



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, THURSDAY, JULY 17, 2003

No. 106—Part II

Senate

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

SAIL SAN FRANCISCO

Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco, a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense Appropriations bill is considered in conference, it is possible to provide \$800,000 for Sail Francisco's naval/tall ships education programs.

Mrs. FEINSTEIN. Mr. President, as a member of the Defense Appropriations subcommittee, I would like to join my colleague and friend, Senator BOXER, in support of this request. It is important that we assist in these naval and diplomatic educational and training programs that have been continued through the work of Sail San Francisco.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 74. An act 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. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for the fiscal years 2004 and 2005; to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005; and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

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

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

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

H.R. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; to the Committee on Foreign Relations.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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EXECUTIVE AND OTHER
COMMUNICATIONS

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

EC-3310. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs Drug and Alcohol Management Information System Reporting" (RIN2105-AD14) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600 (Regional jet Series 700 7 701) Series Airplanes Docket No. 2003-NM-98" (RIN2120-AA64) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Modification of Class E Airspace; Kansas City Downtown Airport, MO." (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Valentine, NE (Doc. No. 03-ACE-43)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes (Doc. No. ASD-03-AWA-4)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace Hays, KS (Doc. No. 03-ACE-35)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pratt, KS (Doc. No. 03-ACE-36)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Milford, IA (Doc. No. 03-ACE-37)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Daventry, IA (Doc. No. 03-ACE-14)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Leonard Wood, MO (Doc. No. 03-ACE-27)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; New Madrid, MO (Doc. No. 03-ACE-29)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; Elizabeth City, NC (Doc. No. 03-ASO-02)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marshall, AK (Doc. No. 02-AAL-08)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-

AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3329. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, NE (Doc. No. 03-ACE-31)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3330. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shenandoah, IA (Doc. No. 03-ACE-30)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3331. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; St. Louis, MO (Doc. No. 03-ACE-26)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3332. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03-ACE-23)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3333. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA (Doc. No. 03-ACE-24)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3334. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Route 10 (Doc. No. 01-AWP-21)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3335. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Tunica, MS (Doc. No. 03-ASO-01)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3336. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Crete, NE (Doc. No. 03-ACE-33)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3337. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03-ACE-23)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3338. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Moundridge, KS (Corr. Doc. No. 02-ACE-12)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3339. A communication from the Acting Director, ODAPC, Office of the Secretary,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shendoah, IA (Doc. No. 03-ACE-30)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3341. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, NE (Doc. No. 03-ACE-3)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3342. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Eureka, KS (Doc. No. 03-ACE-32)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cavalier, ND (Doc. No. 02-AGL-22)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lake Placid, NY (Doc. No. 03-AEA-01)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3345. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clinton, IA (Doc. No. 03-ACE-13)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3346. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Greenfield, IA (Doc. No. 03-ACE-19)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3347. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Keokuk, IA (Doc. No. 03-ACE-22)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3348. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Dubuque, IA (Doc. No. 03-ACE-16)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3349. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO (Doc. No. 03-ACE-17)" (RIN2120-AA66) received July 16, 2003; to the

Committee on Commerce, Science, and Transportation.

EC-3350. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hampton, IA (Doc. No. 03-ACE-20)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3351. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fairmont, NE (Doc. No. 03-ACE-1)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3352. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Emmetsburg, IA (Doc. No. 03-ACE-18)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Independence, IA (Doc. No. 03-ACE-21)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Denison, IA (Doc. No. 03-ACE-15)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3355. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays" (Doc. No. FV03-925-2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3356. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002-03 Crop Natural (sun-Seedless and Zante Currant Raisins)" (Doc. No. FV03-989-4) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3357. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Plum Diversion Provisions" (Doc. No. FV03-993-2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3358. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Port Limits of Portland, Maine" (CBP Dec. 03-08) received on July 16, 2003; to the Committee on Finance.

EC-3359. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to

law, the report of a rule entitled "Customs and Border Protection Field Organization: Fargo, North Dakota" (CBP Dec. 03-09) received on July 16, 2003; to the Committee on Finance.

EC-3360. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of \$1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC-3361. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of \$1,000,000 or more to Norway; to the Committee on Foreign Relations.

EC-3362. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Saudi Arabia, Norway, and France; to the Committee on Foreign Relations.

EC-3363. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC-3364. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Overseas Surplus Property"; to the Committee on Foreign Relations.

EC-3365. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of the 15% Danger Pay Allowance for Syria; to the Committee on Foreign Relations.

EC-3366. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of certain body armor and military equipment to Iraq; to the Committee on Foreign Relations.

EC-3367. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda" (RIN1400-AB82) received on July 11, 2003; to the Committee on Foreign Relations.

EC-3368. A communication from the General Counsel, National Tropical Botanical Garden, a copy of the audit report for the period from January 1, 2002 through December 21, 2002; to the Committee on the Judiciary.

EC-3369. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, a copy of the third Biennial Report on the Status of GPO Access; to the Committee on Rules and Administration.

EC-3370. A communication from the Chair, Federal Election Commission, transmitting, the Commission's 2002 Annual Report; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM 214. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to improper labeling and classification of dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, Technological advances have led to a dramatic increase in the use of imported dry milk protein concentrates (MPCs) in dairy products. The widespread use of this technology has largely developed after the negotiations for the landmark General Agreement on Tariffs and Trade (GAAT). Since MPCs are not subject to quotas and tariffs, they are imported into this country at much lower prices. This economic advantage is wreaking havoc in the domestic dairy industry; and

Whereas, within the American dairy industry, there is great concern that not all manufacturers may be fully complying with requirements for listing accurately all ingredients in standardized food. Since using MPCs in producing dairy products, including cheese, offers significant cost advantages, it is essential that labeling of products reflect the contents accurately. It must be easy for consumers to identify companies that fully comply with standards of identity and that do not use imported MPCs; and

Whereas, Since substituting MPCs offers price advantages in the marketplace, the volume of their use is increasing substantially. The result is the displacement of domestic milk solids and the erosion of the major component of American agriculture. Action needs to be taken to protect existing food standards and correct unlawful practices as soon as possible; Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-215. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Congressional Medal of Honor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 67

Whereas, Congress has before it a bill, H.R. 369, that would waive time limitations specified in federal law to allow the Medal of Honor to be awarded posthumously to Sergeant Gary Lee McKiddy for acts of valor in the Vietnam War. This legislation was originated in response to circumstances surrounding the events of May 6, 1970, when a helicopter and crew came under intense fire and were shot down; and

Whereas, The helicopter's crew chief, Sergeant Gary Lee McKiddy, who compiled a remarkable record in Vietnam, gallantly rescued one crew member before Sergeant McKiddy was killed by an explosion that occurred as he returned again to the flames and wreckage to try to rescue the pilot. For a variety of reasons, including the fact that application procedures were not initiated prior to the statutory date of October 1975, Sergeant McKiddy's bravery was not recognized with the nation's highest honor. Congress considered similar legislation to address this in the 107th Congress but adjourned before taking action; and

Whereas, Congress has the opportunity to rectify the oversight of the past three decades to accord appropriate honor to a true national hero and defender of our ideals. This legislation is long overdue: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to enact H.R. 369 to waive time limitations for the consideration of the Congressional Medal of Honor for Sergeant Gary Lee McKiddy; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-216. A joint memorial adopted by the Senate and House of Representatives of the Legislature of the State of Washington relative to the United States Military Academy at West Point; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL 4021

Whereas, The United States Military Academy today celebrates 200 years of providing leaders of character for our Army and a lifetime of selfless service to the Nation; and

Whereas, On March 16, 1802, President Thomas Jefferson signed into law a bill of the United States Congress authorizing the establishment of "a military academy to be located at West Point in the State of New York;" and

Whereas, West Point was originally created as an academic institution devoted to the arts and sciences of warfare, and later emphasizing engineering to serve the needs of the Nation and to eliminate the country's reliance on foreign engineers and artilleryists; and

Whereas, Isaac I. Stevens, the first graduate of West Point's Class of 1839, served as the first Governor of the Territory of Washington, and organized and led the Northern Railway Survey that paved the way for the transcontinental railroads to Washington; and

Whereas, United States Military Academy graduates were responsible for the construction of many of the Nation's initial railway lines, bridges, harbors and roads, and surveys and mapmaking that were vital to the infrastructure development of our great Country and its State of Washington; and

Whereas, United States Military Academy led Army forces into the wilderness area that became the Territory and State of Washington, providing protection and development services until the civil authority was able to assume these functions; and

Whereas, West Point graduates have distinguished themselves in countless ways, from Olympic glory to receiving the Heisman Trophy, from receiving scores of Rhodes Scholarships to serving as some of the Nation's pioneering astronauts; and

Whereas, The United States Military Academy is preparing for its third century of service to our Nation—a future in which fighting and winning our Nation's wars remains the Army's primary focus; and

Whereas, The United States Military Academy must also prepare officers for peace-keeping duties as part of an ever complex world; and

Whereas, United States Military Academy remains today an energetic, vibrant institution that attracts some of the Nation's best and brightest young men and women from throughout the Country and its State of Washington who, in the next two hundred years of service to this Nation, will face challenges different from those that have gone before them to make up the storied Long Gray Line; and

Whereas, The United States Military Academy continues its lasting commitment to its motto of Duty, Honor, Country;

Now, therefore, Your Memorialists respectfully pray that the President of the United States and the Congress join with the state of Washington and other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history, and in recognizing West Point and its graduates as they move forward into the Academy's third century of service to the Nation; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Lieutenant General William J. Lennox, Jr., Superintendent, United States Military Academy, West Point, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-217. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to unsolicited, commercial email or spam; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 62

