations Subcommittee on Transportation, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN MURRAY AND SENATOR SHELBY: We are writing to ask you to provide

at least $275 million in funding in the Fiscal Year 2003 Transportation Appropriations bill for the Indian Reservation Roads Program. This program plays a critical role in economic development, self-determination, and employment of Native Americans in 33 states, including Alaska Native Villages.

The IRR system comprises 52,738 miles of road. Half are BIA and tribally owned roads and half are state, county and local government roads. The system includes 4,152 bridges and also one ferryboat. More than 2 billion vehicle miles are traveled on the IRR system each year. Unfortunately, many of the roads are among the worst in the nation. Over two-thirds of the system is unimproved earth and gravel roads and about one-quarter of the bridges are rated deficient.

The Federal Highway Administration described the state of roads on reservations in its 1999 study of the nation's highways and bridges: ''Some of the isolation (of Native American communities) is perpetuated by a lack of transportation facilities . . . Except for a few tribes with oil and mineral resources, or recreational operations, nearly all reservations are among the most economically depressed areas of the country . . . Some tribal governments have been successful in initiating economic development activities, including small industries . . . These require a viable Indian Reservation Roads (IRR) system.''

In 1998, Congress reauthorized the Indian Reservation Road Program as part of Transportation Efficiency Act for the 21st Century (TEA–21). Recognizing the huge backlog in basic highway and transportation needs in Indian Country, the authorized funding level was increased from $191 million per year to $275 million. Last year the Transportation Appropriations Act provided $279 million. We very much appreciate your subcommittee's efforts in FY2002 to fund this program at the higher level.

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By Ms. STABENOW:

S. 726. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that would make Election Day a national holiday.

After the problems of the 2000 elections, a bipartisan Commission headed by former Presidents Jimmy Carter and Gerald Ford was created to recommend election reforms.

Among the reforms the commission recommended was making Election Day a national holiday.

If you read the report, the advantage of making Election Day a national holiday becomes obvious.

In a survey done by the U.S. Census shortly after the 2000 elections, the number-one reason cited for not voting was because it conflicted with work or classroom schedules. Declaring Election Day a national holiday would make it easier for millions of busy Americans to get to the polls.

But declaring Election Day a national holiday has other advantages as well, according to the Commission's report. More public buildings, especially schools, would be available as polling places. And more and better trained poll workers would be available to staff polling places.

Businesses complain that a new Federal holiday will cost them money. But this problem can be easily solved. Presently we celebrate Veterans Day on Nov. 11. On even numbered years, we could simply celebrate Veterans Day on the second Tuesday after the first Monday of November, which Congress has designated as Election Day for Federal elections.

The Commission's report noted that both Presidents Ford and Carter are veterans themselves and would not recommend any change that would dilute the significance of Veterans Day.

Rather, our two former Presidents found it fitting to hold the ''supreme national exercise of our freedom on the day we honor those who preserved it.''

This idea is also supported by civil rights, labor and other groups trying to increase participation in our electoral process.

I think it is an idea whose time has come.

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

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

S. 726

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 ''Democracy Day Act of 2003''.

SEC. 2. TREATMENT OF ELECTION DAY IN SAME MANNER AS OTHER FEDERAL HOLIDAYS.

The Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter shall be treated as a legal public holiday for purposes of statutes relating to pay and leave of Federal employees.

SEC. 3. STUDY BY COMPTROLLER GENERAL OF IMPACT ON VOTER PARTICIPATION.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the impact of section 2 on voter participation.

(b) REPORT.—Not later than May 1, 2009, the Comptroller General shall submit a report to Congress and the President on the results of the study conducted under subsection (a).

SEC. 4. SENSE OF CONGRESS REGARDING TREATMENT OF DAY BY PRIVATE EMPLOYERS.

It is the sense of Congress that private employers in the United States should provide their employees with flexibility on the Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter to enable the employees to cast votes in the elections held on that day.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. THOMAS, Mr. BURNS, Mr. DORGAN, Mr. ALLARD, Mr. DURBIN, Mr. VOINOVICH, Mr. BAYH, Mr. ENZI, Mr. CAMPBELL, and Mr. CONRAD):

S. 727. A bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes; to the Committee on Finance.

Mr. BYRD. Mr. President, time after time, coal has been there for this country. Coal has been and will continue to be an important part of America—its history, its economy, and its people.

During World War I, when coal supplied the Nation's heat and powered our battleships and industries, President Woodrow Wilson proclaimed that the Nation's war effort ''rested on the shoulders of [the American coal] miner.''

During World War II, when enemy conquests in Asia and Africa threatened to stop the worldwide flow of oil, the American government responded by initiating a federally sponsored synthetic fuels program based on coal. Secretary of the Interior Harold Ickes acknowledged, ''We should not have waited until war was upon us to begin the development of synthetic fuels.''

After the war, that program was dismantled. Far-sighted men warned of the dangers of this decision. John L. Lewis, President of the United Mine Workers, predicted a growing reliance upon foreign oil in the post-war era would one day result in outrageous prices at the gas pump and cars lined up for blocks to purchase gasoline.

Those of us old enough to remember the oil embargoes and energy crises of the 1970s know how accurate that prediction was. Those oil embargoes and energy crises prompted the Carter Administration to establish a national synthetic fuels program largely based on coal as the United States was labeled ''the Saudi Arabia of coal.''

However, the Reagan Administration all but eliminated the Department of Energy's fossil fuels and renewable energy programs, and withdrew support for the development of alternative energy technologies.

How short-sighted that was. I correct myself. It wasn't just short-sighted, it was blind, and I said so at the time. In a speech on this Senate floor, I warned that the Reagan administration's cutbacks in our energy programs were ''leaving us dangerously vulnerable to foreign transgressions.'' Historians like to point out that those who do not remember the past are condemned to relive it. Why must we continue to relive yesterday's mistakes? Can we not learn from the past?

Once again, concerns about our Nation's current and future energy needs are on the minds of citizens across the country. Worrisome gas prices, erratic fuel costs, electricity supply needs, energy efficiency improvements, and U.S. dependence on foreign oil are major challenges that we must tackle. To develop a bipartisan, national energy plan, Congress must establish balanced energy policies that recognize the need for both economic growth, energy security, and environmental protection.

Coal will play a key role in that strategy.

It is paramount that we develop a comprehensive plan built on a balanced portfolio of resources, technologies, and ideas. Such a plan must look broadly across all sectors of the economy and set objectives to meet these needs both today and down the road. And, as we look at the needs of our economy and our future, we need to better understand where to put critical and precious research and development resources and how to best stimulate these technologies in the marketplace.

Undoubtedly, fossil fuels will continue to be a primary source for meeting our energy needs into the coming decades. Coal, used in cleaner and more efficient ways, will be a key component of that energy strategy. Coal is this country's most abundant natural resource, providing over half of the Nation's electricity and accounting for one third of our Nation's total energy production.

Today, a bipartisan group of Members join me in introducing the National Coal Research, Development, and Demonstration Act of 2003. I very much appreciate the support of Senators ROCKEFELLER, THOMAS, BURNS, DORGAN, ALLARD, DURBIN, VOINOVICH, BAYH, ENZI, CAMPBELL, and CONRAD. We believe that this legislation will help to maintain our Nation's fuel diversity by ensuring a key role for coal in our Nation's energy future.

This initiative provides a roadmap to the future by authorizing $2 billion over that next ten years for a clean coal technology demonstration program to help speed these technologies from the laboratory to the marketplace. Our legislation aims to improve air quality as well as the efficiency of the current fleet of coal-fired power plants by providing targeted tax incentives for the installation of these technologies at existing coal-fired facilities.

Additionally, this legislation will help meet the need for new infrastructure by providing incentives to deploy a targeted number of advanced clean coal technologies to prove their viability in the marketplace now and in the future. Finally, it ensures that all generators of coal can compete for these targeted tax incentives on an equal basis. This initiative is an important component of a strategy to achieve energy diversity and independence.

I have been around Congress for a very long time—more than 50 years. Recently, I became the third longest serving Member of Congress. My association with coal started early in my life and has continued throughout my many years of service in Congress. Coal has always been with me, it has been there fore us. Coal is abundant. Coal is affordable. Coal is ours!

Clean coal research and development funding and tax incentive legislation gained significant bipartisan and bicameral support during the energy bill debates in the 107th Congress. This success was built on the framework outlined, developed, and refined with my support in past Congress.

There is a little verse that goes:

God and soldier all men adore,
in time of trouble and no more,
for when war is over, and all things righted,
God is neglected and the old soldier slighted.

In times of national struggle and adversity, in times of war, coal has been there. But in times of calm, when the urgency subsides, so does our national determination to establish and implement a comprehensive energy strategy. To fail to incorporate a comprehensive energy plan into our vision for the Nation's future would ultimately be to America's detriment.

The development of clean coal technologies is essential to the betterment of our Nation's economic, energy, environmental, and security future. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleague from West Virginia, Senator BYRD, and Senators THOMAS, BURNS, DURBIN, ALLARD, DORGAN, BAYH, VOINOVICH, ENZI, CAMPBELL, and CONRAD, to introduce the National Coal Research, Development and Demonstration Act of 2003. This is a bill I will work very hard to see enacted, because I believe both that the Nation's economy will grind to a halt without coal, and because sustaining the indispensable role of the Nation's most abundant energy source can only be accomplished by finding environmentally sensitive ways of using it.

