

SA 912. Mr. HOLLINGS (for Mr. DODD) proposed an amendment to the bill S. 824, supra.

SA 913. Mr. THOMAS proposed an amendment to the bill S. 824, supra.

SA 914. Mr. LOTT proposed an amendment to amendment SA 905 submitted by Mr. SPECTER (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. DAYTON) to the bill S. 824, supra.

SA 915. Mr. SPECTER (for himself and Mr. SANTORUM) proposed an amendment to the bill S. 824, supra.

SA 916. Mr. HOLLINGS proposed an amendment to the bill S. 824, supra.

SA 917. Mr. HOLLINGS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 824, supra.

SA 918. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 824, supra.

SA 919. Mr. HOLLINGS (for Mr. INOUE) proposed an amendment to the bill S. 824, supra.

SA 920. Mr. STEVENS proposed an amendment to the bill S. 824, supra.

SA 921. Mr. HOLLINGS (for Mr. HARKIN (for himself, Mr. INHOFE, and Mr. GRASSLEY)) proposed an amendment to the bill S. 824, supra.

SA 922. Mr. MCCAIN (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 824, supra.

SA 923. Mr. STEVENS proposed an amendment to the bill S. 824, supra.

SA 924. Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supporting the goals and ideals of "National Epilepsy Awareness Month" and urging support for epilepsy research and service programs.

SA 925. Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supra.

SA 926. Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supra.

#### TEXT OF AMENDMENTS

**SA 886.** Mr. CAMPBELL proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 101, strike line 1 and all that follows through page 128, line 24, and insert:

"(4) electrify Indian tribal land and the homes of tribal members."

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "Sec."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.

"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.

"Sec. 215. Office of Counterintelligence.

"Sec. 216. Office of Intelligence.

"Sec. 217. Office of Indian Energy Policy and Programs.

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy."

#### SEC. 303. INDIAN ENERGY.

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

##### "TITLE XXVI—INDIAN ENERGY

#### "SEC. 2601. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

"(2) The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancharia;

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe;

"(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

"(iii) by a dependent Indian community; and

"(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(3) The term 'Indian reservation' includes—

"(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

"(B) a public domain Indian allotment.

"(C) a former reservation in the State of Oklahoma;

"(D) a parcel of land owned by a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

"(E) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

"(i) on original or acquired territory of the community; or

"(ii) within or outside the boundaries of any particular State.

"(4) 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).

"(5) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(6) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

"(7) The term 'Program' means the Indian energy resource development program established under section 2602(a).

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

"(9) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other guarantee authorized by sections 2602 or 2603 of this title.

"(10) The term 'tribal land' means any land or interests in land owned by any Indian tribe, band nation, pueblo, community, rancharia, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation imposed by the United States.

"(11) The term 'vertical integration of energy resources' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

#### "SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

"(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

"(1) To assist Indian tribes in the development of energy resources and further the

goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

"(2) In carrying out the Program, the Secretary shall—

"(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

"(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

"(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

#### "(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

"(1) The Director shall establish programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

"(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

"(A) energy, energy efficiency, and energy conservation programs;

"(B) studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities.

"(C) planning, construction, development, operation maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

"(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

"(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

"(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

"(4) The Secretary of Energy may promulgate such regulations as necessary to carry out this subsection.

"(5) There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2004 through 2011.

#### "(c) LOAN GUARANTEE PROGRAM.—

"(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

"(2) A loan guarantee under this subsection shall be made by—

"(A) a financial institution subject to examination by the Secretary of Energy; or

"(B) an Indian tribe, from funds of the Indian tribe.

"(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed \$2,000,000,000.

“(4) The Secretary may promulgate such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

“(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

“(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

“(d) INDIAN ENERGY PREFERENCE.—

“(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

“(2) In carrying out this subsection, a Federal agency or department shall not—

“(A) pay more than the prevailing market price for an energy product or byproduct; and

“(B) obtain less than prevailing market terms and conditions.”

**“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.**

“(a) GRANTS.—The Secretary may provide to Indian tribes and tribal energy resource development organizations, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

“(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal energy resource development organization for—

“(1) the development of a tribal energy resource inventory or tribal energy resource on Indian land;

“(2) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

“(3) the development and enforcement of tribal laws and the development of technical infrastructure to protect the environment under applicable law; or

“(4) the training of employees that—

“(A) are engaged in the development of energy resources on Indian land; or

“(B) are responsible for protecting the environment.

“(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal energy resource development organizations scientific and technical data for use in the development and management of energy resources on Indian land.

**“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.**

“(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

“(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

“(A) exploration for, extraction of, processing of, or other development of energy resources on tribal land; and

“(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or a facility to process or refine energy resources developed on tribal land; and

“(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of law, if—

“(A) the lease or business agreement is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(B) the term of the lease or business agreement does not exceed—

“(i) 30 years; or

“(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

“(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

“(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

“(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years;

“(3) the pipeline or electric transmission or distribution line serves—

“(A) an electric generation, transmission, or distribution facility located on tribal land; or

“(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

“(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

“(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

“(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

“(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

“(1) On promulgation of regulations under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

“(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

“(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

“(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

“(ii) the tribal energy resource agreement includes provisions that, with respect to a

lease, business agreement, or right-of-way under this section—

“(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

“(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

“(III) address amendments and renewals;

“(IV) address consideration for the lease, business agreement, or right-of-way;

“(V) address technical or other relevant requirement;

“(VI) establish requirements for environmental review in accordance with subparagraph (C);

“(VII) ensure compliance with all applicable environmental laws;

“(VIII) identify final approval authority;

“(IX) provide for public notification of final approvals;

“(X) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way; and

“(XI) describe the remedies for breach of the lease, agreement, or right-of-way.

“(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

“(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative), including effects on cultural resources;

“(ii) the identification of proposed mitigation;

“(iii) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of the proposed action before tribal approval of the lease, business agreement, or right-of-way; and

“(iv) sufficient administrative support and technical capability to carry out the environmental review process.

“(D) A tribal energy resource agreement negotiated between the Secretary and an Indian Tribe in accordance with this subsection shall include—

“(i) provisions requiring the Secretary to conduct an annual trust asset evaluation to monitor the performance of the activities of the Indian tribe associated with the development of energy resources on tribal land by the Indian tribe; and

“(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical trust asset, provisions authorizing the Secretary to reassume responsibility for activities associated with the development of energy resources on tribal land.