Whereas, Unsolicited commercial email, which is generally referred to as "spam" is becoming an increasingly burdensome problem for many Americans and both private and public sector enterprises. Unlike other forms of unsolicited marketing, spam imposes little cost to the sender. Because of this, there are few forces to limit the volume of these emails being sent; and

Whereas, The cumulative effects of spam are staggering. According to reports cited by the Federal Trade Commission (FTC), spam accounts for between one-third and one-half of all emails sent each day. The skyrocketing growth in the volume of unsolicited commercial emails is a burden upon those receiving these unwanted messages. As volume increases, so does the worry over the potential for fraudulent activities; and

Whereas, The nuisance of unsolicited email has turned into a problem spiraling out of control, not only for individuals but also costing businesses millions of dollars every year in lost productivity. Reports indicate that dealing with spam costs United States corporations nearly \$9 billion and accounts for at least \$4 billion in lost productivity each year. Even our troops in the Persian Gulf region have reported frustrations with unsolicited email messages impeding efforts to communicate with family back home; and

Whereas, The FTC has just completed a three-day forum to address the proliferation of unsolicited commercial email and to explore the technical, legal, and financial issues associated with it. In 2001, the FTC received 10,000 messages a day through its spam database; the agency now receives about 130,000 spam messages a day. In reviewing these messages, the FTC has found 66% of the spam analyzed contained false "From" lines, "Subject" lines, or message text; and

Whereas, The FTC forum clearly demonstrated a need for actions at the federal level. Numerous options are being discussed, in Congress and in the states and among business and community leaders, on how best to address the issue of spam. It is increasingly clear to many that a federal approach, coupled with individual state actions, offers the greatest potential for meaningful results in dealing with this complex issue: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Federal Trade Commission.

POM-218. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Gulf Intracoastal Waterway; to the Committee on Commerce, Science and Transportation.

SENATE RESOLUTION NO. 90

Whereas, the Gulf Intracoastal Waterway is vital to the nation's economy spanning across five gulf coast states; and

Whereas, the Gulf Intracoastal Waterway carries one-third of the freight of all of America's waterways and has significant economic impact on the entire state of Louisiana, as well as the nation; and

Whereas, the protection of the banks of the Gulf Intracoastal Waterway guarantees the future of many businesses and individuals that depend on its efficiency and economy; and

Whereas, tidal exchange, combined with the effects of wave action and boat wake from traffic has contributed to significant shoreline erosion; and

Whereas, the Gulf Intracoastal Waterway shoreline erosion has and continues to contribute to the loss of coastal wetlands, aquatic resources, commercial and recreational fisheries, agricultural farmland, wildlife resources, essential fish habitat, recreation resources, and cultural resources of coastal Louisiana; and

Whereas, the lack of action to protect the Gulf Intracoastal Waterway's shorelines has negatively impacted navigation, resulting in increased dredging costs, threats to shipping, implications for loss of trade, reduced flood control, and threats to water supplies due to saltwater intrusion: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-219. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to Lake St. Clair; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 63

Whereas, Lake St. Clair is an essential component of the network that comprises the world's largest source of accessible freshwater. Often referred to as the "Heart of the Great Lakes" for the unique importance, location, and shape, Lake St. Clair is an immeasurable resource to the region's economy, ecology, health, and recreation; and

Whereas, Lake St. Clair provides the drinking water for 2.3 million people, produces one-third of all fish caught on the Great Lakes, and includes some of the most important ecosystem along the Great Lakes basin; and

Whereas, Several key federal acts, including the Great Lakes Act of 1956, the Clean

Water Act of 1978, the Great Lakes Shoreline Mapping Act of 1987, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, and the Water Resources Development Act of 2000, include Lake St. Clair in the definition of the Great Lakes for the purpose of programs and grants; and

Whereas, Lake St. Clair also received special attention in the Water Resources Development Act of 1999, which directed the Secretary of the Army to prepare a comprehensive management plan for Lake St. Clair, a first draft of which is scheduled for release in 2003; and

Whereas, In spite of its critical role, Lake St. Clair has been subject to several serious environmental problems in recent years. These have ranged from beach closings due to faulty sewage and septic systems, combined sewer overflows, toxic contamination, and the impact of invasive species; and

Whereas, Lake St. Clair will benefit from the Great Lakes Legacy Act of 2002, which provides funds to monitor and clean up contaminated sediments in the Great Lakes Areas of Concern, including the St. Clair River and Clinton River watersheds, which are adjacent to Lake St. Clair; now, therefore be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to increase efforts to preserve and protect Lake St. Clair; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the House of Representatives, June 24, 2003.

POM-220, A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to petroleum reserves; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, since that time, the SPR has been the nation's first line of defense against any interruption in petroleum supplies; and

Whereas, Louisiana is a natural choice for the placement of reserves due to the concentration of salt domes, petroleum refineries, and distribution points for tankers, and barges, and pipeline; and

Whereas, Louisiana produces approximately eighty-six million barrels of oil per year and has a refining capacity of two million seven hundred sixty thousand barrels per day; and

Whereas, the Energy Policy and Conservation Act of 1975 declared it to be a policy to establish a reserve of up to one billion barrels of petroleum; and

Whereas, the SPR has the capacity to hold seven hundred million barrels and currently holds an inventory of five hundred forty-four million seven hundred thousand barrels at the current facilities located at Freeport and Winnie, Texas, and West Hackberry and Bayou Choctaw, Louisiana; and

Whereas, the events surrounding the atrocious attacks on our nation on September 11, 2001, including our unwavering pursuit of the perpetrators, may result in foreign petroleum supply interruptions of significant scope or duration; and

Whereas, the economic well-being of Louisiana's and the nation's economy is irrevocably tied to the supply of petroleum: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the President of the United States to fill current petroleum reserve to capacity and expand petroleum reserves in Louisiana utilizing Louisiana-produced petroleum to assist in stabilizing the

economy of Louisiana and the nation; be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States of America; be it further

Resolved, That copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-105).

By Mr. MCCONNELL, from the Committee on Appropriations, without amendment:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-106).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-107).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

*Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

*Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

By Mr. HATCH for the Committee on the Judiciary.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

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

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. DOMENICI:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. CLINTON:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Environment and Public Works.

By Mr. MCCONNELL:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1431. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Hawaii (Mr. INOUE) and the Senator from Ne-

braska (Mr. NELSON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 595

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mr. EDWARDS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1168

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1168, a bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1285

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1285, a bill to reform the postal laws of the United States.

S. 1297

At the request of Mr. TALENT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1297, a bill to amend title 28,

United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1415

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. MIKULSKI) was added as a cosponsor of S. 1415, a bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. LUGAR), the Senator from Ala-

bama (Mr. SHELBY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. CON. RES. 53

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

AMENDMENT NO. 1273

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 2658, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise to introduce along with Senator LAUTENBERG the Teacher Education for Autistic Children, TEACH, Act of 2003, legislation that will highlight the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and helping ensure vocational

programs to assist people with autism transition from school to work are functioning as intended.

Autism is a developmental disability characterized by atypical, often repetitive behaviors and deficits in social and communication skills. Though it is difficult to determine an exact number, some researchers believe that an astounding 1 out of 250 of our Nation's children are in some way affected by this disorder.

Perhaps even more alarming is the fact that the number of children diagnosed with some form of autism has increased significantly throughout the country over the past decade. Take my State for example—according to the New Jersey Department of Education in 1991, there were 241 children in our schools who had been diagnosed with autism. By 2001, that figure had risen to 3,984, a staggering increase of 1,548 percent.

While the cause of autism and its cure are unknown, we are aware that the best treatment for these children is early intervention from qualified teachers. The TEACH Act of 2003 would go a long way in improving services for these children by providing teachers with the necessary training and helping school districts in hiring qualified autism teachers.

Specifically, the TEACH Act authorizes \$15 million a year for five years to provide education or professional development training for current teachers or students who want to be special education teachers, teachers' aides, or other professionals who work with autistic children.

The TEACH Act also establishes a loan forgiveness program for qualified teachers of autistic children to help them pay off college loans or loans associated with taking continuing education courses related to autism. This incentive of up to \$20,000 to help pay off college loans will go a long way in attracting more qualified individuals into special education.

The bill also includes provisions that establish State Autism Ombudsman Offices that would act as clearinghouses for families who are seeking information on services, education, and other resources to help their children achieve the full and happy lives they deserve. It also creates a national Task Force to evaluate and make recommendations regarding best practices for the education of autistic children.

Finally, this legislation requires a joint Department of Labor/Department of Education study to evaluate existing vocational programs available for people with autism in order to ensure that such individuals have access to quality jobs and their own independence.

The TEACH Act will go a long way to help autistic families by giving their children the opportunity to achieve the highest quality of life. I urge my colleagues to support this important legislation, which has the power to improve thousands of lives.

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

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

S. 1422

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Education for Autistic Children Act of 2003" or the "TEACH Act of 2003".