This legislation is the byproduct of more than 5 years of effort to foster new scientific research and commercial application of clean coal technologies. This has been a collaborative effort between members of Congress from both sides of the aisle and both sides of the Hill working together with the coal and utility industries, the Department of Energy, the United Mine Workers, and academic and industrial scientists. The legislation we introduce today is substantially similar to legislation introduced in the 107th Congress, which formed the basis of the coal tax and coal R&D provisions of the comprehensive energy bill the Senate passed last year.

I have a particular interest in the clean coal tax provisions. I aggressively argued for them in the Finance Committee, and I was gratified by the willingness of then-Chairman BAUCUS and Ranking Member GRASSLEY to work with me to include meaningful coal tax incentives in the bill this body passed by an overwhelming majority and sent to conference with the House. As a tax conferee, I again pushed hard for inclusion of the Senate-passed provisions, over the more expensive and less-inclusive House provisions. Unfortunately, the energy conference and the comprehensive energy legislation it was so close to producing were allowed to die by some who thought this Congress would be a better setting for consideration of a national energy policy.

The R&D provisions, and in fact the entire package we introduce here today, have had no more fervent champion than my colleague, the senior Senator from West Virginia, Senator BYRD. Indeed, Senator BYRD has been a stalwart friend of coal far longer than the more than 5-year duration of this effort on clean coal technologies. I would be remiss if I did not commend Senator BYRD for his dedication and diligence in advocating for clean coal. I cannot overstate the importance of coal to our state of West Virginia. I am proud to join Senator BYRD in this effort to improve the environmental performance of coal, and to affirm its critical role in the economy of our State, and of the entire Nation.

When enacted, this legislation will foster crucial, collaborative, and cutting edge scientific research by the Department of Energy and its industry partners into technologies allowing increasingly cleaner and more efficient use of our Nation's most abundant fossil fuel, coal, as a fuel to produce electricity. At the same time, this bill will create tax incentives to help coal-fired utilities defray the high cost of installation of clean coal technologies on coal-fired power plants. We have included incentives for clean coal technologies on both existing power plants and those yet to be built. Clean coal technologies used to repower existing plants will allow them to meet our most stringent Clean Air Act standards for stationary source emissions. Installations of these technologies on existing facilities is important not only to protect the environment. Perhaps as significant for our economy, sustaining energy production from these reliable sources of electricity helps insulate consumers from the kind of extraordinary price shocks we have seen recently in the natural gas and petroleum markets.

New facilities designed and built with next generation, advanced clean coal technologies will be cleaner and more reliable still. Energy experts estimate that to meet our Nation's burgeoning demand for electricity, we may see more than a thousand new electricity generating plants built in the next 20 years. Modest incentives for installation of advanced clean coal technologies will give utilities the ability to choose cheap and abundant coal as a fuel source, and still produce air emissions as clean or cleaner than those produced by natural gas plants.

The two sections of this bill concentrate on different aspects of the coal picture, and will be considered by different committees in the Senate. Yet the programs and commercial development this bill will engender will work hand in hand. The advanced clean coal research and development funded by this bill, augmented by the data industry, academic, and government scientists hope to gain from the performance of the reconfigured existing

plants, will hasten the deployment of a fleet of near-zero emission coal-fired plans in the coming decade or two.

I represent a State that produces a lot of coal, and uses a lot of coal. Between 98 and 99 percent of the electricity in West Virginia is generated with coal. This is higher than any other State in the Nation, but West Virginia electricity consumers are by no means alone in their dependence on coal. The United States is dependent on coal to a degree that I am sure comes as a surprise to most people. Coal produces more than half of the electricity used in this country. It is the primary source of electricity in 32 States, accounting for at least 55 percent of the electricity in 25 of these. Of the remaining 18 States, coal is the second most prevalent source of electricity in six of them, and a close third in two more. So, I thank my fellow cosponsors for their work on this bill, but I say to my colleagues, this is not just important to those of us whose States produce coal. Coal will continue to be a vital economic resource for the entire country. Because of this, and because the future health of our environment depends on good decisions made today, I recommend this legislation to all of my colleagues, and ask for their support in passing it.

By Mr. COLEMAN (for himself, Mr. STEVENS, and Mr. DAYTON):

S. 728. A bill to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. 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. 728

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

SECTION 1. AVIATION INSURANCE.

(a) AUTHORITY.—Section 44302(a)(1) of title 49, United States Code, is amended by striking ''may'' and inserting ''shall''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) of title 49, United States Code, is amended by striking ''August 31, 2003, and may extend through December 31, 2003,'' and inserting ''December 31, 2007,''.

(c) COVERAGE.—Section 44303 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''IN GENERAL.—'' and inserting ''IN GENERAL.—''; and

(2) in subsection (b)—

(A) by striking ''during the period beginning on'' and inserting ''on or after''; and

(B) by striking ''and ending on December 31, 2003,''.

(d) TERMINATION DATE.—Section 44310 of title 49, United States Code, and the item relating to such section in the analysis for chapter 443 are repealed.

SEC. 2. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Homeland Security shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports perform or are responsible for performing, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions and other space used by the Transportation Security Administration.

SEC. 3. REIMBURSEMENT OF AIR CARRIERS FOR FORTIFYING COCKPIT DOOR.

The Secretary of Homeland Security shall reimburse air carriers for the cost of fortifying cockpit doors in accordance with section 48301(b) of title 49, United States Code.

SEC. 4. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT.

The Secretary of Homeland Security shall reimburse State and local law enforcement and airport police for complying with any directives to provide security for air carriers or at airports.

SEC. 5. REIMBURSEMENT FOR AIR MARSHAL TRANSPORTATION.

Section 44917(a) of title 49, United States Code, is amended by striking paragraphs (4) and (5), and inserting the following:

''(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight at the lowest possible airfare available for such flight at the time of booking;

''(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at the lowest possible airfare available for such flight if the marshal is traveling to that airport after completing his or her security duties;''.

SEC. 6. MORATORIUM ON SECURITY SERVICE FEE.

Notwithstanding any other provision of law, the security fees imposed under section 44940 of title 49, United States Code, shall not apply for the 1-year period beginning on the date of enactment of this Act and the costs of providing civil aviation security services shall be reimbursed by the Secretary of Homeland Security.

By Mr. COLEMAN (for himself and Mr. CHAMBLISS):

S. 729. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Finance.

Mr. COLEMAN. 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. 729

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 ''Minnesota MSA Empowerment Act of 2003''.

SEC. 2. DEDUCTION FOR MINNESOTA PUBLIC EMPLOYEE MSA PILOT PROGRAM.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

''SEC. 223. MINNESOTA PUBLIC EMPLOYEE MSAS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a deduction an amount equal to the amount contributed during the taxable year by such individual to the Minnesota public employee MSA of such individual.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(1) is in receipt of retirement benefits for the taxable year from a retirement plan associated with the State of Minnesota or a political subdivision thereof, or

''(2) is an employee of the State of Minnesota or a political subdivision thereof.

''(c) MINNESOTA PUBLIC EMPLOYEE MSA.—

''(1) IN GENERAL.—The term 'Minnesota public employee MSA' means an Archer MSA which is created or organized exclusively for the purpose of playing the qualified medical expenses of the eligible individual and—

''(A) which is designated as a Minnesota public employee MSA, and

''(B) with respect to which no contribution may be made other than a contribution made by the eligible individual or the employer of the eligible individual.

''(2) ARCHER MSA; QUALIFIED MEDICAL EXPENSES.—For purposes of this section, the terms 'Archer MSA' and 'qualified medical expenses' shall have the respective meanings given to such terms by section 220(d).

''(d) SPECIAL RULES.—In applying section 220 to a Minnesota public employee MSA—

''(1) subsection (d)(1)(A)(ii) shall not apply, and

''(2) subsection (f)(3) shall be treated as including a reference to this section.

''(e) REPORTS.—In the case of a Minnesota public employee MSA, the report under section 220(h)—

''(1) shall include the fair market value of the assets in such Minnesota public employee MSA as of the close of each calendar year, and

''(2) shall be furnished to the account holder—

''(A) not later than January 31 of the calendar year following the calendar year to which such reports relate, and

''(B) in such manner as the Secretary prescribes.

''(f) COORDINATION WITH LIMITATION ON NUMBER OF TAXPAYERS HAVING ARCHER MSAS.—Subsection (i) of section 220 shall not apply to an individual with respect to a Minnesota public employee MSA, and Minnesota public employee MSAs shall not be taken into account in determining whether the numerical limitations under section 220(j) are exceeded.''.

''(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 is amended by inserting after paragraph (18) the following new item:

''(19) MINNESOTA PUBLIC EMPLOYEE MSAS.—The deduction allowed by section 223.''.

''(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973(d)(1) of such Code (relating to excess contributions to Archer MSAs) is amended by inserting ''or 223'' after ''220''.

''(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 223. Minnesota public employee MSAs.
''Sec. 224. Cross reference.''.