“(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted under paragraph (1). The Secretary's review of a tribal energy resource agreement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) shall be limited to the direct effects of that approval.

“(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

“(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way

in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e)(8), provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

“(6)(A) Nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including those which derive from the trust relationship or from any treaties, Executive Orders, or agreements between the United States and any Indian tribe.

“(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement or right-of-way under this section by any other party to any such lease, business agreement or right-of-way.

“(C) Notwithstanding subparagraph (A), the United States shall not be liable to any party (including any Indian tribe) for any of the terms of, or any losses resulting from the terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved under subsection (e)(2).

“(7)(A) In this paragraph, the term ‘interested party’ means any person or entity the interests of which have sustained or will sustain a significant adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved under this subsection.

“(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal energy resource agreement approved under this subsection, the Secretary shall take such action as is necessary to compel compliance, including—

“(i) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with the approved tribal energy resource agreement; and

“(ii) rescinding approval of the tribal energy resource agreement and reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsections (a) and (b).

“(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

“(ii) provide the Indian tribe with a written notice of the violations together with the written determination; and

“(iii) before taking any action described in subparagraph (C)(ii) or seeking any other

remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

“(E)(i) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

“(ii) The decision of the Secretary with respect to an appeal described in clause (i), after any agency appeal provided for by regulation, shall constitute a final agency action.

“(8) Not later than 180 days after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall promulgate regulations that implement the provisions of this subsection, including—

“(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe; and

“(B) a process and requirements in accordance with which an Indian tribe may—

“(i) voluntarily rescind an approval tribal energy resource agreement approved by the Secretary under this subsection; and

“(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection.

“(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

“(1) any Federal environment law;

“(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

**“SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS.**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

“(2) The term ‘power marketing administration’ means—

“(A) the Bonneville Power Administration;

“(B) the Western Area Power Administration; and

“(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

“(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

“(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not pay more than the prevailing market price for an en-

ergy product nor obtain less than prevailing market terms and conditions.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

“(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

“(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(2) identifies—

“(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

“(f) AUTHORIZATION OF APPROPRIATIONS.—there is authorized to be appropriated to carry out this section \$750,000, which shall remain available until expended and shall not be reimbursable.

**“SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.**

“(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

“(1) the results of the review;

“(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

“(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

**“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.**

“(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

“(b) SCOPE OF STUDY.—The study shall—

“(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

“(3) assess the wind energy resource potential on tribal land and projected cost savings

through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

“(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

“(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

“(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

“(4) an identification of—

“(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

“(B) the manner in which such a partnership could contribute to the energy security of the United States.

“(d) FUNDING.—

“(1) There is authorized to be appropriated to carry out this section \$500,000, to remain available until expended.

“(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.”

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

“Sec. 2601. Definitions.

“Sec. 2602. Indian tribal energy resource development.

“Sec. 2603. Indian tribal energy resource regulation.

“Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.

“Sec. 2605. Federal Power Marketing Administrations.

“Sec. 2606. Indian mineral development review.

“Sec. 2607. Wind and hydropower feasibility study.

**SA 887.** Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table as follows:

On page 466, after line 22, insert the following:

**Subtitle —Transmission Facilities**

**SEC. . TRANSMISSION FACILITIES.**

(a) EXISTING FACILITIES.—The Secretary of Energy (acting through the Western Area Power Administration, the Southwestern Power Administration, or the Southeastern Power Administration) may design, develop, construct, operate, and maintain, or participate with other entities in designing, developing, constructing, operating, and maintaining, an electric power transmission facility and related facilities needed to upgrade existing transmission facilities owned or op-

erated by the applicable Federal power marketing agency if the Secretary of Energy determines that the proposed project is—

(1) necessary or advisable to accommodate an actual or projected increase in electric power transmission demand on, or to increase the reliability of, any part of the Federal or non-Federal electric power grid; and

(2) in the public interest.

(b) NEW FACILITIES.—The Secretary of Energy (acting through the Western Area Power Administration, the Southwestern Power Administration, or the Southeastern Power Administration) may design, develop, construct, operate, and maintain, or participate with other entities in designing, developing, constructing, operating, and maintaining, a new electric power transmission facility and related facilities located within any State in which the applicable Power Administration operates if the Secretary determines that the proposed facility—

(1)(A) is located in an interstate congestion area and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary or advisable to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) a plan approved by the appropriate regional transmission organization, if such an organization exists and is conducting such planning functions; and

(B) efficient and reliable operation of the transmission grid;

(3) would not duplicate the functions of transmission facilities proposed to be constructed, or operated, by any other transmitting utility; and

(4) would be operated by or in conformance with the rules of the appropriate regional transmission organization, if such an organization exists.

(c) OTHER FUNDS.—

(1) IN GENERAL.—In carrying out a project under subsection (a) or (b), the Secretary of Energy may accept and use funds contributed by another entity for the purpose of carrying out the project.

(2) AVAILABILITY.—The funds shall be available for expenditure for the purpose of carrying out the project—

(A) without fiscal year limitation; and

(B) as if the funds had been appropriated specifically for that purpose.

(3) ALLOCATION OF COSTS.—In carrying out a project under subsection (a) or (b), any costs of the project not paid for by contributions from another entity shall be allocated equitably among the project beneficiaries, including any non-Federal project participants and existing transmission users of the applicable Federal power marketing agency.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects any requirement of—

(1) any Federal environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) any Federal or State law relating to the siting of energy facilities.

**SA 888.** Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table as follows:

At the end of title II, add the following:

**SEC. 217. GARY/CHICAGO AIRPORT FUNDING.**

The Administrator of the Federal Aviation Administration shall, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City

of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

**SA 889.** Mr. MCCAIN proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 68, after the item relating to section 107, insert the following:

Sec. 108. Whistle-blower protection under Acquisition Management System.

On page 68, after the item relating to section 205 and insert the following:

Sec. 205. Secretary of Transportation to identify airport congestion-relief projects.

On page 68 strike the item relating to section 211 and insert the following:

Sec. 211. Noise disclosure.

On page 68, after the item relating to section 216, insert the following:

Sec. 217. Share of airport project costs.

Sec. 218. Pilot program for purchase of airport development rights.

On page 68, after the item relating to section 304, insert the following:

Sec. 305. Air carriers required to honor tickets for suspended air service.