SEC. 2. TRAINING OF SPECIAL EDUCATION TEACHERS WITH EXPERTISE IN AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "Special Education—Personnel Preparation to Improve Services and Results for Children with Disabilities", there are authorized to be appropriated for "Special Education—Personnel Preparation to Improve Services and Results for Children with Disabilities", for each of the fiscal year 2004 through 2008, \$15,000,000—

(1) to provide technical assistance grants to develop standards for training teachers with respect to the provision of education for children with autism spectrum disorders (ASD) and to integrate such standards into the existing training infrastructure;

(2) to train special education teachers with an expertise in autism spectrum disorders; and

(3) to provide preservice or professional development training of personnel to be special education teachers, aides of such teachers or other paraprofessionals providing teaching assistance, special education administrators, or staff specialists (such as speech-language pathologists and school psychologists) with an expertise in autism spectrum disorders.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 3. IMPROVING RESULTS FOR CHILDREN WITH AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated to carry out subpart 1 of part D of the Individuals with Disabilities Education Act, there are authorized to be appropriated for each of the fiscal years 2004 through 2008 \$5,000,000 for competitive grants under subpart 1 of part D of such Act to assist State educational agencies, in cooperation with other appropriate entities, to improve results for children with autism spectrum disorders (ASD).

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 4. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS OF AUTISTIC CHILDREN.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the "Secretary") shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is employed, for 3 consecutive complete school years, as a full-time special education teacher of autistic children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed \$5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed \$5,000) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than \$20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public pre-kindergarten, kindergarten, elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public pre-kindergarten, kindergarten, or elementary school, holds a bachelor's degree and demonstrates knowledge and skills for teaching children with autism spectrum disorders; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency for teaching children with autism spectrum disorders, through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major specializing in autism or severe disabilities with

a concentration in autism spectrum disorders.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private pre-kindergarten, kindergarten, elementary, or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and skills for teaching children with autism spectrum disorders, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL PROVISIONS.—

(1) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) DEFINITION OF TEACHER OF AUTISTIC CHILDREN.—The term "teacher of autistic children" means an individual who provides instruction to children who have been diagnosed by a physician or a psychologist as having an autism spectrum disorder.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2008.

SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.

(a) REPORT.—Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended by adding at the end the following:

"(k) REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.—

"(1) IN GENERAL.—A local educational agency that receives assistance under this part for a fiscal year shall prepare and submit to the Secretary a report that contains a description of the activities referred to in paragraph (2) carried out in the preceding fiscal year.

"(2) INFORMATION.—The activities referred to in this paragraph are the following:

"(A) Activities carried out by the agency to ensure that students who exhibit symptoms of autism spectrum disorders (ASD) are referred to appropriate experts for diagnosis.

"(B) Appropriate training provided by the agency, or on behalf of the agency, of personnel of the agency and schools of the agency to carry out the activities described in subparagraph (A).

"(3) DEFINITION.—In this subsection, the term 'autism spectrum disorders' has the meaning given the term in section 9 of the Teacher Education for Autistic Children Act of 2003."

(b) TECHNICAL ASSISTANCE.—The Secretary of Education shall provide technical assistance to local educational agencies that receive assistance under part B of the Individuals with Disabilities Education Act to assist such agencies comply with the reporting requirement under section 613(k) of such Act (as added by subsection (a)).

SEC. 6. TASK FORCE ON AUTISM SPECTRUM DISORDERS.

(a) **ESTABLISHMENT.**—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services, shall establish and provide administrative support for a Task Force on Autism Spectrum Disorders (ASD) (in this section referred to as the “Task Force”).

(b) **DUTIES.**—The Task Force shall—

(1) conduct a review of minimum standards relating to the provision of special education for children with autism spectrum disorders and provide recommendations to improve or otherwise strengthen such standards;

(2) conduct a review of the effectiveness of existing educational models used with respect to the provision of special education for children with autism spectrum disorders; and

(3) conduct an evaluation of programs carried out by State and local educational agencies to train teachers with respect to the provision of special education for children with autism spectrum disorders and provide recommendations to improve and expand such programs.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services and in consultation with the Director of the National Research Council (or the Director’s designee), shall appoint members of the Task Force as follows:

(A) Not less than two members shall be representatives from national autism organizations.

(B) Not less than one member shall be an individual with an autism spectrum disorder or a parent (or legal guardian) of such an individual.

(C) Not less than two members shall be teachers with experience in working with children with autism.

(D) Not less than two members shall be appropriate officers or employees of the Department of Education.

(E) Not less than two members shall be appropriate officers or employees of the Department of Health and Human Services (to be appointed in consultation with the Secretary of Health and Human Services).

(2) **COMPENSATION.**—

(A) **RATES OF PAY.**—Except as provided in subparagraph (B), members of the Task Force shall be paid at the maximum rate of basic pay for GS-14 of the General Schedule for each day during which they are engaged in the actual performance of duties of the Task Force.

(B) **PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.**—Members of the Task Force who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(C) **TRAVEL EXPENSES.**—Each member of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the subsequent four calendar years, the Task Force shall prepare and submit to the Secretary of Education a report that contains the results of the reviews and evaluations conducted pursuant to subsection (b) and a description of the recommendations proposed pursuant to such subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section \$500,000 for fiscal years 2004 through 2008.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropria-

tions under paragraph (1) are authorized to remain available until expended.

SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL TRAINING PROGRAMS.

(a) **STUDY.**—The Secretary of Education, in conjunction with the Secretary of Labor (hereinafter in this section referred to as the “Secretaries”), shall conduct a study on the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders (ASD)

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report that contains the following:

(1) The results of the study conducted under subsection (a).

(2) Administrative and legislative recommendations to improve the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders.

(3) Recommendations on appropriate data that should be collected, maintained, and disseminated in order to better monitor the effectiveness of each vocational training program that serves individuals with autism spectrum disorders.

SEC. 8. STATE AUTISM OMBUDSMAN OFFICES.

(a) **GRANTS TO STATES.**—Of the amount appropriated pursuant to the authorization of appropriations under subsection (d) for a fiscal year, the Secretary of Education shall provide grants to each State that meets the requirements of subsection (b) for the purpose of carrying out this section.

(b) **STATE REQUIREMENTS.**—A State meets the requirements of this subsection if it establishes and operates (including through the use of funds provided under a grant under subsection (a)) at least one State autism ombudsman office in accordance with this section. The office shall be headed by an individual who shall be selected from among individuals who are members of, or approved by, national, non-profit organizations, including their State and local affiliate organizations, dedicated to addressing, by whatever means, the needs of individuals with autism spectrum disorders or their families or legal guardians.

(c) **DUTIES OF OFFICE.**—

(1) **IN GENERAL.**—A State autism ombudsman office established in accordance with subsection (b) shall serve individuals with autism spectrum disorders and their families or guardians as a resource to assist with legal, educational, and family support systems issues, including by advising families or guardians on the process of the individualized education program, interpreting school communications regarding a child who exhibits autistic behavior, proposing alternatives to those proposed by the IEP team, and otherwise mediating between families or guardians of a child with an autism spectrum disorder and officials of local or State public school systems, agencies, or boards.

(2) **DEFINITION.**—In this subsection, the term “individualized education program” or “IEP” means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with section 614(d) of the Individuals with Disabilities Education Act.

(d) **REQUIREMENTS.**—A State autism ombudsman office established in accordance with subsection (b) shall—

(1) coordinate with the State developmental disabilities council, university-affiliated programs, regional resource centers, and other appropriate State entities; and

(2) operate independently of the State educational agency and local educational agencies within the State.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

carry out this section \$8,000,000 for each of the fiscal years 2004 through 2008.

SEC. 9. DEFINITION.

In this Act, the term “autism spectrum disorder” has the meaning given the term by the Diagnostic and Statistical Manual of Mental Disorders—Fourth Edition (DSM-IV).

By Mr. MCCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person’s weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, a personal injury lawyer’s desire for a big payday by any theory imaginable is never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

America is blessed with an abundant food supply and an overwhelming number of food choices. With so many choices, some of us overdo it. That over indulgence, combined with an under indulgence of exercise can sometimes have negative health consequences. But most of us take responsibility for the amount—and the type—of food we put in our mouth, and we accept the consequences of those decisions.

Personal injury lawyers, however, are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. And so the latest targets of predatory lawyers are the people producing and selling food. That is right. This money-hungry gang is going after “Big Food.” If it were not so frightening, it would be funny.

This is a disturbing turn of events and a further indication of the erosion of personal responsibility in America. People claiming their weight gain is the fault of the food manufacturers or seller have already begun filing lawsuits. Think of the absurdity of that logic. How long will it be until those who get speeding tickets begin to sue car manufacturers for building a car that people may decide to drive too fast?

Many Americans need to take greater care in what—and how much—they eat. But it is also time to curb the voracious appetite of the personal injury lawyers and put an end to this ridiculous and costly litigation before it gets out of hand.

That is why today I am introducing the Commonsense Consumption Act.

My bill would prohibit suits against food manufacturers and sellers for claims of injury resulting from a person’s weight gain, obesity or health condition related to weight gain or obesity.

Any such suit pending on the date of enactment of this bill would be dismissed.

Let me be clear. This bill does not provide widespread legal immunity for the food industry. It only provides protection from abusive suits by people seeking to blame someone else for their poor eating habits.

This bill would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate a Federal or State statute applicable to the manufacture and sale of food.

This bill would not apply to lawsuits for breach of contract or express warranty. And this bill would not apply to claims related to "adulterated" food.

I should mention that Representative Ric Keller has introduced similar legislation in the House. His bill, entitled the Personal Responsibility in Food Consumption Act has received a hearing and has attracted a significant number of cosponsors. My bill is worded a bit differently than Representative Keller's but I believe it is safe to say that both bills aim for the same result: an end to these absurd lawsuits.

Just a few years ago, the whole idea of blaming, and suing, someone else for your own eating habits was comical.