''(e) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after December 31, 2003.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 731. A bill to prohibit fraud and related activity in connection with authentication features, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today, along with Senator HATCH, to introduce the Secure Authentication Feature and Enhanced Identification Defense Act of 2003, also known as the ''SAFE ID'' Act. My good friend, the Senior Senator from Utah, is joining me on this important piece of legislation.

Two of the terrorists who perpetrated the acts of 9/11 held false identification documents, which they purchased from a broker of false IDs. That broker was convicted, but sentenced merely to probation. The judge and the prosecutor publicly lamented that the law did not subject such a person to harsher penalties. These events focused new attention on an existing, growing problem—the ease with which individuals and organizations can forge and steal IDs and use them to harm our society. These circumstances weaken our efforts in the fight against terrorism; identity theft; underage drinking and drunk driving; driver's license, passport and birth certificate fraud, among others. In the post-9/11 era, we must do more to prevent the creation of false, misleading or inaccurate government IDs. This has become an issue of national importance and therefore merits a national response.

In recent years, the ability of criminals to produce authentic-looking fake IDs has grown immensely. Today, unfortunately, it is becoming increasingly common for criminals to either steal or forge, and traffic in, the very items that issuing authorities use to verify the authenticity of their IDs. These ''authentication features'' are the holograms, watermarks, and other symbols, letters and codes used in identification documents to prove that they are authentic. Unfortunately, today IDs carrying authentication features can be purchased on the Internet or through mail order outfits. In addition, breeder documents, such as birth certificates, are desk-top published, with an illegitimate embossed or foil seal. Put another way, not only do crooks forge identification documents, they also now illegally fake or steal the very features issuing authorities use to fight that crime.

Under current law, it is not illegal to possess, traffic in, or use false or misleading authentication features whose purpose is to create fraudulent IDs. That is why I am today introducing the SAFE ID Act.

The SAFE ID Act would prohibit the fraudulent use of authentication features in identity documents. Specifically, the SAFE ID Act adds authentication features to the list of items covered by 10 U.S.C. 1028(a), an existing law prohibiting fraud and related activity in connection with identification documents. In addition, the Act requires forfeiture of any violative items, such as false authentication features and relevant equipment.

It is rare that we have before us legislation that would effectively address problems as disparate as homeland defense, identity theft and underage drinking. The SAFE ID Act would do just that, by cutting the legs out from under those who would misuse technology to mislead government authorities.

I look forward to working with Senator HATCH, Chairman of the Judiciary Committee, and my other colleagues, to secure consideration and passage of this bill.

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

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

S. 731

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 ''Secure Authentication Feature and Enhanced Identification Defense Act of 2003'' or ''SAFE ID Act''.

SEC. 2. FRAUD AND FALSE STATEMENTS.

(a) OFFENSES.—Section 1028(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting '', authentication feature,'' after ''an identification document'';

(2) in paragraph (2)—

(A) by inserting '', authentication feature,'' after ''an identification document''; and

(B) by inserting ''or feature'' after ''such document'';

(3) in paragraph (3), by inserting '', authentication features,'' after ''possessor)'';

(4) in paragraph (4)—

(A) by inserting '', authentication feature,'' after ''possessor)''; and

(B) by inserting ''or feature'' after ''such document'';

(5) in paragraph (5), by inserting ''or authentication feature'' after ''implement'' each place that term appears;

(6) in paragraph (6)—

(A) by inserting ''or authentication feature'' before ''that is or appears'';

(B) by inserting ''or authentication feature'' before ''of the United States'';

(C) by inserting ''or feature'' after ''such document''; and

(D) by striking ''or'' at the end;

(7) in paragraph (7), by inserting ''or'' after the semicolon; and

(8) by inserting after paragraph (7) the following:

''(8) knowingly traffics in false authentication features for use in false identification documents, document-making implements, or means of identification;''.

(b) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting '', authentication feature,'' before ''or false''; and

(ii) in clause (i), by inserting ''or authentication feature'' after ''document''; and

(B) in subparagraph (B), by inserting '', authentication features,'' before ''or false''; and

(2) in paragraph (2)(A), by inserting '', authentication feature,'' before ''or a false''.

(c) CIRCUMSTANCES.—Section 1028(c)(1) of title 18, United States Code, is amended by inserting '', authentication feature,'' before ''or false'' each place that term appears.

(d) DEFINITIONS.—Section 1028(d) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (7), (8), (9), (10), and (11), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers of letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;'';

(3) in paragraph (4)(A), as redesignated, by inserting ''or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit'' after ''entity'';

(4) by inserting after paragraph (4), as redesignated, the following:

''(5) the term 'false authentication feature' means an authentication feature that—

''(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

''(C) appears to be genuine, but is not;

''(6) the term 'issuing authority'—

''(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

''(B) includes the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;'';

(5) in paragraph (10), as redesignated, by striking ''and'' at the end;

(6) in paragraph (11), as redesignated, by striking the period at the end and inserting; and''; and

(7) by adding at the end the following:

''(12) the term 'traffic' means—

''(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

''(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.''.

(e) ADDITIONAL PENALTIES.—Section 1028 of title 18, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.''.

(f) TECHNICAL AND CONFORMING AMENDMENT.—Section 1028 of title 18, United States Code, is amended in the heading by inserting ''**, AUTHENTICATION FEATURES,**'' after ''**DOCUMENTS**''.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 732. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission

to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it has been said that, ''Good health and good sense are two of life's greatest blessings.'' Senators HATCH, ROCKEFELLER, JEFFORDS and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2003.

Currently no entity oversees America's health care safety net. This means that safety net providers—including public and teaching hospitals, emergency departments, community health centers and rural health clinics—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts.

This Act changes that, by creating the Safety Net Organizations and Patient Advisory Commission—SNOPAC—an independent and non-partisan commission to monitor the health care safety net.

Safety net providers are often the last resort for patients unable to afford the health care they need. For example, in my State of Montana, we have eight community health centers, serving about 44,000 Montanans per year. Without these health centers, many of these uninsured and underinsured Montanans would have no place to turn.

According to a recent report, nearly 75 million Americans lacked health insurance at some time in the past two years—amounting to almost one-third of all Americans younger than 65. Of these 74.7 million individuals, about 30 percent had no coverage at some time in 2001 and 2002 while 65 percent had no coverage for at least six months.

And who are these people? In Montana, about 80 percent of uninsured individuals are in working families. And self-employed workers—including owners of small businesses—and their dependents account for about one-fifth of the uninsured in our State. Montana has one of the lowest rates of employer-sponsored insurance in the Nation, with about 46 percent of Montanans receiving health insurance through their employers.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed, gender, or geography, have access to qualify health care?

About 10 years ago Congress and the Administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to the uninsured. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, we worked together to provide health coverage for workers who lost their jobs because of increased international trade.

While these incremental steps have helped, we need to do more. Last year I introduced bipartisan legislation to provide employers with tax credits so they can offer their employees health insurance. And I am hopeful that the Baucus-Smith, OR bill can be enacted into law.

But the fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet, the safety net has been seriously damaged in recent years. According to report a few years ago by the Institute of Medicine, the health care safety net is ''intact but endangered.''

And according to a report I requested of the General Accounting Office, issued today, emergency departments across the nation are facing severe overcrowding problems, forced to send patients to other hospitals. The GAO found that about two-thirds of hospitals reported asking ambulances to be diverted to other hospitals at some point in fiscal year 2001. And about 10 percent of hospitals reported being on diversion status for more than 20 percent of the year.

September 11 taught us that we need to be ready. Our emergency response systems must be prepared to manage an unexpected terrorist attack. But based on the GAO's findings, it seems that we are far from prepared. If emergency departments cannot care for all the patients they are sent under current conditions, how can we expect them to manage a terrorist attack of potentially catastrophic proportions?

We need an entity responsible for recommending changes to our safety net, including our emergency departments. And though SNOPAC will not solve the problems of America's uninsured, it will work to ensure that safety net is not further frayed. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOPAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOPAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

SNOPAC is not a panacea. But it is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

By Ms. SNOWE:

S. 733. A bill to authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2003.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 39,000 calls for assistance, assisted $1.5 billion in property, and saved 3,653 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, act of terror, and other national security threats. In 2002, the Coast Guard seized 117,780 pounds of cocaine and 40,316 pounds of marijuana preventing them from reaching our streets and playgrounds. They also stopped over 5,100 illegal migrants from reaching our shores. They conducted patrols to protect our vital fisheries stocks and they responded to over 12,000 pollution incidents.

In the wake of September 11, the men and women of the Coast Guard have been working harder than ever in the service's largest peace-time port security operation since World War II. This rapid escalation of the Coast Guard's homeland security mission continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 10,000 vessels, escorted over 6,000 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

And recently we have asked even more of the Coast Guard. Last November we passed the Homeland Security Act of 2002 which recently transferred the Coast Guard from the Department of Transportation to the new Department of Homeland Security. This historic law positions the Coast Guard as a cornerstone of the new Department, but also recognizes that the Coast Guard is responsible for many other missions on which Americans depend.