On page 68, after the item relating to section 354, insert the following:

Subtitle C—Financial Improvement Effort and Executive Compensation Report

Sec. 371. GAO report on airlines actions to improve finances and on executive compensation.

On page 68, after the item relating to section 513 and redesignate the items relating to sections 514 through 520 as relating to sections 513 and 519.

On page 68, after the item relating to section 520, as redesignated, insert the following:

Sec. 520. Certain interim and final rules.

On page 83, beginning in line 23, strike “chair and vice chair,” and insert “chair.”

On page 84, line 1, strike “chairperson” and insert “chair”.

On page 84, line 6, strike “chairperson” and insert “chair”.

On page 84, line 13, strike “chairperson” and insert “chair”.

On page 84, line 23, strike “chairperson” and insert “chair”.

On page 89, between lines 15 and 16, insert the following:

**SEC. 108. WHISTLE-BLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.**

Section 40110(d)(2)(C) is amended by striking “355.” and inserting “355”, except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term “executive agency” is deemed to refer to the Federal Aviation Administration.”

On page 104, beginning with line 4, strike through line 7 on page 105 and insert the following:

**SEC. 205. SECRETARY OF TRANSPORTATION TO IDENTIFY AIRPORT CONGESTION-RELIEF PROJECTS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall provide to the Senate Committee on Commerce, Science, and

Transportation, and to the House of Representatives Committee on Transportation and Infrastructure—

(1) a list of planned air traffic and airport-capacity projects at congested airport capacity benchmark airports the completion of which will substantially relieve congestion at these airports; and

(2) a list of options for expanding capacity at the 8 airports on the list at which the most severe delays are occurring.

(b) 2-YEAR UPDATE.—The Secretary shall provide updated lists under subsection (a) to the Committees 2 years after the date of enactment of this Act.

(c) DELISTING OF PROJECTS.—The Secretary shall remove a project from the list provided to the Committees under this section upon the request, in writing, of an airport operator if the operator states in the request that construction of the project will not be completed within 10 years from the date of the request.

On page 110, line 17, strike “non-hub airport (as defined in section 47102)” and insert “nonhub airport (as defined in section 41762(1))”.

On page 112, beginning with line 21, strike through line 12 on page 116, and insert the following:

**SEC. 211. NOISE DISCLOSURE.**

(a) NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensome of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.—The Federal Aviation Administration shall make copies or facsimiles of noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) NOISE EXPOSURE MAP.—In this section, the term “noise exposure map” means a noise exposure map prepared under section 47503 of title 49, United States Code.

On page 121, line 23, strike “47114(d)(2)(A)” and insert “47114(d)(3)(A)”.

On page 123, between line 3 and 4, insert the following:

(c) TERMINAL DEVELOPMENT COSTS.—Section 47119(a)(1)(C) is amended by striking “3 years” and inserting “1 year”.

**SEC. 217. SHARE OF AIRPORT PROJECT COSTS.**

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

“(c) GRANDFATHER RULE.—

“(1) IN GENERAL.—In the case of any project approved after September 30, 2001, at an airport that has less than .25 percent of the total number of passenger boardings at all commercial service airports, and that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government’s share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on

August 3, 1979. This subsection shall apply only if—

“(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

“(B) the application under subsection (b), does not increase the Government’s share of allowable costs of the project

“(2) LIMITATION.—The Government’s share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).”.

(b) CONFORMING AMENDMENT.—Subsection (a) of Section 47109, title 49, United States Code, is amended by striking “Except as provided in subsection (b)” and inserting in lieu thereof “Except as provided in subsection (b) or subsection (c)”.

**SEC. 218. PILOT PROGRAM FOR PURCHASE OR AIRPORT DEVELOPMENT RIGHTS.**

(a) IN GENERAL.—Chapter 471 is amended by adding at the end the following:

**“§47141. Pilot program for purchase of airport development rights**

“(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

“(b) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

“(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

“(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

“(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

“(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

“(1) grant application and approval procedures; and

“(2) requirements for the content of the instrument recording the purchase of the development rights.

“(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

“(c) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

“47141. Pilot program for purchase of airport development rights.”.

On page 127, line 18, strike “and”

On page 127, line 21, strike “2006.” and insert “2006; and”.

On page 127, between lines 21 and 22, insert the following:

(4) by striking “section.” and inserting “section, not more than \$275,000 per year of which may be used for administrative costs in fiscal years 2004 through 2006.”.

On page 127, beginning with “No” in line 24, strike through line 2 on page 128 and insert the following: “No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.”.

On page 130, between lines 10 and 11, insert the following:

**SEC. 305. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.**

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows through “after” and inserting “more than 36 months after”.

On page 131, beginning in line 21, strike “eligible essential air service communities receiving assistance under subchapter II” and insert “communities that receive subsidized service by an air carrier under section 41733”.

On page 133, line 23, strike “essential air service community” and insert “point that receives subsidized service by an air carrier under section 41733”.

On page 134, line 8, strike “41731(a)(1).” and insert “41731(a)(1), subject to the provisions of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

On page 135, line 6, strike “2007,” and insert “2006 to carry out this subchapter.”.

On page 137, line 14, after “equipment.” insert “Any community that participates in a pilot program under this subparagraph is deemed to have waived the minimum service requirements under section 41732(b) for purposes of its participation in that pilot program.”.

On page 138, line 19, after “airports” insert “or small hub airports”.

On page 143, strike lines 1 through 3 and insert the following:

“(d) TRACKING SERVICE.—The Secretary shall require carriers providing subsidy for service under section 41733 to track changes in services, including on-time arrivals and departures, on such subsidized routes, and to report such information to the Secretary on a semi-annual basis in such form as the Secretary may require.

On page 143, line 24, strike “monthly cost increase of 10 percent or more.” and insert “annual total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the unit rates used to construct the subsidy rate, based on the carrier’s internal audit of its financial statements.”.

On page 144, between lines 11 and 12, insert the following:

**SUBTITLE C—FINANCIAL IMPROVEMENT EFFORT AND EXECUTIVE COMPENSATION REPORT**

**SEC. 371. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.**

(a) FINDING.—The Congress finds that the United States government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the

economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, the Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) SEMI-ANNUAL REPORTS.—The Comptroller General shall prepare a semiannual report to the Congress—

(1) analyzing measures being taken by air carriers engaged in air transportation and intrastate air transportation (as such terms are used in subtitle VII of title 49, United States Code) to reduce costs and to improve their earnings and profits and balance sheets; and

(2) stating—

(A) the total compensation (as defined in section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note)) paid by the air carrier to each officer or employee of that air carrier to whom that section applies for the period to which the report relates; and

(B) the terms and value (determined on the basis of the closing price of the stock on the last business day of the period to which the report relates) of any stock options awarded to such officer during that period.