In fact, in August of 2000 the satirical publication "The Onion" carried a spoof news story entitled "Hershey's Ordered To Pay Obese Americans \$135 Billion."

The story began: In one of the largest product-liability rulings in U.S. history, the Hershey Foods Corp. was ordered by a Pennsylvania jury to pay \$135 billion in restitution to 900,000 obese Americans who for years consumed the company's fattening snack foods.

The article continued by saying: [The five-state class-action suit accused Hershey's of "knowingly and willfully marketing rich, fatty candy bars containing chocolate and other ingredients of negligible nutritional value." The company was also charged with . . . artificially "spiking" Their products with such substances as peanuts, crisped rice, and caramel to increase consumer appeal.

That story was humorous in August of 2000. It is not funny any longer. Personal injury lawyers are now attempting to turn that satirical story into reality.

We have seen press reports that just a few weeks ago a group of more than a hundred money-hungry lawyers and activists met in Boston to plan strategy for suing food manufacturers and sellers.

As I mentioned, some of these personal injury lawyers have already started suing. We have seen suits against restaurants, suits against cookie makers, and there are more to come.

One lawyer has reportedly sent letters to restaurants telling them to meet his demands or he will sue. This same trial lawyer ring-leader has also threatened to sue local school districts and even individual members of the school board. Have these lawyers no shame?

But perhaps these lawyers have finally bitten off more than they can chew. When they sue come big corporation, most people probably do not pay much attention. But when you start dragging the local school board members into court and forcing them to spend thousands and thousand of tax dollars defending against frivolous claims, well as we say in Kentucky that is a horse of a different color.

When Americans hear what these lawyers are up to I do not think they are going to like it. I know the voters in Kentucky are not interested in seeing more abusive lawsuits about obesity, and they certainly are not interested in paying more at the cash register in order to finance some personal injury lawyers' extravagant lifestyle.

These lawsuits are expensive to defend and the lawyers know that. The lawyers are not really interested in consumers, they are looking for a settlement, a big settlement, that will make them rich and enable them to clog the courts with more frivolous cases.

Make no mistake about it. These lawsuits seek only to fatten personal injury lawyers' wallets. And that will result in higher food prices for consumers.

It is time to stop this abuse now and it is time to remind people that personal responsibility is the issue here. People must take responsibility for their actions.

As one weight loss guru said on CNN earlier this year when he was asked about obesity suits against restaurants:

There is always going to be greasy, fried, salty, sugary food. It is up to the individual to walk in and say, I don't want those fries today. I have 40 pounds to lose. It is not the fault of the fast food people, and anyone who's trying to sue the fast food places needs a therapist, not an attorney. You have to make your own decisions. That's what the freedom in America is all about.

Never in my wildest dreams did I think I would be quoting Richard Simmons on the Senate floor, but he has perfectly summed it up pretty well, as I just described.

Making your own decisions is what freedom is all about. And with freedom comes responsibility. We have the freest society on the planet, but folks need to start exercising some responsibility with their freedom. Do not blame others for your bad habits. You are responsible for what you put in your mouth, and parents are responsible for what their children put in their mouth. It is that simple. The plaintiff's bar may not like that fact, but it is truly that simple.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assist-

ance under the medicaid program; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator FEINSTEIN in introducing the Family Planning State Empowerment Act of 2003. This legislation would provide States with a mechanism to improve the health of low-income women and families by allowing States to expand family planning services to additional women under the Medicaid program.

The Federal Government currently reimburses States for 90 percent of their expenditures for family planning services under Medicaid, due to the importance of these for low-income women. This reimbursement rate is higher than for most other health care services.

Generally, women may qualify for Medicaid services, including family planning, in one of two ways: they have children and an income level below a threshold set by the State, ranging from 15 to 86 percent of the Federal poverty level; or they are pregnant and have incomes up to 133 percent of the poverty level, federal law allows states to raise this income eligibility level to 185 percent, if they desire. If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for sixty days following delivery. After those sixty days, the woman's Medicaid eligibility expires.

If States want to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a so-called "1115" waiver. These waivers allow States to establish demonstration projects in order to test new approaches to health care delivery in a manner that is budget-neutral to the Federal Government.

To date, these waivers have enabled eighteen States to expand access to family planning services. Most of these waivers allow states to extend family planning to women beyond the sixty-day post-partum period. This allows many women to increase the length of time between births, which has significant health benefits for women and their children. For this reason, an Institute of Medicine report recommended that Medicaid should cover family planning services for two years following a delivery.

Some of the waivers allow States to provide family planning to women based solely on income, regardless of whether they qualify for Medicaid due to pregnancy or children. In general, States have used the same income eligibility levels that apply to pregnant women, 133 percent or 185 percent of the poverty level, creating continuity for both family planning and prenatal care services. These expanded services also help states reduce rates of unintended pregnancy and the need for abortion.

My State of Rhode Island was one of the first States to obtain one of these waivers, and has had great success with it in terms of preventing unintended

pregnancies and improving public health in general. Rhode Island's waiver has averted 1,443 pregnancies from August 1994 through 1997, resulting in a savings to the state of \$14.3 million. In addition, Rhode Island's waiver has assisted low-income women with spacing-out their births. The number of low-income women in Rhode Island with short inter-birth intervals, becoming pregnant within 18 months of having given birth, dropped from 41 percent in 1993 to 29 percent in 1999. The gap between Medicaid recipients and privately insured women was 11 percent in 1993, compared with only 1 percent—almost negligible—in 1999. As these statistics show, these waivers are extremely valuable and serve as a huge asset to the women's health, not only to my constituents but to constituents in the thirteen other states who currently benefit from these waivers.

Unfortunately, the waiver process is extremely cumbersome and time consuming, taking up to three years for States to receive approval from the federal government. This may discourage States from applying for family planning waivers, or at the very least, delay them from providing important services to women.

Our bill would rectify this problem by allowing States to extend family planning services through Medicaid without going through the waiver process. Eliminating the waiver requirement will facilitate State innovation and provide assistance to more low-income women.

This bill will allow States to provide family planning services to women with incomes up to 185 percent of the Federal poverty level. For low-income, post-partum women, States will no longer be limited to providing them with only sixty days of family planning assistance. States may also provide family planning for up to one year to women who lose Medicaid-eligibility because of income.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 1429

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning State Empowerment Act of 2003".

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

"(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

"(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

"(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator CHAFEE to introduce a bill to give States the flexi-

bility to provide family planning services to low-income women who do not qualify for Medicaid.

Under current law, in order to qualify for family planning services provided by the Medicaid program, a woman would either have to have children and an income level below a threshold set by the State, ranging from 15–86 percent of the Federal poverty level, or be pregnant and have an income up to 133 percent of the poverty level; Federal law allows States to raise this income eligibility level to 185 percent, if they desire.

If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for 60 days following delivery. After those 60 days, the woman's Medicaid eligibility expires.

If a State wants to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a waiver. Currently, 18 States have waivers approved by the Federal Government. The waiver process is extremely cumbersome and time consuming, often taking up to three years to receive approval from the Federal Government.

This bill would once and for all allow States to provide crucial family planning to low-income women under the Medicaid program. It would eliminate the waiver process for these services and would give authority back to the States to determine what populations of low income women they want to provide family planning services to.

California currently receives \$100 million annually, until 2004, as part of its five-year waiver to provide family planning services to low income women. With these funds, California provides services to more than 900,000 women each year.

The State estimates that because of these services, at least 50,000 unintended pregnancies are prevented each year.

In addition to contraceptives, the family planning funds are used for sexually transmitted disease screening and treatment, HIV screening and counseling, basic infertility services and pregnancy testing and counseling.

Officials involved in the program estimate that for every \$1 invested in family planning, \$3 are saved in pregnancy and health-care related costs.

In California, it is estimated that providing low-income women with access to family planning will save the State more than \$900 million over the course of the five-year waiver.

I believe this legislation is more important now than ever.

Each year, approximately 3 million pregnancies, or about half of all pregnancies, are unintended. Increasing access to family planning services could help avert these 3 million unintended pregnancies and all the decisions and costs associated with either continuing or terminating a pregnancy.

Family planning services give women the necessary tools to space the births

of their children, which improves women's health and reduces rates of infant mortality.

Medicaid family planning is also cost effective. For every \$1 invested in family planning, \$3 are saved in pregnancy and health care-related costs.

Family planning and reproductive health services are much more than just accessing contraceptives. Services provided include screening and treatment for sexually transmitted diseases and HIV, basic infertility services and pregnancy testing and counseling. Women can receive pap smears and breast exams, which are crucial to detecting cervical and breast cancer.

Low income women deserve access to family planning and reproductive health services. And States should not have to ask the Federal Government for permission to use Medicaid funds to provide these essential services.

We can afford to shut the door on those who cannot otherwise afford family planning and reproductive health services.

I urge my colleagues to join me in supporting this important legislation.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Erskine House in Kodiak, AK, which houses the Baranov Museum, is one of a very few Russian period structures remaining in the Western Hemisphere. It is of great historical significance not only for this reason, but also because it is the only surviving structure known to have been associated with both the Russian America Company and the Alaska Commercial Company, the pillars of Russian and early American administration of Alaska.

The Erskine House/Baranov Museum is owned by the City of Kodiak and operated by the Kodiak Historical Society. It is a popular visitor attraction in Kodiak. Its collections include artifacts from the Russian American Company and the Alaska Commercial Company and also include Alaska Native, Russian and other cultural exhibits. I am told that the structure, although it has had many owners, maintains much of its original historic integrity.