First and foremost, it ensures that the Coast Guard will remain a distinct entity and continue in its role as one of the five Armed Services. The Coast Guard plays a unique role in our government, by serving both an armed service as well as a law enforcement agency and this must not be changed or altered. It also contains language which maintains the primacy of the Coast Guard's diverse missions, prevents the Secretary of this new department from making substantial or significant changes to the Coast Guard's non-homeland security missions, and prohibits the new department from

transferring any Coast Guard personnel or assets to another agency except for personnel details and assignment that do not reduce the Service's capability to perform its non-homeland security missions.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources that it needs to carry out its many critically important missions. Unfortunately Coast Guard's rapid operational escalation has come on the backs of its 38,000 men and women who faithfully serve our country. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs.

The bill I introduce today authorizes funding and personnel levels for the Coast Guard in Fiscal Year 2004. The bill authorizes funding for FY 2004 at $6.7 billion. This represents a 9.4 percent increase over the levels contained in last year's authorization bill and a 13 percent increase over the funds requested for Fiscal Year 2003. This authorization will help restore the Coast Guard's non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection to near their pre-September 11, 2001 levels.

This bill also includes numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses various Coast Guard personnel management and quality of life issues such by providing eligible enlisted personnel with a critical skills training bonus, amending the number and distribution of commissioned officers to retain needed skill sets and experiences, expanding the Coast Guard's housing authorities to ease housing shortages, and including several measures that grant the Coast Guard parity with the other Armed Services.

Another critical provision in the bill will enable us to better oversee the historic and beautiful lighthouses that we have entrusted to non-profit groups across the country. Over the years we have transferred numerous lighthouses and we need to ensure that these groups continue to be responsible stewards of these national treasures. Unfortunately, we have recently learned of lighthouses which have been allowed to deteriorate and one that was even offered for sale through a real estate broker. This provision will ensure these national treasures are protected and will allow the Secretary of Interior to monitor future lighthouse conveyances and ensure that they meet all of the conditions of the original transfers.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 39 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately they are reaching the end of their serviceable life just as the Coast Guard needs them the most.

The Coast Guard is in the early stages of a major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the system-of-systems procurement strategy the Coast Guard is utilizing. This bill authorizes full funding for this critical long-term recapitalization program.

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. 733

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 ''Coast Guard Authorization Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

Title I—Authorization

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized Levels of military strength and training.

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.
Sec. 202. Amend limits to the number and distribution of officers.
Sec. 203. Expansion of Coast Guard housing authorities.
Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.
Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.
Sec. 302. Ports and waterways partnerships/cooperative ventures.
Sec. 303. Reports from charterers.
Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.
Sec. 305. Revision of bases for suspension and revocation cases.
Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
Sec. 307. Records of merchant mariner's documents.
Sec. 308. Exemption of unmanned barges from certain citizenship requirements.
Sec. 309. Increase in civil penalties for violations of certain bridge statutes.
Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
Sec. 311. Oil spill liability trust fund; emergency fund.
Sec. 312. Law enforcement powers.
Sec. 313. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.
Sec. 402. LORAN-C.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $4,729,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $775,000,000 to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,000,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,250 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,150 student years.

TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 374. Critical skill training bonus

''(a) The Secretary may provide a bonus, not to exceed $20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

''374. Critical skill training bonus.''.

SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.

Section 42 of title 14, United States Code, is amended —

(1) by striking ''The'' in subsection (a) and inserting ''Except in time of war or national emergency declared by Congress or the President, the'';

(2) by striking ''6,200.'' in subsection (a) and inserting ''7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.''; and

(3) by striking ''commander 12.0; lieutenant commander 18.0.'' in subsection (b) and inserting ''commander 15.0; lieutenant commander 22.0.''.

SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

''(5) The term 'eligible entity' means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended —

(1) by striking the section heading and inserting the following:

"§ Direct loans and loan guarantees" ;

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

''(a) DIRECT LOANS.—

''(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) by striking ''subsection (b),'' in subsection (b), as redesignated, and inserting ''subsection (c),''; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting ''(c) DIRECT LOANS AND LOAN GUARANTEES.—''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.''.

SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

''(d) Subject to the approval of the Commandant:

''(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

''(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

''(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment.''.

SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.

Section 821(a) of title 14, United States Code, is amended by inserting ''The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4, United States Code.'' after the second sentence.

TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended —

(1) by striking ''day and a lighted lantern'' in the second sentence inserting ''day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light''; and

(2) by adding at the end ''The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.''.

SEC. 302. PORTS AND WATERWAYS PARTNERSHIPS; COOPERATIVE VENTURES.

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking ''and'' after the semicolon in subsection (a)(4)(D);

(2) by striking ''environment.'' in subsection (a)(5) and inserting ''environment;'';

(3) by adding at the end of subsection (a) the following:

''(6) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or persons, except that a non-governmental entity may not carry out an inherently governmental function; and

''(7) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years.''; and

(4) by adding at the end the following:

''(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(6) AND (7).—

''(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(6), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government).

''(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

''(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(7) is not subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).''.

SEC. 303. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) by striking ''has'' in subparagraph (B)(i) and inserting ''has, while acting under the authority of that license, certificate, or document,'';

(3) by striking ''or'' at the end of subparagraph (B)(ii);

(4) by striking ''1982.'' in subparagraph (B)(iii) and inserting ''1982; or''; and

(5) by adding at the end of subparagraph (B) the following:

''(iv) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 305. REVISION OF BASES FOR SUSPENSION & REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking ''incompetence'' in paragraph (1)(B);

(2) by striking ''or'' after the semicolon in paragraph (2);

(3) by striking ''1982.'' in paragraph (3) and inserting ''1982;''; and

(4) by adding at the end the following:

''(4) has committed an act of incompetence; or

''(5) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(b) Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499), is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(c) Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', enacted March 3, 1899 (33 U.S.C. 502) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking ''$1,000.'' and inserting ''25,000.''.

SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.'';

(2) by striking ''4307(a)(1),'' in the second sentence of subsection (b) and inserting ''4307(a),'':

(3) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively;

(4) by adding at the end of subsection (b) the following:

''(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than $10,000, imprisoned for not more than one year, or both.''; and

(5) by striking ''$1,000.'' in subsection (c) and inserting ''$5,000.''.

SEC. 311. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking ''$50,000,000'' and inserting ''$150,000,000''.

SEC. 312. LAW ENFORCEMENT POWERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 95 the following:

''§ 95a. Law enforcement powers

''(a) IN GENERAL.—Subject to guidelines approved by the Secretary and the Attorney General, members of the Coast Guard may, in the performance of official duties—

''(1) carry firearms;

''(2) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

''(3) seize property as provided by law.

''(b) APPLICATION WITH OTHER AUTHORITY.—The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 95 the following:

''95a. Law enforcement powers.''.

SEC. 313. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub.L. 107-173, is amended by striking subparagraph (G) and inserting the following:

''(G) The United States Coast Guard.''.

TITLE IV—MISCELLANEOUS

SEC. 401. CONVEYANCE OF LIGHTHOUSES.

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

''(4) LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply with those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.''.

SEC. 402. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2004. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

Mr. KERRY. Mr. President, I rise today to discuss the merits of the Coast Guard Authorization Act of 2003. This bill authorizes appropriations for fiscal year 2004 for the Coast Guard and will be introduced by my subcommittee chairman Senator SNOWE today. I thank Senator SNOWE for her work on this legislation and her willingness to work with me and others on the Commerce Committee to improve it.

The events of September 11 resulted in a new mandate for the Coast Guard as port security and homeland defense missions rose to the forefront of its responsibilities. Homeland Security officials realized that our ports and sddcoastlines were vulnerable to terrorist attacks and quickly charged the Coast Guard with additional missions to help protect the homeland. Though I have no doubt that the Coast Guard will continue to play a valuable role in our domestic security, as it should, I have voiced my concern over the past year that traditional missions have suffered as a result of these new security responsibilities. Fishery patrols, drug and illegal immigrant interdiction and Marine resources protection have in large measure fallen by the wayside since September 11. We simply cannot allow this to happen. We should provide the Coast Guard sufficient funding to meet its new and traditional missions.

In light of this, I am pleased that the bill increases the Coast Guard's budget by 10 percent, to $6.8 billion. This reflects a $500 million increase over last year's budget and is virtually identical to what the President has requested. Of this amount, roughly $4.7 billion is earmarked for operating expenses, an increase of $400 million over fiscal year 2003. The bill also authorizes $775 million for acquisition, construction and improvements, a $33 million increase over fiscal year 2003.

Although I support these budget numbers, I have not co-sponsored the bill because it does not include an authorization for the costs the Coast Guard will incur complying with the Maritime Transportation Security Act we passed last year. We know that the Coast Guard will require addition funds to oversee and coordinate the port security upgrades mandated by the law, and I feel strongly that a port security provision needs to be added to the bill before it passes the Senate. Considering that we are waging a war on terror, port security should be part of any Coast Guard reauthorization bill. Senator SNOWE has agreed to work with me to draft additional language which would provide the Coast Guard with adequate funding. I look forward to

drafting a comprehensive provision with my colleague to help the Coast Guard improve port security.

The Coast Guard has unique missions not covered by any other Federal agency. It is the only U.S. military service with domestic law enforcement authority, and it has taken on many new homeland security missions since September 11. As such, I am pleased that the bill authorizes an active duty personnel level of 45,500. I've consistently supported raising personnel levels because the agency is charged with patrolling 95,000 miles of coastline, enforcing fish and marine conservation laws, conducting search-and-rescue missions, drug and illegal immigrant interdiction, along with its new homeland security missions. This is an awesome responsibility for an agency that is smaller than the New York City Police Department. Ultimately, as the Coast Guard becomes more integrated into the Department of Homeland Security, we may need to authorize higher personnel levels to ensure that the agency can adequately meet all its missions.