(c) GAO AUTHORITY.—In order to compile the reports required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the reports. The Comptroller General shall submit with each such report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the compilation of reports required by subsection (c) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

On page 144, beginning in line 15, strike "Security" and insert "Security, in consultation with representatives of the airport community."

On page 145, line 10, strike "Transportation" and insert "Homeland Security".

On page 146, line 6, strike "Transportation" and insert "Homeland Security".

On page 146, line 7, strike "Homeland Security" and insert "Transportation".

On page 146, beginning in line 11, strike "The program shall be administered in concert with the airport improvement program under chapter 417 of title 49, United States Code." and insert "The requirements that apply to grants and letters of intent issued under chapter 471 of title 49, United States Code, shall apply to grants and letters of intent issued under this section."

On page 147, line 9, strike "Transportation" and insert "Homeland Security".

On page 147, line 23, strike "417" and insert "471".

On page 148, line 11, strike "301(a)" and insert "308(a)".

On page 149, strike lines 14 through 21 and insert the following:

Section 44310 is amended by striking "2004." and inserting "2006."

On page 153, beginning in line 22, strike "sections 121, 123, and 126 and chapter 5 of chapter 5 of title 40." and insert "subchapter III of chapter 5 of title 40, United States Code."

On page 158, line 23, strike "(g)" and insert "(h)".

On page 170, beginning with line 23, strike through line 3 on page 171.

On page 171, line 4, strike "SEC. 514." and insert "SEC. 513."

On page 172, line 18, strike "SEC. 515." and insert "SEC. 514."

On page 174, line 1, strike "SEC. 516." and insert "SEC. 515."

On page 175, strike lines 13 through 16, and insert the following:

(c) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as Chairperson of the Commission.

On page 178, between lines 9 and 10, insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$250,000 to be used to fund the Commission.

On page 178, line 10, strike "SEC. 517." and insert "SEC. 516."

On page 180, line 7, strike "SEC. 518." and insert "SEC. 517."

On page 180, beginning in line 13, strike "American or foreign-flag aircraft," and insert "aircraft by an air carrier."

On page 181, line 1, strike "44304(a)" and insert "44303(a)".

On page 181, line 5, strike "American or foreign-flag aircraft." and insert "aircraft by an air carrier."

On page 181, line 6, strike "SEC. 519." and insert "SEC. 518."

On page 181, line 21, strike "SEC. 520." and insert "SEC. 519."

On page 182, between lines 8 and 9, insert the following:

**SEC. 520. CERTAIN INTERIM AND FINAL RULES.**

Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, as amended by section 119(d) of that Act, is deemed to apply to, and to have been in effect with respect to, the authority of the Administrator of the Federal Aviation Administration with respect to the Interim Final Rule and Final Rule issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

**SA 890.** Mr. DORGAN proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 146, beginning with line 20, strike through line 8 on page 147.

**SA 891.** Mr. REID (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On Page 146, line 17, insert "origination and destination" before "emplanements;"

On page 146, line 19, insert "origination and destination" before "emplanements."

**SA 892.** Mr. MCCAIN proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . AIR FARES FOR MEMBERS OF ARMED FORCES.**

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the armed forces on active duty to pur-

chase, modify, or cancel tickets without time restrictions, fees, or penalties.

**SA 893.** Mr. LAUTENBERG (for himself and Mr. JOHNSON) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 193, after line 23, insert the following:

**SEC. 624. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.**

(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer to a private entity or to a public entity other than the United States Government of—

(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service station personnel.

(b) CONTRACT TOWER PROGRAM.—Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program as of the date of enactment of this Act.

On page 69, after the item relating to section 623, insert the following:

Sec. 624. Transfer of certain air traffic control functions prohibited.

**SA 894.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title IV, add the following:

**SEC. 405. GENERAL AVIATION AND AIR CHARTERS.**

Section 132(a) of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is amended by striking "12,500 pounds or more" and inserting "more than 12,500 pounds".

**SA 895.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title IV, add the following:

**SEC. 405. AIR DEFENSE IDENTIFICATION ZONE.**

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred to as "ADIZ"), the Administrator shall, not later than 60 days after the date of establishing the ADIZ, transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing an explanation of the need for the ADIZ. The Administrator shall provide the Committees an updated report every 60 days until the establishment of the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after the date of enactment of this Act.

(c) REPORTING REQUIREMENTS.—If a report required under subsection (a) or (b) indicates

that the ADIZ is to be continued, the Administrator shall outline changes in procedures and requirements to improve operational efficiency and minimize the operational impacts of the ADIZ on pilots and air traffic controllers.

(d) DEFINITION.—In this section, the terms “Air Defense Identification Zone” and “ADIZ” mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15 to 38 mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile-no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

**SA 896.** Mr. INHOFE (for himself, Mr. KYL, Mr. THOMAS, Mr. BROWNBACK, Mr. GRASSLEY, Mr. ENZI, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title V, add the following new section:

**SECTION 521. AGE LIMITATIONS.**

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 30 days after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on the date that is 30 days after the date of enactment of this Act.

(2) INTERIM LIMITATION.—During the period that begins on the date that is 30 days after the date of enactment of this Act and ending on the date that is one year after such date—

(A) subsection (a)(2) shall be applied by substituting “64” for “65”; and

(B) subsection (a)(3) shall be applied by substituting “64” for “65”.

(c) CERTIFICATE HOLDER.—For purposes of this section, the term “certificate holder” means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(d) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who is 60 years of age or older.

**SA 897.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Section 133 is amended:

(1) on page 66, line 2 by inserting between “717(f)(e)” and the period at the end the following:

“and paragraph (3) of this subsection.”

(2) at subsection (b) by inserting the following new paragraph:

“(3) The Commission may issue a certificate of public convenience and necessity au-

thorizing the construction and operation of an Alaska natural gas transportation project under this section or otherwise to an applicant only if an Alaska group has a meaningful economic stake in such applicant.