The Erskine House was designated a National Historic Landmark on June 2, 1962. Shortly thereafter the National Park Service initiated consideration of including this important property in the National Park System. On February 11, 2000, the Department of the Interior formally sought funds from Congress to study the possible inclusion of the Erskine House in the system. The Congress responded by earmarking \$250,000 in fiscal year 2002 appropriations for the Erskine House, some of which could be used to conduct the study and the remainder for preservation and maintenance of the facility.

I am sad to report that the National Park Service has not initiated this study. The National Park Service has indicated that it cannot initiate the study without the express direction of Congress and that congressional intent to do so cannot be inferred from the language of the appropriation. However, the good news is that a sufficient portion of the \$250,000 appropriation remains unexpended and I understand that it is available to be expended on the study. The expenditure of funds on the study will not interfere with plans to spend other portions of the \$250,000 appropriation to rehabilitate the structure. The City of Kodiak and the Kodiak Historical Society have expressed support for the study. What we need is for Congress to authorize the study.

The legislation that I am introducing today would do just that. It directs the Secretary of the Interior to conduct a study of the Erskine House/Baranov Museum for the purpose of determining the suitability and feasibility of designating the museum as a unit of the National Park Service. I would like to see this study proceed with all deliberate speed. Accordingly, the legislation also requires that the Secretary report to appropriate committees of the Congress on the findings of the study and the Secretary's conclusions and recommendations within one year of the date upon which this legislation is enacted.

I want to commend the City of Kodiak and the Kodiak Historical Society for their loving care of this important structure. Perhaps this excerpt, from a July 7, 2003 letter that I received from Stacey Becklund, Director of the Kodiak Historical Society states it best, and I ask unanimous consent that it be printed in the RECORD.

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

The [Erskine House and the Baranov Museum] are some of Kodiak's most cherished treasures. Both assets have matured through labors and love of staff, volunteers and members of the community. We, at all levels of government and community, will benefit from a thorough and accurate study to assess the future ownership of this structure.

I am privileged to lend my voice to the voices of the people of Kodiak, many of whom believe that this very important historic site is a national treasure, as well as a local one. I hope that this legislation will receive expeditious consideration.

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

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

S. 1430

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baranov Museum Study Act".

SEC. 2. STUDY AND REPORT.

(a) STUDY.—The Secretary of the Interior (referred to in this Act as the "Secretary")

shall conduct a study of the Baranov Museum in Kodiak, Alaska, to determine the suitability and feasibility of designating the museum as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and
(2) any conclusions and recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, supra.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1280. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, supra.

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, supra.

SA 1282. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1283. Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, supra.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1285. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, supra.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1287. Mr. STEVENS (for Mr. ALLARD (for himself, Mr. NELSON, of Florida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1290. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, supra.

SA 1291. Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, supra.

SA 1292. Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS))

proposed an amendment to the bill H.R. 2658, supra.

SA 1293. Mr. STEVENS (for Ms. COLLINS (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1294. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 2658, supra.

SA 1295. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, supra.

SA 1296. Mr. STEVENS (for Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 2658, supra.

SA 1297. Mr. STEVENS (for Mr. BURNS (for himself, Mr. CONRAD, and Mr. CRAIG)) proposed an amendment to the bill H.R. 2658, supra.

SA 1298. Mr. STEVENS (for Mr. CHAMBLISS (for himself, Mr. MILLER, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1299. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1300. Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill H.R. 2658, supra.

SA 1301. Mr. INOUE (for Mrs. FEINSTEIN (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1302. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, supra.

SA 1303. Mr. INOUE (for Mr. DURBIN) proposed an amendment to the bill H.R. 2658, supra.

SA 1304. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1305. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1306. Mr. INOUE (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1307. Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 2658, supra.

SA 1308. Mr. INOUE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2658, supra.

SA 1309. Mr. INOUE (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 2658, supra.

SA 1310. Mr. INOUE proposed an amendment to the bill H.R. 2658, supra.

SA 1311. Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 2658, supra.

SA 1312. Mr. INOUE (for Mr. WYDEN (for himself and Mr. BYRD)) proposed an amendment to the bill H.R. 2658, supra.

SA 1313. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, supra.

SA 1314. Mr. INOUE (for Mr. BIDEN (for himself, Mr. CARPER, Mr. MILLER, and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1315. Mr. INOUE (for Mr. SCHUMER (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2658, supra.

SA 1316. Mr. INOUE (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 2658, supra.

TEXT OF AMENDMENTS

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", \$50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM" for research, development, test and evaluation, \$10,000,000 shall be available for the Muscular Dystrophy Research/Muscle Research Consortium.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) The President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

SA 1280. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through "": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department

of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SA 1282. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and

Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 24 and all that follows through "": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450b(e)) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

SA 1283. Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, \$1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of \$1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer \$750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer \$350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and Prevention and the National Institutes of Health.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this action shall affect the authority or procedure for entering into contracts under section 2469 or 2474 of title 10, United States Code.

SA 1285. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

SA 1287. Mr. STEVENS (for Mr. AL-LARD (for himself, Mr. NELSON of Flor-

ida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to \$10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, insert the following on line 18: "SEC. . STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issue during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operations Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—later that 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

SA 1290. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$4,000,000 may be available for adaptive optics research.

SA 1291. Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

SA 1292. Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to \$8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from \$6,000 to \$12,000.

SA 1293. Mr. STEVENS (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIP-BUILDING AND CONVERSION, NAVY", up to \$20,000,000 may be available for DDG-51 modernization planning.

SA 1294. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "operation and Maintenance, Army", up to \$4,000,000 may be used for the Army Museum of the Southwest at Ft. Still, Oklahoma.

SA 1295. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

SA 1296. Mr. STEVENS (for Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "Operation and Maintenance, Marine Corps", up to \$6,000,000 may be used for the purchase of HMMWV tires.

SA 1297. Mr. STEVENS (for Mr. BURNS (for himself, Mr. CONRAD, and Mr. CRAIG)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to \$2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

SA 1298. Mr. STEVENS (for Mr. CHAMBLISS (for himself, Mr. MILLER, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act, may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

SA 1299. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activ-

ity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

SA 1300. Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 8123, insert the following:

TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) **PAYMENT OF COMPENSATION REQUIRED.**—Subject to the availability of appropriated funds, the Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) **COMPENSATION.**—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of \$10,000.

(c) **IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.**—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) **TREATMENT AS FORMER PRISONER OF WAR.**—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) **TIMING OF PAYMENT.**—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) **PRIORITY IN PAYMENTS.**—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) **FUNDING.**—(1) From funds available otherwise in this Act up to \$49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of September 30, 2005, shall revert to the Treasury as of that date.

SEC. 903. DEFINITIONS.

In this title:

(1) **FORMER PRISONER OF WAR.**—The term “former prisoner of war” means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a con-

tractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) **JAPANESE COMPANY.**—The term “Japanese company” means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) **WORLD WAR II.**—The term “World War II” means the period beginning on December 7, 1941, and ending on August 8, 1945.

SA 1301. Mr. INOUE (for Mrs. FEINSTEIN for herself, Mr. STEVENS, and Mr. INOUE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading “PROCUREMENT, DEFENSE-WIDE”, up to \$20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

SA 1302. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development.

SA 1303. Mr. INOUE (for Mr. DURBIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

SA 1304. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fis-

cal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE”, up to \$3,000,000 may be used for Project Ancile.

SA 1305. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$2,000,000 may be used for Knowledge Management Fusion.

SA 1306. Mr. INOUE (for Mr. SCHUMER for himself and Mrs. CLINTON) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

SA 1307. Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional \$7,000,000 may be used from the total amount appropriated by title IV “Research, Development, Test and Evaluation, Defense-Wide”, for Ultra-low Power Battlefield Sensor System.

SA 1308. Mr. INOUE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) **FINDINGS.**—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

SA 1309. Mr. INOUE (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Army" up to \$15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

SA 1310. Mr. INOUE proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to \$2,000,000 may be used to promote civil rights education and history in the Army.

SA 1311. Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fis-

cal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—THE COMPTROLLER GENERAL SHALL EXAMINE AND REPORT BACK TO THE CONGRESSIONAL DEFENSE COMMITTEES ON:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

SA 1312. Mr. INOUE (for Mr. WYDEN (for himself and Mr. BYRD)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

SA 1313. Mr. INOUE (for Mrs. BOXER) proposes an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of section 8083, add the following:

"Not more than \$1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

SA 1314. Mr. INOUE (for Mr. BIDEN (for himself, Mr. CARPER, Mr. MILLER, and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$19,700,000 may be available for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program (AMP) kits.

SA 1315. Mr. INOUE (for Mr. SCHUMER (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

SA 1316. Mr. INOUE (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

“(3) This subsection shall remain in effect for fiscal year 2004.”

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, 2002 at 2:30 p.m. in room SD-366 of the Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshores; S. 1107, to enhance the recreational fee demonstration program for National Park Service, and for other services; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. 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 July 17, 2003, at 10:00 a.m. to conduct a hearing on “regulatory oversight of government sponsored enterprise accounting practices.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. on pending Committee business.