I am also pleased that the bill includes a provision increasing funding levels for the Oil Spill Liability Trust Fund. For the past 3 years, emergency fund expenditures have exceeded the $50 million annual appropriation, reaching a projected high of over $100 million this fiscal year. The fund has relied on carryovers from prior year balances to augment the annual appropriation and meet the increased need. This provision would increase the amount of the annual appropriation from $50 million to $150 million, thus reducing reliance on carryovers from prior year balances to augment the annual appropriation and meet the increased need.

I will also be working with my colleagues to include several other important provisions in this legislation as we move forward. For example, because the Coast Guard is still below pre-9/11 levels for fisheries enforcement, I will be seeking a provision that will require the Coast Guard to better coordinate its fisheries enforcement efforts with other Federal agencies, such as NOAA, and relevant State and local agencies. Also, some measures ought to be taken to extend certain provisions of the Oil Pollution Act to vessels that, due to their size, still pose a significant risk to our environment in the event of an oil spill.

Lastly, I would like to acknowledge the inclusion of a $25 million authorization for the Loran-C radio navigation system, which is used by fishermen and general aviation pilots as well as the Coast Guard. The Loran system is very reliable, and I feel strongly that we should continue to fund it as a secondary navigation system to the Global Positioning System. Although GPS is certainly the most sophisticated and modern tracking system now in operation, it is imperative that we retain an alternative navigation system and not simply throw all of our eggs in one basket. GPS signals can be jammed and are subject to interference. The Loran-C provision has been in past Coast Guard reauthorization bills and was fully appropriated by the Congress for fiscal year 2003. It is important that we continue to support this system.

I support the provisions in this bill and I look forward to improving it as it moves through the legislative process.

By Mr. BOND (for himself and Mr. JOHNSON):

S. 735. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an inequity facing an important segment of the small business community. This legislation is simple and straight forward—it adjusts the current tax exemption that has existed since 1942 for small property and casualty, P&C, insurance companies so that it keeps pace with inflation.

As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I have heard from many small P&C insurers in Missouri and across the Nation that they are having to consider raising their premiums simply because the tax laws have not kept pace with inflation. Under current law, mutual and stock P&C insurance companies are exempt from Federal income taxes if the greater of their direct or net written premiums in a taxable year do not exceed $350,000.

For companies that grow above the $350,000 threshold, current law permits electing P&C insurance companies to be taxed only on their investment income, provided their premiums do not exceed $1.2 million. Unfortunately, these thresholds, which were last updated in the Tax Reform Act of 1986, have not been adjusted for inflation.

This situation has created an unintended outcome. Take, for instance, a small P&C insurer in my State that started insuring the local farmers in the late 1980s. Over the ensuing years, the company's client base changed very little, but the insurance premiums increased gradually to keep pace with inflationary pressures. As a result, while the business itself has not grown, its premium base has and with it the loss of the tax exemption (or the alternative tax on investment income).

For the farmers and ranchers covered by the small P&C insurer, this loss is certain to mean higher insurance premiums, leaving the client with the choice of cutting coverage or paying higher costs, neither of which is a real option. And for our agricultural community over the past few years, this choice is about the last thing they need.

The bill I introduce today would correct this problem by simply adjusting the $350,000 and $1.2 million thresholds to bring them up to the level they would have been this year if the 1986 tax code had included an inflation adjustment. Accordingly, the tax exemption would apply to P&C insurers with premiums that do not exceed $575,000, and the alternative for taxation of investment income would apply to companies with premiums above $575,000 but not more than $1,971,000. The bill would apply for taxable years beginning in 2003 and would index both thresholds for inflation thereafter.

According to the National Association of Mutual Insurance Companies, this legislation will help at least 665 small P&C insurance companies nationwide. In my State under current law, only 23 out of 86 small insurance companies are currently tax-exempt. Under this proposed legislation, at least 66 of the 86 small insurance companies will be covered, thereby enabling them to continue providing critical insurance coverage to small businesses across Missouri.

With this legislation, we have an opportunity to infuse some fairness into our tax code and at the same time help the thousands of farmers, ranchers, and entrepreneurs covered by small P&C insurers in this country. I ask my colleagues to support this legislation, and I look forward to working with the Finance Committee to see it enacted into law.

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. 735

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 ''Small Insurance Company Inflation Adjustment Act''.

SEC. 2. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) PREMIUM LIMITATIONS INCREASED TO REFLECT INFLATION SINCE FIRST IMPOSED.—

(1) INCREASED LIMITATIONS FOR EXEMPTION FROM TAX.—

(A) Subparagraph (A) of section 501(c)(15) of the Internal Revenue Code of 1986 is amended by striking ''$350,000'' and inserting ''$575,000''.

(B) Paragraph (15) of section 501(c) of such Code is amended by adding at the end the following new subparagraph:

''(D) In the case of any taxable year beginning in a calendar year after 2003, the $575,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $575,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(2) INCREASED LIMITATIONS FOR ALTERNATIVE TAX LIABILITY.—

(A) Clause (i) of section 831(b)(2)(A) of such Code is amended to read as follows:

''(i) the net written premiums (or, if greater, direct written premiums) for the taxable year exceed the amount applicable under section 501(c)(15)(A) but do not exceed $1,971,000, and ''.

(B) Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, the $1,971,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $1,971,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ENSIGN (for himself, Mr. ALLARD, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. LEVIN, Mr. LUGAR, Mr. HAGEL, Mr. LIEBERMAN, Mr. WYDEN, Mr. REID, and Mr. LEAHY):

S. 736. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I rise to introduce the Animal Fighting Enforcement Prohibition Act. I would like to thank my colleagues for their support in this endeavor to protect the welfare of animals. This legislation targets the troubling, widespread, and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 46 states. Cockfighting is illegal in 47 States, and it is a felony in 26 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animals fighting industries thrive. There are 11 underground dogfighting publications and several above-ground cockfighting magazines. These magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the Farm Bill last year, a provision was included that closed loopholes in Section 26 of the Animal Welfare Act. Both the House and the Senate increased the maximum jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act from one year to two years, making any violation a federal felony. However, during the conference, the jail-time increase was removed.

The legislation that I am introducing today seeks to do three things. First, it restores the jail-time increase to treat the violations as a felony. I am informed by U.S. Attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. To illustrate this, it is important to note that only three cases since 1976 have advanced, even though the USDA has received innumerable tips from informants and requests to assist with State and local prosecutions. Increased penalties will provide a greater incentive for Federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as ''slashers.'' The slashers and ice-pick-like gaffs are attached to the legs of birds to make the cockfighting more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

Finally, the bill updates language regarding the procedures that enforcement agents follow when they seize the animals. This regards the proper care and transportation of the animals that are seized. It also states that the court may order the convicted person to pay for the costs incurred in the housing, care, feeding, and treatment of the animals.

This legislation is timely. Its need is emphasized with the recent outbreaks of Exotic Newcastle disease among poultry in my home state of Nevada. Exotic Newcastle disease is a deadly virus that spreads through migratory birds, vehicles, people's shoes, even across great distances through the air to attack birds of all types. It already has led to the destruction of about three million chickens and other birds in Nevada, California, and Arizona. It is widely suspected that illegal cockfighting contributes to the continuing spread of this disease. Agriculture interests in every state that houses the poultry industry are at risk of destruction by the possible spread of this disease. One of the ways to ensure greater protection against the spread of Exotic Newcastle Disease is to enforce the ban on interstate shipments of birds for the purpose of fighting. Our bill ensures that penalties are in place that will guarantee the enforcement of this ban.

I appreciate the strong support of Senators ALLARD, CANTWELL, DORGAN, HAGEL, HARKIN, LEAHY, LEVIN, LIEBERMAN, LUGAR, REID, and WYDEN in this effort and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative ROBERT ANDREWS for his leadership on a House version of this bill. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

By Mrs. BOXER:

S. 738. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing a bill that will protect hundreds of thousands of acres of wilderness in Northern California. The Northern California Coastal Wild Heritage Wilderness Act would designate 295,410 acres in 14 areas as Federal wilderness and would protect 24.4 miles of the Black Butte Creek.

California's natural treasures have always been one of the things that make California unique, drawing millions of people to them over the years to revel in their wild beauty. But that beauty must not be taken for granted. That is why I introduced the California Wild Heritage Act during the 107th Congress and will soon be reintroducing it. It was the first statewide wilderness bill for California since 1984.

The California Wild Heritage Act would protect more than 2.5 million acres of public land, as well as the free-flowing portions of 22 rivers. Every acre of wild land is a treasure, but the areas protected in this bill are some of California's most precious.

I was thrilled that the 107th Congress passed legislation to designate over 56,000 acres of my statewide bill, lands in the Los Padres National Forest, as wilderness. It was a wonderful first step. While I look forward to passage of the entire statewide bill, it is important that we move now to designate these special places as California wilderness areas.