(3) by inserting at the end the following new subsection:

“(j) DEFINITIONS.—In this section, the following definitions apply:

(1) The term “Alaska group” means an entity in which one or more Regional Corporations (as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et. seq.)) has a controlling interest and in which such Regional Corporations own, directly or indirectly, two-thirds of the equity interest. The remaining one-third of the equity interest in the Alaska group shall be held by an entity established by the State of Alaska that facilitates indirect broad-based economic participation by residents of the State of Alaska who elect to participate in such ownership. If the State of Alaska elects not to establish such an entity, or the entity established by the State of Alaska elects to purchase less than all of its allocated one-third equity interest, such remaining interest shall be offered to the Regional Corporations holding the controlling interest.

(2) The term “meaningful economic stake” means a direct or indirect equity interest of ten percent or more (or, at an Alaska group’s election, less) with adequate protections for a minority interest holder.”

**SA 898.** Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 145, beginning with line 8, strike all down through and including line 24 on part 147, and insert the following:

**SEC. 402. AVIATION SECURITY CAPITAL FUND.**

(a) IN GENERAL.—There may be established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. There are authorized to be appropriated to the Fund up to \$500,000,000 for each of the fiscal years 2004 through 2007, such amounts to be derived from fees received under section 44940 of title 49, United States Code. Amounts in the fund shall be allocated in such a manner that—

(1) 40 percent shall be made available for hub airports;

(2) 20 percent shall be made available for medium hub airports;

(3) 15 percent shall be made available for small hub airports and non-hub airports; and

(4) 25 percent may be distributed at the Secretary’s discretion.

(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary of Homeland Security to provide financial assistance to airport sponsors to defray capital investment in transportation security at airport facilities in accordance with the provisions of this section. The program shall be administered in concert with the airport improvement program under chapter 417 of title 49, United States Code.

(c) APPORTIONMENT.—Amounts made available under subsection (a)(1), (a)(2), or (a)(3) shall be apportioned among the airports in each category in accordance with a formula based on the ratio that passenger enplanements at each airport in the category bears to the total passenger enplanements at all airports in that category.

(d) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Not less than the following percentage of the costs of any project funded under this section shall be derived from non-Federal sources:

(A) For hub airports and medium hub airports, 25 percent.

(B) For airports other than hub airports and medium hub airports, 10 percent.

(2) USE OF BOND PROCEEDS.—In determining the amount of nonfederal sources of funds, the proceeds of State and local bond issues shall not be considered to be derived, directly or indirectly, from Federal sources without regard to the Federal income tax treatment of interest and principal of such bonds.

(e) LETTERS OF INTENT.—The Secretary of Homeland Security, or his delegate, may execute letters of intent to commit funding to airport sponsors from the Fund.

(f) CONFORMING AMENDMENT.—Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following:

“(H) The costs of security-related capital improvements at airports.”

(g) DEFINITIONS.—Any term used in this section that is defined or used in chapter 417 of title 49 United States Code has the meaning given that term in that chapter.

**SA 899.** Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. .—RECOMMENDATIONS CONCERNING TRAVEL AGENTS.**

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

**SA 900.** Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.**

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notice to Airmen FDC 2/0199 and section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (P.L. 108-7, Division I).

General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term “general aviation entity” means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufacture nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such terms includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000. Such sums shall remain available until expended.

**SA 901.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . REPORT ON PASSENGER PRESCREENING PROGRAM.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and Infrastructure on the potential impact of the Transportation Security Administration’s proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPs II, on the privacy and civil liberties of United States Citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to

individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, non-governmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

**SA 902.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 48, supporting the goals and ideals of “National Epilepsy Awareness Month” and urging support for epilepsy research and service programs; which was referred to the Committee on the Judiciary; as follows:

On page 3, line 2, strike “an annual” and insert “a”.

On page 3, line 6, after the semicolon insert “and”.

On page 3, line 7, strike “an increase in funding” and insert “support”.

On page 3, line 10, strike “; and” and all that follows and insert a period.

After the eighth clause of the preamble, insert the following:

Whereas a significant number of people with epilepsy may lack access to medical care for the treatment of the disease;

Amend the title by striking “funding” and inserting “support”.

**SA 903.** Mr. BUNNING (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following new section:

**SEC. . ARMING CARGO PILOTS AGAINST TERRORISM.**

(a) SHORT TITLE.—This section may be cited as the “Arming Cargo Pilots Against Terrorism Act”.

(b) FINDINGS.—Congress makes the following findings:

(1) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(2) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(3) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(4) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(5) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that cause communicable diseases.

(6) Approximately 12,000 of the nation’s 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(7) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(8) Aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(9) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(10) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(c) SENSE OF CONGRESS.—It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm and taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(d) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “passenger” each place that it appears; and

(2) in subsection (k)—

(A) in paragraph (2)—

(i) by striking “or,” and all that follows; and

(ii) by inserting “or any other flight deck crew member.”; and

(B) by adding at the end the following new paragraph:

“(3) ALL-CARGO AIR TRANSPORTATION.—For the purposes of this section, the term air transportation includes all-cargo air transportation.”.

(e) TIME FOR IMPLEMENTATION.—The training of pilots as Federal flight deck officers required in the amendments made by subsection (d) shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(f) EFFECT ON OTHER LAWS.—The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

**SA 904.** Mr. SPECTER (for himself, Mr. SANTORUM, and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table as follows:

On page 174, before line 1, insert the following new section.

**SEC. 515A. MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.**

(a) DETERMINATION OF ELIGIBILITY.—Subchapter II of chapter 417, as amended by section 515 of this Act, is amended by adding at the end the following new section:

**“§ 41747. Distance requirement applicable to eligibility for essential air service subsidies**

“(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

“(1) is less than 70 highway miles from the nearest hub airport; or

“(2) requires a rate of subsidy per passenger in excess of \$200, unless such place is greater than 210 highway miles from the nearest hub airport.

“(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

“(1) consult with—

“(A) the metropolitan planning organization designated under section 134 of title 23, United States Code, for the metropolitan planning area within which such place is located; or

“(B) if no such organization exists, the Governor of the State in which such place is located, or the Governor’s designee; and

“(2) request, and accept as binding if provided within 60 days, the certification of such organization or person as to the most commonly used route and the corresponding highway mileage.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41746 the following new item:

“41747. Distance requirement applicable to eligibility for essential air service subsidies.”.

(c) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-471).