AGENDA

S. 1389, Surface Transportation Board (STB) Reauthorization (Mary Phillips/Rob Freeman/Debbie Hersman)

S. _____, Federal Railroad Safety Improvement Act (Mary Phillips/Rob Freeman/Debbie Hersman)

S. 1250, The Enhanced 911 Emergency Communications Act of 2003 (Paul Martino/James Assey/Rachel Welch)

S. _____, National Oceanic and Atmospheric Administration (NOAA) Reauthorization (Drew Minkiewicz/Floyd DesChamps/Margaret Spring)

S. _____, Ocean and Coastal Observation Systems Act (Drew Minkiewicz/Margaret Spring)

S. _____, United States Olympic Committee (USOC) Reform Act of 2003 (Ken Nahigian/David Strickland/Matthew Morrissey)

S. 1395, Technology Administration Reauthorization (Floyd DesChamps/Ken LaSala/Jean Toal Eisen)

Nomination of Nicole Nason (PN 613), of Virginia, to be Assistant Secretary for Governmental Affairs, for the Department of Transportation (Rob Chamberlin/Virginia Pounds/Sam Whitehorn/Carl Bentzel)

Nomination of Pamela Harbour (PN 710), of New York, to be a Federal Trade Commissioner (Pablo Chavez/Virginia Pounds/David Strickland)

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 17, at 9:30 a.m.

This is the second in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, July 17 at 9:30 a.m. to examine the importation of exotic species and the impact on public health and safety.

The meeting will take place in SD 406 (Hearing room).

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

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 17, 2003, at 10 a.m. to hear testimony on Nursing Home Quality Revisited: The Good, the Bad and the Ugly.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 17, 2003 at 9:30 a.m. to hold a hearing on Benefits for U.S. Victims of International Terrorism.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. for a hearing entitled “Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part Two: Government Response.”

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kalsoom Lakhani and Alexander Nelson of my staff be granted floor privileges during the duration of this debate.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that David Townsend of my staff be granted floor privileges for the duration of today.

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

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following Energy bills: Calendar No. 198, S. 470; Calendar No. 199, S. 490; Calendar No. 200, S. 499; Calendar No. 201, S. 546; Calendar No. 202, S. 643; Calendar No. 203, S. 651; Calendar No. 204, S. 677; Calendar No. 205, S. 924; Calendar No. 206, S. 1076; Calendar No. 207, H.R. 255; Calendar No. 208, H.R. 1577; and H.R. 74, which is at the desk.

I further ask unanimous consent that, where applicable, the committee amendments be agreed to; that the bills, as amended, if amended, be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

MARTIN LUTHER KING, JR. MEMORIAL CONSTRUCTION

The Senate proceeded to consider the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 470

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

SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.

[Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4157) is amended—

[(1) by striking “The establishment” and all that follows through the period at the end and inserting the following:

[(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.”; and

[(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

[(2) EXCEPTION.—Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.]

SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, as amended is amended to read as follows:

“(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

“(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.

Mr. SARBANES. Mr. President, this year marks the 40th anniversary of the March on Washington—a turning point in the struggle for civil rights for all Americans—and I am pleased that the Senate today has passed S. 470, a bill I introduced on February 27, 2003. This important legislation extends the authority for the memorial to Dr. Martin Luther King, Jr., to be constructed in the District of Columbia close to the spot from which Dr. King delivered his moving “I Have a Dream” speech at the March on Washington. I would like to thank the Senate for moving so expeditiously on S. 470—legislation that is crucial to ensure a fitting tribute to our Nation’s greatest civil rights leader.

In the 104th Congress, Congress passed a bill that I sponsored authorizing the creation of a memorial to Dr. King as part of the omnibus parks legislation. The Alpha Phi Alpha Fraternity, of which Dr. King was a member, was designed to coordinate the design and funding of the memorial. The legislation provides that the monument be established entirely with private contributions. The Department of Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, has approved the site of the memorial pursuant to this legislation. A design has been selected and the Alpha Phi Alpha National Memorial Project Foundation is in the process of getting that design approved by the Department of the Interior.

Pursuant to the Commemorative Works Act, there is a 7-year period of legislative authority in which the National Memorial Project Foundation must acquire a construction permit for the memorial. This 7-year period will expire in November of this year. Despite the enormous dedication of the National Memorial Project Foundation, additional time is necessary for the Foundation to erect a fitting tribute to Dr. King. Meeting the administrative procedures and fundraising requirements of the act has been a slow process. Therefore, the foundation requires more time in which to complete the process and acquire a construction permit.

That is why I and Congresswoman DIANE WATSON in the House of Representatives introduced this legislation to extend the period of legislative authority for an additional 3 years. This legislation gives the foundation additional time to raise the necessary funds to obtain the construction permit and will ensure that work on the memorial is completed. This extension of legislative authority has been done before for numerous other memorials, such as the World War II Memorial and the U.S. Air Force Memorial, given the length of time it usually takes to embark on a project of this magnitude, and I am pleased that it will be done for the Martin Luther King, Jr. Memorial.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of non-violence reawakened our Nation to the injustice and discrimination that continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

A memorial to Dr. King erected in the Nation’s Capital will provide continuing inspiration to all who view it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is more that needs to be done in this critical area.

Martin Luther King, Jr. dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. It is my hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even very fundamental change,

is to be achieved through nonviolent means; that this is the path down which we should go as a Nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Forty years ago Dr. King declared “I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.” We must not let future generations forget the power of these words, and the importance of Dr. King’s dream. The passage of S. 470 will ensure that work on the Martin Luther King, Jr. Memorial is completed, and that Dr. King’s legacy will live on.

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

The bill (S. 470), as amended, was read the third time and passed.

LAND CONVEYANCE IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA

The Senate proceeded to consider the bill (S. 490) 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, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 490

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

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

[(a) FINDINGS.—Congress finds that—

[(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the “Tribe”) included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

[(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

[(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

[(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

[(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

[(b)] (a) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

[(c)] (b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

[(d)] (c) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

[(e)] (d) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The committee amendments were agreed to.

The bill (S. 490), as amended, was read the third time and passed, as follows:

S. 490

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

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(c) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(d) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

**BUFFALO SOLDIERS
COMMEMORATION ACT OF 2003**

The Senate proceeded to consider the bill (S. 499) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 499

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

[SECTION 1. SHORT TITLE.]

[This Act may be cited as the “Buffalo Soldier Commemoration Act of 2003”.]

[SEC. 2. FINDINGS.]

[Congress finds that—

[(1) the 9th and 10th Cavalry regiments and the 24th and 25th Infantry regiments, comprised of African-American soldiers referred to as “Buffalo Soldiers”, performed outstanding service to the United States during—

[(A) the Indian Wars;

[(B) the Spanish-American War;

[(C) the Philippine Insurrection; and

[(D) the raids against Poncho Villa;

[(2) in recognition of the contributions of the Buffalo Soldiers to the defense of the United States, soldiers in the 9th and 10th Cavalry regiments were awarded 20 individual Congressional Medals of Honor;

[(3) the Buffalo Soldiers established a rich tradition of professional African-American soldiers in the United States Army by granting a commission—

[(A) in the 10th Cavalry regiment, to the first African-American professional officer; and

[(B) in the 9th Cavalry regiment, to the first African-American graduates of West Point;

[(4) while the Buffalo Soldiers served the United States with bravery and fortitude in the harshest environments and under the most difficult conditions, the service of the Buffalo Soldiers has not been sufficiently memorialized;

[(5) the Buffalo Soldiers remain emblems of the work of free men in defense of the United States and should be recognized for their contributions; and

[(6) because 2 of the 4 African-American regiments were organized in the State of Louisiana and were initially comprised of recruits from the city of New Orleans, the State of Louisiana is an appropriate place to establish a memorial to recognize the contributions of the Buffalo Soldiers.

[SEC. 3. DEFINITIONS.]

[In this Act:

[(1) BUFFALO SOLDIER.—The term “Buffalo Soldier” means an African-American soldier that served in—

[(A) the 9th Cavalry regiment;

[(B) the 10th Cavalry regiment;

[(C) the 24th infantry regiment; or

[(D) the 25th infantry regiment.

[(2) CITY.—The term “city” means the city of New Orleans, Louisiana.

[(3) COMMISSION.—The term “Commission” means the American Battle Monuments Commission.

[(4) FUND.—The term “Fund” means the Buffalo Soldier Memorial Fund established by section 5(a).

[(5) MEMORIAL.—The term “memorial” means the memorial established under section 4(a).

[(6) MUSEUM.—The term “museum” means the Louisiana State Museum in the State.

[(7) STATE.—The term “State” means the State of Louisiana.

[SEC. 4. ESTABLISHMENT OF MEMORIAL.]

[(a) IN GENERAL.—The Commission may establish a memorial to honor the Buffalo Soldiers—

[(1) on Federal land in the city or its environs; or

[(2) on land donated by the city or the State.

[(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions sufficient for the construction and maintenance of the memorial.

[(c) MAIL.—The Commission shall be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization with respect to official mail sent in carrying out this section.

[(d) VOLUNTARY SERVICES.—

[(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept from any person voluntary services provided in furtherance of fundraising activities of the Commission relating to the memorial.

[(2) TREATMENT OF VOLUNTEERS.—

[(A) IN GENERAL.—Subject to subparagraph (B), a person that provides voluntary services under this subsection—

[(i) shall be considered to be a Federal employee for the purposes of chapter 81 of title 5 and chapter 171 of title 28, United States Code; but

[(ii) shall not be considered to be a Federal employee for any other purpose by reason of the provision of the voluntary service.

[(B) CERTAIN RESPONSIBILITIES.—A person described in subparagraph (A) that is assigned responsibility for the handling of funds or the carrying out of a Federal function shall be subject to—

[(i) section 208 of title 18, United States Code; and

[(ii) part 2635 of title 5, Code of Federal Regulations (or any successor regulation).