That is why today I am pleased to be joining Representative MIKE THOMPSON of California in introducing legislation that contains the portions of my bill in five counties in California's First Congressional District. Let me mention a couple of examples. In southwestern Humboldt and northwestern Mendocino counties, 41,100 acres of the King Range will be protected as wilderness. This is the wildest portion of the California coast, boasting the longest stretch of undeveloped coastline in the United States outside of Alaska. This bill also protects 24.4 miles of the Black Butte Creek as a wild and scenic river. Black Butte Creek is so wild it is only crossed by one road for its entire length.

This bill would also protect the precious plant and animal species that make their homes in these areas. Endangered and threatened species whose habitats will be protected by this bill

include the California brown pelican, steelhead trout, coho salmon, bald eagle, peregrine falcon, northern spotted owl, and Roosevelt elk.

For every Californian, there is currently less than half an acre of wilderness set aside. This is too little. During the last 20 years, 675,000 acres of unprotected wilderness—approximately the size of Yosemite National Park—lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people by the middle of the century, these development pressures are going to skyrocket. If we fail to act now, there simply will not be any wild lands or wild rivers left to protect.

Those of us who live in the United States have a very special responsibility to protect our natural heritage. Past generations have done it. They have left us with the wonderful and amazing gifts of Yosemite, Big Sur and Joshua Tree. These are places that Americans cannot imagine living without. Now it is our turn to protect this legacy for future generations—for our children's children, and their children. This bill is a start.

By Mr. AKAKA (for himself, Mr. DOMENICI, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. BAYH, Mr. INOUYE, and Mr. BINGAMAN):

S. 739. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I am pleased to join Senator DOMENICI, Chairman of the Senate Energy and Natural Resources Committee, and my colleagues Senator LIEBERMAN, Senator KYL, Senator REID, Senator BAYH, and Senator INOUYE, in introducing legislation that affirms the priority and importance of hydrogen programs in Federal research and development initiatives and charts a course of action toward the ''hydrogen economy.'' The legislation reauthorizes the hydrogen programs in the Department of Energy and strengthens the Federal interagency effort to promote hydrogen research and development programs. It establishes a new program to demonstrate hydrogen technologies and their integration with fuel cells at Federal, State, and local government facilities.

Growing numbers of my colleagues in the Senate and in the House have indicated their interest in and commitment to promoting a hydrogen economy for the future. This commitment comes from a substantial legacy in the House and the Senate. This bill carries the names of two former Congressmen—the late George E. Brown, Jr., and Robert S. Walker—to honor their formidable and dedicated advocacy of hydrogen as a fuel source. In the Senate, my predecessor, Senator Spark Matsunaga, created the first formal hydrogen research program in this country, designed to accelerate development of a domestic capability to produce an economically renewable energy source. He introduced legislation in 1982 and his perseverance led to the Matsunaga Hydrogen Act, enacted in 1990 shortly after his death. When I succeeded Spark in the Senate, I took up the cause of hydrogen and continue to believe that it is one of our best hopes for independence from fossil fuels.

The Hydrogen Future Act of 1996, which followed the Matsunaga Hydrogen Act, expanded the research, development, and demonstration program. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications. It has enjoyed bipartisan support in Congress.

More recently in the 107th Congress, I have worked closely with Senator HARKIN and my colleagues on the Energy Committee to reauthorize the Hydrogen Future Act. We were able to include it in the Energy Policy Act of 2002, the comprehensive energy policy bill considered by the Senate during the spring of 2002. While the Senate and House were unable to come to agreement on the omnibus bill itself, progress was made on the research and development provisions, including hydrogen. I am pleased that many of my colleagues have begun to recognize the potential of hydrogen as a clean source of energy. I expect the numbers will only increase.

You may well ask, ''Why do we need the Hydrogen Future Act of 2003 when we have the President's initiatives for hydrogen?'' Because we need to reauthorize the underlying Federal framework for the direction of and investment in hydrogen research and development. The authorization for the program expired at the end of calendar year 2001. While I share the President's enthusiasm for hydrogen, I believe we must provide a robust legislative foundation for research and development involving hydrogen—for fuel cells, for demonstration projects at Government facilities, stationary and mobile projects, and near- and short-term goals, as well as long-term goals. The Hydrogen Future Act of 2003 reauthorizes and improves this strong foundation. I like to call my bill a ''workhorse'' bill. It is not fancy, but we need it and it gets the job done.

The bill highlights hydrogen's potential as an efficient and environmentally friendly source of energy. It emphasizes the need for strong partnerships between the Federal Government, industry, and academia; and it underscores the importance of hydrogen research. The bill also encourages private sector investment and cost sharing for the development of hydrogen as an energy source. These basic steps will move hydrogen closer to being a fuel we can rely on in many different aspects of our lives.

In these days of soaring energy prices, oil cartels, air pollution, global climate change and greenhouse gases, hydrogen is a dazzling alternative. We can have a zero-pollution fuel. It can be produced domestically, ending our dependence on foreign oil. The question is not whether there will be a hydrogen age but when.

Hydrogen as a fuel can help us resolve our energy problems and satisfy much of the world's energy needs. I am convinced that sometime in the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources.

In the next twenty years, increasing concerns about global climate change and energy security will help bring about the penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors. I realize that fossil fuels are and will continue to be a significant long-term transitional resource as we move toward renewables. I am optimistic, however, that in my lifetime I will be able to see hospitals, homes, military bases and cars running on locally-produced sources of hydrogen.

Clearly, this is a long-term vision for hydrogen energy as a renewable resource. Progress on hydrogen technology is being made, and challenges and barriers are being surmounted, at an accelerating pace on a global scale. According to the Japanese Automobile Manufacturers Association, Toyota and Honda will sell or lease fuel cell vehicles in the U.S. and Japan this year. Ford Motor Company is now showing its new hydrogen powered prototype, the Ford Model U. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. General Motors recently unveiled a stationary, hydrogen-powered generator that could be used to provide energy for homes and businesses. Transit bus demonstrations are underway in the U.S. and Europe. The Nation's capital city, Washington, DC, is one of the cities participating in the project.

We are all familiar with Iceland's farsighted bid to become the world's first hydrogen-based economy. It has already made great strides in using renewable resources for its heating and electricity needs. The Nation is committed to transforming its remaining fossil fuel-based transportation sector, and its economically important fishing fleet, to hydrogen power. Iceland will have no need to import oil. Now there is a revolutionary thought!

Closer to home, I am particularly pleased that the State of Hawaii is taking the lead in ushering in the hydrogen era. The State has identified hydrogen-based renewable fuels, and the jobs it can create, as a high priority, high-tech opportunity that can jump-start and diversify our economy. The

cost of electricity and gasoline in Hawaii are important incentives for finding cheaper, home-grown power. The Hawaii Natural Energy Institute of the University of Hawaii concluded that large-scale hydrogen use for transportation can be competitive this decade.

I am particularly pleased with the public-private partnership between the University of Hawaii's Natural Energy Institute, the Naval Research Laboratory, United Technologies Fuel Cells, and Hawaiian Electric Company. In January 2002, the Institute announced a partnership with the Department of Defense to establish a hydrogen fuel cell test facility in Honolulu. The facility will house up to eight state-of-the art fuel cell test stands and related operations supporting fuel cell development. The Institute has made Hawaii a leader in the development and testing of advanced fuel cell systems and fuels processing.

In California, the State's zero emissions vehicle requirements favor early introduction of hydrogen-powered vehicles. The city of Richmond, CA, opened the area's first hydrogen fueling station in October, 2002. The hydrogen fueling station looks like a gasoline pump, and can supply the daily fueling needs of a small fleet of vehicles at a fueling rate of one to two minutes per vehicle. These are important initiatives and illustrate the value of public-private partnerships along the pathway to a different energy source that requires an entirely different infrastructure.

Despite the progress, problems and challenges remain. First, hydrogen production costs from fossil and renewable energy sources remain high. Second, attractive low-cost storage technologies are not available. Third, the infrastructure is inadequate. We need to address these challenges and barriers if we are to enjoy the benefits of an efficient and environmentally friendly energy sources.

An aggressive research and development program can help us overcome these challenges by reducing production costs from fossil and renewable sources, advancing storage technologies, and addressing safety concerns with efforts in establishing codes and standards. Our Nation needs a sustained and focused research, development, and demonstration program to make hydrogen a viable source of energy.

The strategy should focus on mid-term and long-term goals. We must support development of technologies that enable distributed electric-generation fuel cell systems and hydrogen fuel cell vehicles for transportation applications. For the long term, we should look to hydrogen technologies that enhance renewable systems and offer us the promise of clean, abundant fuels.

The current Hydrogen Program, administered by the Department of Energy, supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safe and cost-effective manner. Some of these new technologies may become available for wider use in the next few years. The most promising include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, and reversible Proton Exchange Membrane, PEM, fuel cell systems. Other projects lay the groundwork for long range opportunities. These activities need continued support if the Nation is to enjoy the benefits of a clean energy source.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. The Lawrence Livermore, Los Alamos, Sandia, and Oak Ridge National Laboratories, as well as Jet Propulsion Laboratory and National Renewable Energy Laboratory, are involved in the program. The DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at the University of Miami and the University of Hawaii. U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. Cooperation between government, industry, universities, and the national laboratories is key to the successful development and commercialization of new and environmentally friendly energy technologies.