(d) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary of Transportation has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under paragraph (1), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by this Act; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

**SA 905.** Mr. SPECTER (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title IV, add the following:

**SEC. 405. FOREIGN REPAIR STATION SAFETY AND SECURITY.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) DOMESTIC REPAIR STATION.—The term “domestic repair station” means a repair station or shop that—

(A) is described in section 44707(2) of title 49, United States Code; and

(B) is located in the United States.

(3) FOREIGN REPAIR STATION.—The term “foreign repair station” means a repair station or shop that—

(A) is described in section 44707(2) of title 49, United States Code; and

(B) is located outside of the United States.

(4) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

(b) APPLICABILITY OF STANDARDS.—Within 180 days after the date of enactment of this Act, the Administrator shall issue regulations to ensure that foreign repair stations meet the same level of safety required of domestic repair stations.

(c) SPECIFIC STANDARDS.—In carrying out subsection (b), the Administrator shall, at a minimum, specifically ensure that foreign repair stations, as a condition of being certified to work on United States registered aircraft—

(1) institute a program of drug and alcohol testing of its employees working on United States registered aircraft and that such a program provides an equivalent level of safety achieved by the drug and alcohol testing requirements that workers are subject to at domestic repair stations;

(2) agree to be subject to the same type and level of inspection by the Federal Aviation Administration as domestic repair stations and that such inspections occur without prior notice to the country in which the station is located; and

(3) follow the security procedures established under subsection (d).

(d) SECURITY AUDITS.—

(1) IN GENERAL.—To ensure the security of maintenance and repair work conducted on United States aircraft and components at foreign repair stations, the Under Secretary, in consultation with the Administrator, shall complete a security review and audit of foreign repair stations certified by the Administrator under part 145 of title 14, Code of Federal Regulations. The review shall be completed not later than 180 days after the date on which the Under Secretary issues regulations under paragraph (6).

(2) ADDRESSING SECURITY CONCERNS.—The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under paragraph (1) within 90 days of providing notice to the repair station of the security issues and vulnerabilities identified.

(3) SUSPENSIONS AND REVOCATIONS OF CERTIFICATIONS.—

(A) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If the Under Secretary determines as a result of a security audit that a foreign repair station does not maintain and carry out effective security measures or if a foreign repair station does not address the security issues and vulnerabilities as required under subsection (d)(2), the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and has addressed the security issues identified in the audit, and transmits the determination to the Administrator.

(B) IMMEDIATE SECURITY RISK.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

(4) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by paragraph (1) are not completed on or before the date that is 180 days after the date on which the Under Secretary issues regulations under paragraph (6), the Administrator may not certify, or renew the certification of, any foreign repair station until such audits are completed.

(5) PRIORITY FOR AUDITS.—In conducting the audits described in paragraph (1), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the United States Government as posing the most significant security risks.

(6) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic repair stations. If final regulations are not issued within 180 days of the date of enactment of this Act, the Administrator may not certify, or renew the certification of, any foreign repair station until such regulations have been issued.

**SA 906.** Mr. BINGAMAN (for himself, Mr. INHOFE, Ms. SNOWE, Mr. JEFFORDS, Ms. COLLINS, Mr. SPECTER, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. PRYOR, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mr. GRASSLEY, Mr. HAGEL, and Mr. BROWNBACK) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Beginning on page 138, line 15, strike all through page 142, line 11.

**SA 907.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 217. ANCHORAGE AIR TRAFFIC CONTROL.**

(a) IN GENERAL.—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) APPROPRIATE COMMITTEES.—In this section, the term “appropriate committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SA 908.** Mr. HOLLINGS (for Mr. WYDEN) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . REPORT ON PASSENGER PRESCHOOLING PROGRAM.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary

of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPs II, on the privacy and civil liberties of United States Citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, non-governmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

**SA 909.** Mr. HOLLINGS (for Mr. NELSON of Florida) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.**

(a) IN GENERAL.—Section 44939 of title 49, United States Code, is amended to read as follows:

**“§ 44939. Training to operate certain aircraft**

“(a) IN GENERAL.—  
“(1) WAITING PERIOD.—A person subject to regulation under this part may provide training in the United States in the operation of an aircraft to an individual who is an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Homeland Security for Border and Transportation Security only if—

“(A) that person has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's identification in such form as the Under Secretary may require; and

“(B) the Under Secretary has not directed, within 30 days after being notified under subparagraph (A), that person not to provide the requested training because the Under Secretary has determined that the individual presents a risk to aviation security or national security.

“(2) NOTIFICATION-ONLY INDIVIDUALS.—

“(A) IN GENERAL.—The requirements of paragraph (1) shall not apply to an alien individual who holds a visa issued under title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and who—

“(i) has earned a Federal Aviation Administration type rating in an aircraft or has undergone type-specific training, or

“(ii) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation, if the person providing the training has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's visa information.

“(B) EXCEPTION.—Subparagraph (A) does not apply to an alien individual whose airman's certificate has been suspended or revoked under procedures established by the Under Secretary.

“(3) EXPEDITED PROCESSING.—The waiting period under paragraph (1) shall be expedited for an individual who—

“(A) has previously undergone a background records check by the Foreign Terrorist Tracking Task Force;

“(B) is employed by a foreign air carrier certified under part 129 of title 49, Code of Federal Regulations, that has a TSA 1546 approved security program and who is undergoing recurrent flight training;

“(C) is a foreign military pilot endorsed by the United States Department of Defense for flight training; or

“(D) who has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(i).

“(4) INVESTIGATION AUTHORITY.—In order to determine whether an individual requesting training described in paragraph (1) presents a risk to aviation security or national security the Under Secretary is authorized to use the employment investigation authority provided by section 44936(a)(1)(A) for individuals applying for a position in which the individual has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

“(5) FEE.—

“(A) IN GENERAL.—The Under Secretary may assess a fee for an investigation under this section, which may not exceed \$100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Under Secretary may adjust the maximum amount of the fee to reflect the cost of such an investigation.

“(B) OFFSET.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this section—

“(i) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Under Secretary for those expenses; and

“(ii) shall remain available until expended.

“(b) INTERRUPTION OF TRAINING.—If the Under Secretary, more than 30 days after receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after receiving notice from such a person under subsection (a)(2)(A), determines that an individual receiving such training presents a risk to aviation or national security, the Under Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

“(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

“(1) includes in-flight training, training in a simulator, and any other form or aspect of training; but

“(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

“(d) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Under Secretary in implementing this section.