[(3) REIMBURSEMENT.—The Commission may—

[(A) identify types of incidental expenses incurred by a person providing voluntary services under this subsection for which the person may be reimbursed; and

[(B) provide for reimbursement of those expenses.

[(4) NO EFFECT ON FEDERAL EMPLOYEES.—Nothing in this subsection—

[(A) requires any Federal employee to work without compensation; or

[(B) permits the use of volunteer services to displace or replace any services provided by a Federal employee.

[(e) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the memorial shall not be considered to be a funding agreement for the purpose of chapter 18 of title 35, United States Code.

[(f) LEGAL REPRESENTATION.—

[(1) IN GENERAL.—The Attorney General shall provide the Commission such legal representation as the Commission requires to carry out subsection (e).

[(2) PATENT AND TRADEMARK REPRESENTATION.—The Secretary of Defense shall provide representation for the Commission in any administrative proceeding before the Patent and Trademark Office and Copyright Office.

[(g) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17, United States Code, shall not apply to any copyright transferred to the Commission.

[(h) PARTICIPATION IN COMBINED FEDERAL CAMPAIGN.—The Director of the Office of Personnel Management shall include the Commission on the list of agencies eligible for participation in each Combined Federal Campaign carried out by the Executive Branch under Executive Order No. 10927 (March 18, 1961), until such time as the Commission certifies to the Director of the Office of Personnel Management that fundraising for the memorial is concluded.

[SEC. 5. MEMORIAL FUND.

[(a) ESTABLISHMENT.—There is established in the Treasury a fund to be used by the

Commission to pay the expenses incurred in establishing the memorial, to be known as the "Buffalo Soldier Memorial Fund".

[(b) DEPOSITS IN THE FUND.—The Commission shall deposit in the Fund—

[(1) amounts accepted by the Commission under section 4(b); and

[(2) interest and proceeds credited to the Fund under subsection (d).

[(c) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund that is not, in the judgment of the Chairman of the Commission, required to meet current withdrawals. Investments may be made only in—

[(1) an interest-bearing obligation of the United States; or

[(2) an obligation guaranteed as to principal and interest by the United States that the Chairman of the Commission determines has a maturity suitable for the Fund.

[(d) CREDITS TO FUND.—The interest on, and proceeds from sale or redemption of, obligations held in the Fund shall be credited to the Fund.

[(e) USE OF FUND.—Amounts in the Fund shall be available—

[(1) to the Commission—

[(A) to pay expenses incurred in establishing the memorial; and

[(B) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, licensed to the Commission to aid or facilitate the construction of the memorial; and

[(2) to the Commission, or to another agency or entity to which the amounts are transferred under subsection (f)—

[(A) for the maintenance and upkeep of the memorial; and

[(B) after establishment of the memorial, for such other expenses relating to the memorial as the Commission, agency, or entity considers to be necessary.

[(f) TRANSFER OF AMOUNTS IN FUND.—Amounts in the Fund may be transferred by the Commission to an agency or entity to which title to the memorial is transferred under section 6.

[SEC. 6. TRANSFER OF POSSESSION AND AUTHORITY FOR MEMORIAL.

[On or after the date that is 1 year after the date of establishment of the memorial, the Commission may transfer any amounts remaining in the Fund, and title to and responsibility for future operation and maintenance of the memorial, to, at the option of the Commission—

[(1) the National Park Service; or

[(2) another appropriate governmental agency or other entity (such as a State or local government agency, or a nonprofit corporation that applies to the Commission to take title to the memorial) that is an organization described in section 170(c) of the Internal Revenue Code of 1986.

[SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers commemoration Act of 2003".

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—*The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.*

(b) CONTRIBUTIONS.—*The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.*

(c) COOPERATIVE AGREEMENTS.—*The Commission may enter into a cooperative agreement with a private or public entity for the purpose*

of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—*Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.*

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—*The Commission shall maintain an escrow account ("account") to pay expenses incurred in constructing the memorial.*

(b) DEPOSITS INTO THE ACCOUNT.—*The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.*

(c) USE OF ACCOUNT.—*Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.*

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

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

The bill (S. 499), as amended, was read the third time and passed.

PALEONTOLOGICAL RESOURCES PRESERVATION ACT

The Senate proceeded to consider the bill (S. 546) to provide for the protection of paleontological resources on Federal lands, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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

The bill (S. 546), as amended, was read the third time and passed.

S. 546

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

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Paleontological Resources Preservation Act".

SEC. 2. FINDINGS.

[The Congress finds the following:

(1) Paleontological resources are non-renewable. Such resources on Federal lands are an accessible and irreplaceable part of the heritage of the United States and offer significant educational opportunities to all citizens.

(2) Existing Federal laws, statutes, and other provisions that manage paleontological resources are not articulated in a unified national policy for Federal land management agencies and the public. Such a policy is needed to improve scientific understanding, to promote responsible stewardship, and to facilitate the enhancement of responsible paleontological collecting activities on Federal lands.

(3) Consistent with the statutory provisions applicable to each Federal land management system, reasonable access to paleontological resources on Federal lands

should be provided for scientific, educational, and recreational purposes.

[SEC. 3. PURPOSE.]

【The purpose of this Act is to establish a comprehensive national policy for preserving and managing paleontological resources on Federal lands.

[SEC. 4. DEFINITIONS.]

【As used in this Act:

【(1) CASUAL COLLECTING.—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for personal (scientific, educational, or recreational) use, either by surface collection or using non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources.

【(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior with respect to lands administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands administered by the Secretary of Agriculture.

【(3) FEDERAL LANDS.—The term “Federal lands” means lands administered by the Secretary of the Interior, except Indian lands, or National Forest System Lands administered by the Secretary of Agriculture.

【(4) INDIAN LANDS.—The term “Indian Lands” means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

【(5) STATE.—The term “State” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

【(6) PALEONTOLOGICAL RESOURCE.—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

【(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

【(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Rehabilitation Act (25 U.S.C. 3001)).

[SEC. 5. MANAGEMENT.]

【(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

【(b) COORDINATION OF IMPLEMENTATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

[SEC. 6. PUBLIC AWARENESS AND EDUCATION PROGRAM.]

【The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

[SEC. 7. COLLECTION OF PALEONTOLOGICAL RESOURCES.]

【(a) PERMIT REQUIREMENT.—

【(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

【(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands administered by the Bureau of Land Management, the Bureau of Reclamation, and the U.S. Forest Service, where such collection is not inconsistent with the laws governing the management of those Federal lands and this Act.

【(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

【(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

【(1) the applicant is qualified to carry out the permitted activity;

【(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

【(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

【(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

【(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

【(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

【(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

【(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

【(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

【(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

【(A) for resource, safety, or other management considerations; or

【(B) when there is a violation of term or condition of a permit issued pursuant to this section.

【(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

【(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

[SEC. 8. CURATION OF RESOURCES.]

【Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

[SEC. 9. PROHIBITED ACTS; PENALTIES.]

【(a) IN GENERAL.—A person may not—

【(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

【(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have

been excavated, removed, exchanged, transported, or received from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

【(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

【(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

【(c) PENALTIES.—

【(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be guilty of a class A misdemeanor.

【(2) DAMAGE OVER \$1,000.—If the sum of the scientific or fair market value of the paleontological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$1,000, such person shall, upon conviction, be guilty of a class E felony.

【(3) MULTIPLE OFFENSES.—In the case of a second or subsequent such violation, such person shall, upon conviction, be guilty of a class D felony.

【(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

[SEC. 10. CIVIL PENALTIES FOR VIOLATIONS OF REGULATIONS OR PERMIT CONDITIONS.]

【(a) IN GENERAL.—

【(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

【(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

【(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved.

【(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

【(C) Any other factors considered relevant by the Secretary assessing the penalty.

【(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

【(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

【(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order with an appropriate Federal district court within the 30-day period beginning on the date the order making the assessment was issued. The court shall hear the action on the record made before the Secretary and shall sustain

the action if it is supported by substantial evidence on the record considered as a whole.

[(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

[(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

[(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

[(2) To provide educational materials to the public about paleontological resources and sites.

[(3) To provide for the payment of Rewards as provided in section 11.

SEC. 11. REWARDS FORFEITURE.

[(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10 of this Act an amount equal to the lesser of one-half of the penalty or \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

[(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, may be subject to forfeiture to the United States upon—

[(1) the person's conviction of the violation under section 9;

[(2) assessment of a civil penalty against any person under section 10 with respect to the violation; or

[(3) a determination by any court that the paleontological resources, vehicles, or equipment were involved in the violation.

SEC. 12. CONFIDENTIALITY.

[Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be withheld from the public under subchapter II of chapter 5 of title 5, United States Code, or under any other provision of law unless the responsible Secretary determines that disclosure would—

[(1) further the purposes of this Act;

[(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

[(3) be in accordance with other applicable laws.

SEC. 13. REGULATIONS.

[As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 14. SAVINGS PROVISIONS.

[Nothing in this Act shall be construed to—

[(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws

providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

[(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time existing laws and authorities relating to reclamation and multiple uses of the public lands;

[(3) apply to, or require a permit for, amateur collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

[(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

[(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

[(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paleontological Resources Preservation Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term "Indian Land" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide informa-

tion about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty,

the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or \$500,

to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be

divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in

a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

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

HIBBEN CENTER ACT

The Senate proceeded to consider the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu of thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 643

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Hibben Center for Archaeological Research Act of 2003".