Today we are introducing legislation that reauthorizes and expands the Hydrogen Future Act of 1996. It highlights the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, state and local governments, universities, and industry, and modifies the current cost-sharing requirements to enable more participation in research projects by small companies. It adds provisions for the demonstration of hydrogen technologies at government facilities to expedite wider application of these technologies. The bill includes language to encourage international activities where appropriate in the DOE programs, both because of the need to develop world markets for our products and to encourage international development on a sustainable path. The legislation clarifies the composition of the Hydrogen Technical Advisory Panel that oversees the program for DOE and enhances interagency and inter-governmental cooperation in the hydrogen program.

The legislation we are introducing today authorizes $300 million over the next five years for research and development for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

The bill also authorizes $135 million for conducting integrated demonstrations of hydrogen technologies at governmental facilities. This provision will help secure industry participation through competitive solicitations for technology development and testing. It will test the viability of hydrogen production, storage, and use, and lead to the development of hydrogen-based operating experience acceptable to meet safety codes and standards.

By supporting this bill, we will be ushering in a new era of non-polluting energy. I urge my colleagues to support this important legislation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BUNNING, Mr. HOLLINGS, Mr. DAYTON, Ms. LANDRIEU, Ms. STABENOW, Mr. LAUTENBERG, and Mr. GRAHAM of South Carolina):

S. 740. A bill to amend title XVII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise to introduce the ''Colon Cancer Screen for Life Act of 2003.'' I am pleased that my colleagues Senators COLLINS, BUNNING, DAYTON, HOLLINGS, and LANDRIEU have joined me in introducing this very important bill.

As many of my colleagues know from personal experience, colon cancer is a devastating disease, taking the lives of 57,000 Americans each year. It is the fourth most commonly diagnosed cancer in both men and women and the second most common cause of cancer-related death in the nation. Close to 150,000 new cases are diagnosed each year.

But colon cancer can be combated, controlled, and potentially conquered if it's caught in the earliest stages. In fact, colon cancer is a rare form of cancer in that it can even be prevented through screening—if pre-cancerous polyps are quickly identified and removed.

The survival rate when colon cancer is detected at an early, localized stage is 90 percent. But only 37 percent of such cancers are discovered at that stage. The later the disease is caught, the lower the survival rate.

That's why, in 1997, Congress led the fight against colon cancer by making screening for the disease a covered benefit for every Medicare recipient. That is especially significant because the risk of colon cancer rises with age.

Heightened awareness and greater access to treatment are working. Over the last 15 years, we've seen steady, if slow, annual declines in both incidence rates and mortality rates tied to colon cancer.

But we can do more, because barriers to screening still exist. Since the preventive benefits were enacted in 1997, there has been only a one percent increase in utilization by Medicare beneficiaries of either a screening or diagnostic colonoscopy. The Centers for Disease Control reports that screening for colon cancer lags far behind screening for other cancers.

We must do better and we can.

Modern technology has blessed us with extremely accurate screening tools, in particular the colonoscopy—which results in higher colon cancer identification rates and better long-term survival rates. A consultation with a doctor before a colonoscopy is required to ensure that patients are properly prepared before they undergo the procedure.

Unfortunately, Medicare does not pay for that consultation before a screening, creating an obvious obstacle to preventive treatment for many men and women. The Colon Cancer ''Screen for Life'' Act would cover these medical visits so that more Medicare beneficiaries will have easy access to screening.

Further, with this legislation, just as Congress has done for screening mammography, screening colonoscopy will not count toward a senior's Medicare deductible. This will remove additional financial disincentives to screening.

Finally, with this bill, we're breaking through another big barrier to early detection and treatment.

The medical reality is that colonoscopy procedures are invasive and require sedation to perform—making it safer for them to be conducted in a hospital setting, where safety standards and emergency procedures are in place, rather than in a private doctor's office. But when doctors perform colonoscopies for Medicare patients in a hospital, they take a hit on cost—because reimbursement for the procedure performed there has decreased by nearly 36 percent since 1997.

As a result, to balance their budgets, doctors and hospitals may choose to space out their Medicare patients, creating long waits for and limited access to these vital screenings.

The job of medical services should be cutting cancer, not cutting costs. Unfortunately, today something as critical as colon cancer screening is moderated not by the real needs of patients and their medical doctors, but by market forces and market forces alone.

To address the problem, the ''Screen for Life'' Act would increase the payment rates for colonoscopies performed in hospital facilities by 30 percent. The result will be more access to early detection and treatment and thousands of lives saved.

Colon cancer is a formidable foe, but we can make a difference in the fight against it. Early detection and treatment is our first line of defense.

With the help of the Colon Cancer ''Screen for Life'' Act, I hope that in a decade we'll have fewer cancer cases to contend with and more survivors to celebrate the simple fact that screening saves lives.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. MILLER, Mr. ALLARD, Mrs. LINCOLN, Mr. ENSIGN, Ms. COLLINS, Mr. CRAPO, Mr. CRAIG, and Mr. HARKIN):

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SESSIONS. Mr. President, I rise today in order to bring attention to a problem that unfortunately goes largely unnoticed except by those who are directly affected. Livestock and food animal producers, pet owners, zoo and wildlife biologists, and animals themselves face a severe shortage of approved animal drugs for use in minor species.

Minor species include thousands of animal species, including all fish, most birds, and sheep. By definition, minor species are any animals other than the major species—cattle, horses, chickens, turkeys, dogs, and cats. A similar shortage of drugs and medicines for major animal species exists for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availabiliity for these minor use drugs, millions of animals go untreated or treatment is delayed. Unnecessary animal physical and human emotional suffering results, and human health may be threatened as well.

Without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie. This causes severe economic hardship to struggling ranchers and farmers. For example, sheep ranchers lost nearly $42 million worth of livestock alone in 2002. The sheep industry estimates that if it had access to effective and necessary drugs to treat diseases, growers' reproduction costs for their animals would be cut by up to 15 percent. In addition, feedlot deaths would be reduced by 1 to 2 percent, adding approximately $8 million of revenue to the industry.

Alabama's catfish industry ranks second in the Nation. Though it is not the State's only aquacultural commodity, catfish is by far its largest. The catfish industry generates enormous economic opportunity in the State, particularly in West Alabama, one of the poorest regions in the State.

The catfish industry estimates its losses at $60 million per year attributable to diseases for which drugs are not available. Indeed, it is not uncommon for a catfish producer to lose half his stock due to disease. The U.S. aquaculture industry overall, including food fish and ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 6 drugs approved and available for use in treating aquaculture animal diseases. This results in tremendous economic hardship and animal suffering.

Because of limited market opportunity, low profit margins, and the enormous capital investment required, it is seldom economically feasible for drug manufacturers to pursue research and development and then seek approval for drugs used in treating minor species and for infrequent conditions and diseases in all animals.

I, along with Senator BINGAMAN, Senator ALLARD, Senator COLLINS, Senator CRAPO, Senator MILLER, Senator CRAIG, Senator ENSIGN, and Senator LINCOLN, resolve to improve this situation by introducing the Minor Use and Minor Species Animal Health Act of 2003. This legislation will allow animal drug manufacturers the opportunity to develop and obtain approval for minor use drugs which are vitally needed by a wide variety of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals.

This legislation creates a program very similar to the successful Human Orphan Drug Program that has dramatically increased the availability of drugs to treat rare human diseases over the past 20 years.

The bill establishes two new ways to lawfully market new animal drugs:

First, it establishes a conditional approval mechanism for new animal drugs for minor uses and minor species. Conditionally approved new animal drugs must meet the same new approval requirements for safety as new animal drugs approved under section 512 of the FDC Act. However, the effectiveness standard for conditionally approved drugs would differ from the effectiveness standard for new drugs approved under Section 512 in that a ''reasonable expectation of effectiveness'' rather than ''substantial evidence of effectiveness'' would be demonstrated. If the FDA approves an application for conditional approval, this approval will be in effect for 1 year, renewable for a maximum of 4 additional 1 year terms. This conditional approval is intended to allow drug sponsors to recoup some development costs through marketing the product prior to full, unconditional approval.

Second, this legislation provides for an index of legally marketed unapproved new animal drugs for some non-food minor animal species. The index is intended to provide a way to lawfully market those minor species drugs for which there is unlikely to be sufficient financial incentive to seek a full or conditional approval. If the FDA determines that a new animal drug is eligible for listing on the index, the new drug will be added to the index if the

benefits of using the drug outweigh the risks, taking into account the harm caused by the absence of an approved or conditionally approved drug for the use in question. The addition of a drug to the index will be based in large part on a report of an independent expert panel.

The Minor Use and Minor Species Animal Health Act will not alter FDA drug-approval responsibilities that ensure the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. This rigorous testing and review process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from treated animals. Current FDA requirements include guidelines to prevent harmful residues and evaluations to examine the potential for the selection guidelines to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any food animal medicine or drug considered for approval under this bill would be subject to these same assessments.

The Minor Use and Minor Species Animal Health Act is supported by 43 organizations, including the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and the National Aquaculture Association. This is vital legislation.