“(e) SECURITY AWARENESS TRAINING FOR EMPLOYMENT.—The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees, and for certified instructors who provide instruction for the flight school but who are not employees thereof, to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.”.

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall fingerprint services to aliens covered by that section if the Under Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Under Secretary or other agency designated by the Under Secretary. The Attorney General and the Secretary of State shall cooperate with the Under Secretary in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Under Secretary requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Under Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

**SA 910.** Mr. HOLLINGS (for Mr. JEFFORDS (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . 1-YEAR EXTENSION OF EAS ELIGIBILITY FOR COMMUNITIES TERMINATED IN 2003 DUE TO DECREASED AIR TRAVEL.**

Notwithstanding the rare of subsidy limitation in section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, the Secretary of Transportation may not terminate an essential air

service subsidy provided under chapter 417 of title 49, United States Code, before the end of calendar year 2004 for air service to a community—

(1) whose calendar year ridership for 2000 was sufficient to keep the per passenger subsidy below that limitation; and

(2) that has received notice that its subsidy will be terminated during calendar year 2003 because decreased ridership has caused the subsidy to exceed that limitation.

**SA 911.** Mr. HOLLINGS (for Mr. BAYH (for himself and Mr. LUGAR) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 217. GARY/CHICAGO AIRPORT FUNDING.**

The Administrator of the Federal Aviation Administration shall, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

**SA 912.** Mr. HOLLINGS (for Mr. DODD) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place insert the following:

**SEC. . LOCATION OF SHUTTLE SERVICE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

The Airports Authority (as defined in section 49103(1) of title 49, United States Code) shall in conjunction with the Department of Transportation conduct a study on the feasibility of housing the gates used by all air carrier providing shuttle service from Ronald Reagan Washington National Airport in the same terminal.

**SA 913.** Mr. THOMAS proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes as follows:

At the end of title V, add the following new section:

**SEC. 521. EXEMPTION FOR JACKSON HOLE AIRPORT.**

(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law, if the Board of the Jackson Hole Airport in Wyoming and the Secretary of the Interior agree that Stage 3 aircraft technology represents a prudent and feasible technological advance which, if implemented at the Jackson Hole Airport, will result in a reduction in noise at Grand Teton National Park—

(1) the Jackson Hole Airport may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, with reasonable exemptions for public health and safety;

(2) the notice, study, and comment provisions of subchapter II of chapter 475 of title 49, United States Code, and part 161 of title 14, Code of Federal Regulations, shall not apply to the imposition of the restrictions;

(3) the imposition of the restrictions shall not affect the Airport's eligibility to receive

a grant under title 49, United States Code; and

(4) the restrictions shall not be deemed to be unreasonable, discriminatory, a violation of the assurances required by section 47107(a) of title 49, United States Code, or an undue burden on interstate commerce.

(b) DEFINITIONS.—In this section, the terms "Stage 2 aircraft" and "Stage 3 aircraft" have the same meaning as those terms have in chapter 475 of title 49, United States Code.

**SA 914.** Mr. LOTT proposed an amendment to amendment SA 905 submitted by Mr. SPECTER (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. DAYTON) to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of the amendment add the following:

( ) STUDY.—Notwithstanding the preceding provisions of this section—

( ) the Administrator shall conduct a study of the need to establish a program to ensure that foreign repair stations meet the conditions and standards described in subsection (c);

(2) report the results of that study, together with the Administrator's recommendations and conclusions to the Congress within 180 days after the date of enactment of this Act; and

(3) the Administrator shall not issue regulations under subsection (h).

**SA 915.** Mr. SPECTER (for himself and Mr. SANTORUM) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of Title V, add the following new section:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

**"§ 41746. Distance requirement applicable to eligibility for essential air service subsidies**

"(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

"(1) is less than 70 highway miles from the nearest hub airport; or

"(2) requires a rate of subsidy per passenger in excess of \$200, unless such place is greater than 210 highway miles from the nearest hub airport.

"(b) DETERMINATION OF MILEAGE.—For purposes of Lancaster, Pennsylvania, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

"(1) promulgate by regulation a standard for calculating the mileage between Lancaster, Pennsylvania and a hub airport; and

"(2) identify the most commonly used route for a community by—

"(A) consulting with the Governor of a State or the Governor's designee; and

"(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route."

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by

inserting after the item relating to section 41745 the following new item:

"41746. Distance requirement applicable to eligibility for essential air service subsidies."

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

**SA 916.** Mr. HOLLINGS proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . REMOVAL OF CAP ON TSA STAFFING LEVEL.**

The matter appearing under the heading "AVIATION SECURITY" in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108-7; 117 Stat. 386) is amended by striking the fifth proviso.

**SA 917.** Mr. HOLLINGS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Strike section 664 and insert the following:

**SEC. 664. AIR QUALITY IN AIRCRAFT CABINS.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled "The Airliner Cabin Environment and the Health of Passengers and Crew".

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance

with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew;

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an air quality incident reporting system.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

**SA 918.** Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . PASS-THROUGH OF REFUNDED PASSENGER SECURITY FEES TO CODE-SHARE PARTNERS.**

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, each United States flag air carrier that received a payment made under the second proviso of first appropriation in title IV of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-011; 117 Stat. 604) shall transfer to each air carrier with which it had a code-share arrangement during the period covered by the passenger security fees remitted under that proviso an amount equal to that portion of the remittance under the proviso that was attributable to passenger security fees paid or collected by that code-share air carrier and taken into account in determining the amount of the payment to the United States flag air carrier.

(b) DOT INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of Transportation shall review the compliance of United States flag air carriers with subsection (a), including determinations of amounts, determinations of eligibility of code-share air carriers, and transfers of funds to such air carriers under subsection (a).

(c) CERTIFICATION.—The chief executive officer of each United States flag air carrier to which subsection (a) applies shall certify to the Under Secretary of Homeland Security for Border and Transportation Security, under penalty of perjury, the air carrier's compliance with subsection (a).

**SA 919.** Mr. HOLLINGS (for Mr. INOUE) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of subtitle A of title III, insert the following:

**SEC. 305. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.**

(a) IN GENERAL.—Section 145(a) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following: "The Secretary of Transportation shall give favorable consideration to waiving the terms and conditions established by this section, including those set forth in the guidance provided by the Department in notices, dated August 8, 2002, November 14, 2002, and January 23, 2003, in cases where remaining carriers operate additional flights to accommodate passengers whose service was suspended, interrupted, or discontinued under circumstances described in the preceding sentence over

routes located in isolated areas that are unusually dependent on air transportation."