This Act will reduce the economic risks and hardships which fall upon ranchers and farmers as a result of livestock diseases. It will benefit pets and their owners and benefit various endangered species and aquatic animals. The Act also will promote the health of all animal species while protecting human health and will alleviate unnecessary animal suffering. This is common-sense legislation which will benefit millions of American pet owners, farmers, and ranchers.

By Mr. BROWNBACK (for himself, Mrs. CLINTON, Mr. LEAHY, Ms. MIKULSKI, Mr. SMITH, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. BINGAMAN):

S. 742. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. 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. 742

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 ''International Disability and Victims of Warfare and Civil Strife Assistance Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following finding:

(1)(A) According to the International Committee of the Red Cross, there are tens of millions of landmines in over 60 countries around the world, and it has estimated that as many as 24,000 people are maimed or killed each year by landmines, mostly civilians, resulting in amputations and disabilities of various kinds.

(B) While the United States Government invests more than $100,000,000 in mine action programs annually, including funding for mine awareness and demining training programs, only about ten percent of these funds go to directly aid landmine victims.

(C) The Patrick Leahy War Victims Fund, administered by the United States Agency for International Development, has provided essential prosthetics and rehabilitation for landmine and other war victims in developing countries who are disabled and has provided long-term sustainable improvements in quality of life for victims of civil strife and warfare, addressing such issues as barrier-free accessibility, reduction of social stigmatization, and increasing economic opportunities.

(D) Enhanced coordination is needed among Federal agencies that carry out assistance programs in foreign countries for victims of landmines and other victims of civil strife and warfare to make better use of interagency expertise and resources.

(2) According to a review of Poverty and Disability commissioned by the World Bank, ''disabled people have lower education and income levels than the rest of the population. They are more likely to have incomes below poverty level than the non-disabled population, and they are less likely to have savings and other assets . . . [t]he links between poverty and disability go two ways—not only does disability add to the risk of poverty, but conditions of poverty add to the risk of disability.''.

(3) Numerous international human rights conventions and declarations recognize the need to protect the rights of individuals regardless of their status, including those individuals with disabilities, through the principles of equality and non-discrimination.

(b) PURPOSE.—The purpose of this Act is to authorize assistance for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

SEC. 3. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 134 the following:

SEC. 135. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.

''(a) AUTHORIZATION.—the President is authorized to furnish assistance to individuals with disabilities, including victims of civil strife and warfare, in foreign countries.l

''(b) ACTIVITIES.—The programs established pursuant to subsection (a) may includes programs, projects, and activities such as the following:

''(1) Development of local capacity to provide medical and rehabilitation services for individuals with disabilities, including victims of civil strife and warfare, in foreign countries, such as—

''(A) support for and training of medical professionals, including surgeons, nurses, and physical therapists, to provide effective emergency and other medical care and for the development of training manuals relating to first aid and other medical treatment;

''(B) support for sustainable prosthetic and orthotic services; and

''(C) psychological and social rehabilitation of such individuals, together with their families as appropriate, for the reintegration of such individuals into local communities.

''(2) Support for policy reform and educational efforts related to the needs and abilities of individuals with disabilities, including victims of civil strife and warfare.

''(3) Coordination of programs established pursuant to subsection (a) with existing programs for individuals with disabilities, including victims of civil strife and warfare, in foreign countries.

''(4) Support for establishment of appropriate entities in foreign countries to coordinate programs, projects, and activities related to assistance for individuals with disabilities, including victims of civil strife and warfare.

''(5) Support for primary, secondary, and vocational education, public awareness and training programs and other activities that help prevent war-related injuries and assist individuals with disabilities, including victims of civil strife and warfare, with their reintegration into society and their ability to make sustained social and economic contributions to society.

''(c) PRIORITY.—To the maximum extent feasible, assistance under this section shall be provided through nongovernmental organizations, and, as appropriate, through governments to establish appropriate norms, standards, and policies related to rehabilitation and issues affecting individuals with disabilities, including victims of civil strife and warfare.

''(d) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 are authorized to be made available to carry out this section and are authorized to be provided notwithstanding any other provision of law.''.

SEC. 4. RESEARCH, PREVENTION, AND ASSISTANCE RELATED TO INTERNATIONAL DISABILITIES AND LANDMINE AND OTHER WAR VICTIMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is authorized—

(A) to conduct programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare;

(B) to provide grants to nongovernmental organizations for the purpose of carrying out research, prevention, public awareness and assistance programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

(2) APPROVAL OF SECRETARY OF STATE.—Activities under programs established pursuant to paragraph (1) may be carried out in foreign countries only in coordination with the Administrator of the United States Agency for International Development, and upon approval for such activities in such countries by the Secretary of State.

(b) ACTIVITIES.—Programs established pursuant to subsection (a) may include the following activities:

(1) Research on trauma, physical, psychological, and social rehabilitation, and continuing medical care related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, including—

(A) conducting research on psychological and social factors that lead to successful recovery;

(B) developing, testing, and evaluating model interventions that reduce post-traumatic stress and promote health and well-being;

(C) developing basic instruction tools for initial medical response to traumatic injuries; and

(D) developing basic instruction manuals for patients and healthcare providers, including for emergency and follow-up care, proper

amputation procedures, and reconstructive surgery.

(2) Facilitation of peer support networks for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, in foreign countries, including—

(A) establishment of organizations at the local level, administered by such individuals, to assess and address the physical, psychological, economic and social rehabilitation and other needs of such individuals, together with their families as appropriate, for the purpose of economic and social reintegration into local communities; and

(B) training related to the implementation of such peer support networks, including training of outreach workers to assist in the establishment of organizations such as those described in subparagraph (A) and assistance to facilitate the use of the networks by such individuals.

(3) Sharing of expertise from limb-loss and disability research centers in the United States with similar centers and facilities in war-affected countries, including promoting increased health for individuals with limb loss and limb deficiency and epidemiological research on secondary medical conditions related to limb loss and limb deficiency.

(4) Developing a database of best practices to address the needs of the war-related disabled through comprehensive examination of support activities related to such disability and access to medical care and supplies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2004.

SEC. 5. EXPERTISE OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs is authorized—

(1) to provide advice and expertise on prosthetics, orthotics, physical and psychological rehabilitation and treatment, and disability assistance to other Federal departments and agencies, including providing for temporary assignment on a non-reimbursable basis of appropriate Department of Veterans Affairs personnel, with respect to the implementation of programs to provide assistance to victims of landmines and other victims of civil strife and warfare in foreign countries and landmine research and health-related programs, including programs established pursuant to section 135 of the Foreign Assistance Act of 1961 (as added by section 3 of this Act) and programs established pursuant to section 4 of this Act; and

(2) to provide technical assistance to private voluntary organizations on a reimbursable basis with respect to the planning, development, operation, and evaluation of such landmine assistance, research, and prevention programs.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 31—EXPRESSING THE OUTRAGE OF CONGRESS AT THE TREATMENT OF CERTAIN AMERICAN PRISONERS OF WAR BY THE GOVERNMENT OF IRAQ

Mr. FRIST (for Mr. LIEBERMAN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER)) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas the Authorization for Use of Military Force Against Iraq Rresolution of 2002 (Public Law 107–243; 166 Stat. 1498), enacted into law on October 16, 2002, authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq;

Whereas a coalition of nations, under the authority of United Nations Security Council resolution 678 adopted on November 29, 1990 and authorizing member states to use ''all necessary means to uphold and implement resolution 660 (1990),'' initiated military action against Iraq in 1991 to enforce compliance with the resolutions of the Security Council;

Whereas the United Nations Security Council, pursuant to Security Council resolution 687 adopted on April 3, 1991, established a cease-fire subject to compliance with specific conditions and obligations on the part of Iraq;

Whereas the United Nations Security Council unanimously approved Security Council resolution 1441 on November 8, 2002, declaring that Iraq ''has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the [International Atomic Energy Agency (IAEA)], and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991)'';

Whereas Iraq failed to avail itself of the ''final opportunity to comply with its disarmament obligations under relevant resolutions of the Council'' that was offered by United Nations Security Council resolution 1441 by failing to ''cooperate immediately, unconditionally, and actively with [the United Nations Monitoring Verification and Inspection Commission (UNMOVIC)] and the IAEA'' and by failing to ''not take or threaten hostile Acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution'';

Whereas the President, acting pursuant to his constitutional authority and the authorization of Congress, declared on March 19, 2003 that the United States had initiated military operations in Iraq;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiryah, demonstrating, as the President said on March 26, 2003, that in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners'';

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950 (''the Geneva Convention'');

Whereas the Geneva Convention requires that ''[p]risoners of war must at all times be humanely treated'' and specifically ''must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity'';

Whereas the Geneva Convention stipulates that ''[p]risoners of war are entitled in all circumstances to respect for their persons and their honour'' and that ''[w]omen shall be treated with all the regard due to their sex'';

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its outrage at the flagrant violations by the Government of Iraq of the customary international law of war and the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950;

(2) supports in the strongest terms the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

(3) expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War, which afford prisoners of war the proper and humane treatment to which they are entitled; and

(4) expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

AMENDMENTS SUBMITTED AND PROPOSED

SA 433. Mr. BAUCUS (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. MILLER)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

TEXT OF AMENDMENTS

SA 433. Mr. BAUCUS (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. MILLER)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; as follows:

Strike all after the enactment clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Armed Forces Tax Fairness Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in