(b) EXTENSION.—Section 145(c) of such Act (49 U.S.C. 40101 note) is amended by striking "more than" and all that follows through "after" and inserting "more than 36 months after".

**SA 920.** Mr. STEVENS proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title V, insert the following:

**SEC. 521. AIR CARRIER CITIZENSHIP.**

Section 40102(a)(15)(C) of title 49, United States Code, is amended by inserting "which is under the actual control of citizens of the United States," before "and in which".

**SA 921.** Mr. HOLLINGS (for Mr. HARKIN (for himself, Mr. INHOFE, and Mr. GRASSLEY)) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title II, insert the following:

**SEC. 217. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.**

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

**"SEC. 46319. CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.**

"(a) PROHIBITION.—A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

"(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

"(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of \$10,000 for each day that the airport remains closed without having given the notice required by this section."

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

"46319. Closure of an airport without providing sufficient notice."

**SA 922.** Mr. MCCAIN (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 824, to reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 209, after line 13, add the following:

**TITLE VII—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY**

**SEC. 701. EXTENSION OF EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 2003" and inserting "October 1, 2006"; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Aviation Investment and Revitalization Vision Act".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2003" and inserting "October 1, 2006".

**SA 923.** Mr. STEVENS proposed an amendment to the bill S. 824, to reau-

thorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title V, add the following new section:

**SEC. 521. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.**

Section 41703 is amended by adding at the end the following new subsection:

"(e) CARGO IN ALASKA.—

"(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

"(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term 'eligible cargo' means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

"(A) under the code of a U.S. air carrier providing air transportation to Alaska;

"(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

"(C) under a term arrangement or block space agreement with an air carrier; or

"(D) under the code of a U.S. air carrier for purposes of transportation within the U.S."

**SA 924.** Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supporting the goals and ideals of "National Epilepsy Awareness Month" and urging support for epilepsy research and service programs; as follows:

On page 3, line 2, strike "an annual" and insert "a".

On page 3, line 6, after the semicolon insert "and".

On page 3, line 7, strike "an increase in funding" and insert "support".

On page 3, line 10, strike "; and" and all that follows and insert a period.

**SA 925.** Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supporting the goals and ideals of "National Epilepsy Awareness Month" and urging support for epilepsy research and service programs; as follows:

After the eighth clause of the preamble, insert the following:

Whereas a significant number of people with epilepsy may lack access to medical care for the treatment of the disease;

**SA 926.** Mr. MCCONNELL (for Mrs. LINCOLN) proposed an amendment to the concurrent resolution S. Con. Res. 48, supporting the goals and ideals of "National Epilepsy Awareness Month" and urging support for epilepsy research and service programs; as follows:

Amend the title as to read a concurrent resolution supporting the goals and ideals of "National Epilepsy Awareness Month" and urging support for epilepsy research and service programs.

## NOTICES OF HEARINGS/MEETINGS

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, June 17, 2003, in Room 301 Russell Senate Office Building, to conduct a hearing on Senate Resolution 151, requiring public disclosure of notices of objections ("holds") to proceedings to motions or measures in the Senate.

For further information concerning this meeting, please contact Susan Wells at 202-224-6352.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, June 12, 2003. The purpose of this hearing is to discuss the United States Department of Agriculture's implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 12, 2003, at 10:00 a.m. to conduct a hearing on "expanding homeownership opportunities."

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

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 12, 2003, at 9:30 a.m. on Global Overfishing.

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

## COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 12, 2003, at 9:00 a.m., to consider an original bill entitled, The Prescription Drug and Medicare Improvement Act of 2003; to consider S. 312, "Availability of SCHIP Allotments for Fiscal Years 1998 through 2001".

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 2003, at 9:30 a.m., to hold a Hearing on Beyond Iraq: Repercussions of Iraq Stabilization and Reconstruction Policies.

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

## COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on TWA/American Airline Workforce Integration during the session of the Senate on Thursday, June 12, 2003 at 2:00 p.m. in SD-430.

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

## COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 12, 2003, at 9:30 a.m. in Dirksen Room 226.

## AGENDA

I. Nominations: David G. Campbell to be U.S. District Judge for the District of Arizona; Thomas M. Hardiman to be U.S. District Judge for the Western District of Pennsylvania; Eduardo Aguirre, Jr., to be Director, Bureau of Citizenship and Immigration Services, U.S. Department of Homeland Security; Richard James O'Connell to be U.S. Marshal for the Western District of Arkansas.

II. Bills: S. 724, A bill to amend Title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials. [Enzi, Craig, Durbin, Sessions]; S. 1125, Fairness in Asbestos Injury Resolution Act of 2003 ("The FAIR Act") [Hatch, DeWine, Chambliss]; S. Res. 141, A resolution recognizing "Inventing Flight: The Centennial Celebration," a celebration in Dayton, Ohio of the centennial of Wilbur and Orville Wright's first flight [Voinovich, DeWine]; H.R. 1954, Armed Forces Naturalization Act of 2003.

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

## SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Thursday, June 12, 2003, immediately following the Full Committee markup scheduled to begin at 9:30 a.m. in Dirksen Room 226.

## AGENDA

Executive Business Meeting; Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights & Property Rights; Thursday, June 12, 2003 9:30 a.m. (or, if a Full Committee markup is scheduled that morning, immediately following the Full Committee markup) Dirksen Senate Office Room 226.

I. Bill: S. J. Res. 1, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims. Note: As agreed by Senators CORNYN and FEINGOLD, only amendments circulated

to all other members of the subcommittee by 12:00 noon on Wednesday, June 11, 2003 shall be in order.

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

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 12, at 2:30 p.m. in Room SD-366 to receive testimony on S. 434—a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System resources; S. 435—a bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; S. 490—a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; H.R. 762—to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act and for other purposes; S. 1111—a bill to provide suitable grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the record of decision of the Sierra Nevada Forest Plan Amendment and pertaining to the Willow Flycatcher and the Yosemite Toad; and H.R. 622—to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

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

## SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, June 12, 2003, at 2:30 p.m. on Cloning.

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

## PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Peter Winokur, a fellow on my staff, be granted the privilege of the floor during the debate on the FAA reauthorization legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that staff member William Hunt in my office be granted the privilege of the floor during the consideration of S. 824.

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