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

[(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

[(3) in 1949, the University of New Mexico—

[(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

[(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

[(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

[(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

[(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) **HIBBEN CENTER.**—The term "Hibben Center" means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

[(2) **PARK.**—The term "Park" means the Chaco Culture National Historical Park in the State of New Mexico.

[(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

[(4) **TENANT IMPROVEMENT.**—The term "tenant improvement" includes—

[(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

[(B) installing in that portion of the Hibben Center—

[(i) permanent fixtures; and

[(ii) portable storage units and other removable objects.

[(5) **UNIVERSITY.**—The term "University" means the University of New Mexico.

[SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.

[(a) **ESTABLISHMENT.**—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

[(b) **GRANTS.**—

[(1) **IN GENERAL.**—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

[(2) **FEDERAL SHARE.**—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

[(3) **LIMITATION.**—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

[(c) **LEASE.**—

[(1) **IN GENERAL.**—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

[(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

[(B) is acceptable to the Secretary.

[(2) **TENANT IMPROVEMENTS.**—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

[(d) **COOPERATIVE AGREEMENTS.**—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

[(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

[(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[(a) **IN GENERAL.**—There are authorized to be appropriated—

[(1) to pay the Federal share of the construction costs under section 4(b), \$1,574,000; and

[(2) to pay the costs of carrying out section 4(c)(2), \$2,198,000.

[(b) **AVAILABILITY.**—Amounts made available under subsection (a) shall remain available until expended.

[(c) **REVERSION.**—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hibben Center Act".

SEC. 2. LEASE AGREEMENT.

(a) **AUTHORIZATION.**—*The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.*

(b) **TERM; RENT.**—*The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.*

(c) **OPERATING EXPENSES.**—*The lease may require the Secretary to contribute a pro rata share of the Hibben Center's annual operating expenses, in addition to any nominal annual rent.*

(d) **IMPROVEMENTS.**—*The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.*

SEC. 3. GRANT.

Upon execution of the lease, the Secretary may contribute to the University of New Mexico up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000.

SEC. 4. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

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

The bill (S. 643), as amended, was read the third time and passed.

**NATIONAL TRAILS SYSTEM
WILLING SELLER ACT**

The Senate proceeded to consider the bill (S. 651) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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

The bill (S. 651), as amended, was read the third time and passed.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 651

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "National Trails System Willing Seller Act".

[SEC. 2. FINDINGS.

[The Congress finds the following:

[(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

[(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

[(3) To complete these nine trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

[SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.]

[It is the sense of the Congress that in order to address the problems involving multijurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

[(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

[(2) be granted sufficient authority to purchase lands and interests in lands from willing sellers that are critical to the completion of the trail.

[SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.]

[(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

[(b) LIMITED ACQUISITION AUTHORITY.—

[(1) OREGON NATIONAL HISTORIC TRAIL.—Paragraph (3) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Paragraph (4) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Paragraph (5) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Paragraph (6) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(5) IDITAROD NATIONAL HISTORIC TRAIL.—Paragraph (7) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Paragraph (8) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by add-

ing at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Paragraph (11) of such section is amended in the fourth sentence by inserting before the period the following: “except with the consent of the owner thereof.”

[(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Paragraph (14) of such section is amended in the fourth sentence by inserting before the period the following: “except with the consent of the owner thereof.”

[(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

[(1) PROTECTION FOR WILLING SELLERS.—If the Federal Government fails to make payment in accordance with a contract for the sale of land or an interest in land for one of the national scenic or historic trails designated by section 5(a), the seller may utilize any of the remedies available to the seller under all applicable law, including electing to void the sale.”

[(d) CONFORMING AMENDMENT.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended—

[(1) by striking paragraph (1); and

[(2) by striking “(2) Except” and inserting “Except”.]

SECTION 1. SHORT TITLE.

This Act may be cited as “National Trails System Willing Seller Act”.

SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be lim-

ited to an average of not more than one-quarter mile on either side of the trail.”

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

SEC. 3. CONFORMING AMENDMENT.

Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended to read as follows:

“(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) Not more than \$500,000 may be appropriated for the purposes of land acquisition and interests therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003

The Senate proceeded to consider the bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 677

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

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003".

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

[(a) ESTABLISHMENT.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

[(1) by striking "There is hereby established" and inserting the following:

["(1) IN GENERAL.—There is established"; and

[(2) by adding at the end the following:

["(2) BOUNDARY REVISION.—The boundary of the Park is revised to include the addition of not more than 2,725 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

[(b) ADMINISTRATION.—Section 4(b) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(b)) is amended—

[(1) by striking "Upon" and inserting the following:

["(1) LAND TRANSFER.—

["(A) IN GENERAL.—On"; and

[(2) by striking "The Secretary shall" and inserting the following:

["(B) ADDITIONAL LAND.—On the date of enactment of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as 'Tract C' on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Park.

["(2) AUTHORITY.—The Secretary shall".

SEC. 3. GRAZING PRIVILEGES AT BLACK CANYON OF THE GUNNISON NATIONAL PARK.

[Section 4(e) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)) is amended—

[(1) in paragraph (1)—

[(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

[(B) by inserting after subparagraph (A) the following:

["(B) TRANSFER.—If land authorized for grazing under subparagraph (A) is exchanged for private land under this Act, the Secretary shall transfer any grazing privileges to the private land acquired in the exchange in accordance with this section."; and

[(2) in paragraph (3)—

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

[(B) by redesignating subparagraph (B) as subparagraph (D);

[(C) by inserting after subparagraph (A) the following:

["(B) with respect to the permit or lease issued to LeValley Ranch Ltd., a partnership, for the lifetime of the 2 limited partners as of October 21, 1999;

["(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., a partnership, for the lifetime of the 2 general partners as of October 21, 1999; and"; and

[(D) in subparagraph (D) (as redesignated by subparagraph (B))—

[(i) by striking "partnership, corporation, or" in each place it appears and inserting "corporation or"; and

[(ii) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

SEC. 4. ACQUISITION OF LAND.

[(a) AUTHORITY TO ACQUIRE LAND.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by inserting "or the map described in section 4(a)(2)" after "the Map".

[(b) METHOD OF ACQUISITION.—

[(1) IN GENERAL.—Land or interest in land acquired under the amendments made by this Act shall be made in accordance with section 5(a)(2)(A) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(2)(A)).

[(2) CONSENT.—No land or interest in land may be acquired without the consent of the landowner.

SEC. 5. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

[Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

[(1) by striking "(a) IN GENERAL.—There is established" and inserting the following:

["(a) ESTABLISHMENT.—

["(1) IN GENERAL.—There is established"; and

[(2) by adding at the end the following:

["(2) BOUNDARY REVISION.—The boundary of the Conservation Area is revised to include the addition of not more than 7,100 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

SEC. 6. ACCESS TO WATER DELIVERY FACILITIES.

[The Commissioner of Reclamation shall retain administrative jurisdiction over, and access to, land, facilities, and roads of the Bureau of Reclamation in the East Portal area and the Crystal Dam area, as depicted on the map identified in section 4(a)(2) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (as added by section 2(a)(2)) for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water under the jurisdiction of the Bureau to users of the water (as of the date of enactment of this Act).]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison Boundary Revision Act of 2003".

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003.".

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as "Tract C" on the map described in subsection (a)(2) to the administrative jurisdic-

tion of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by striking "Map" and inserting "Map or the map described in section 4(a)(2)".

SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003.".

SEC. 4. GRAZING PRIVILEGES.

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

"(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.".

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

"(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

"(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking "partnership, corporation, or" each place it appears and inserting "corporation or"; and

(B) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

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

The bill (S. 677), as amended, was read the third time and passed.

LAND EXCHANGE BETWEEN AN ALASKAN NATIVE VILLAGE AND THE DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 924

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

SECTION 1. FINDINGS.

[Congress finds that:

(1) The continued existence of the village of Newtok, Alaska is threatened by the eroding banks of the Ninglick River.

(2) A relocation of the village will become necessary for the health and safety of the residents of Newtok within the next 8 years.

(3) Lands previously conveyed to the Newtok Native Corporation contain habitat of high value for waterfowl.

(4) An opportunity exists for an exchange of lands between the Newtok Native Corporation and the Yukon Delta National Wildlife Refuge that would address the relocation needs of the village while enhancing the quality of waterfowl habitat within the boundaries of the Refuge.

(5) An exchange of lands between Newtok and the United States on an other than equal value basis pursuant to the terms of this Act is in the public interest.

SECTION 2. DEFINITIONS.

[For the purposes of this Act, the term—

(1) "ANCSA" means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 410hh-3233, 43 U.S.C. 1602 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface) designated as "Proposed Village Site" upon a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States of America and its assigns;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on said map; and

(8) "Secretary" means the Secretary of the Interior.

SECTION 3. LANDS TO BE EXCHANGED.

(a) **LANDS EXCHANGED TO THE UNITED STATES.**—If, within 180 days after the date of

enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok. The reconveyance of lands by Newtok to the United States and the prioritized, relinquished selections shall be 1.1 times the number of acres conveyed to Newtok under this Act. The number of acres reconveyed to the United States and the prioritized, relinquished selections shall be charged to the entitlement of Newtok.

(b) **LANDS EXCHANGED TO NEWTOK.**—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estate of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey the Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act. At the time of survey the charge against Newtok's entitlement for acres conveyed or irrevocable priorities relinquished by Newtok may be adjusted to conform to the standard of 1.1 acres relinquished by Newtok for each one acre received.

SECTION 4. CONVEYANCE.

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 3(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 3(a).

(b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to Newtok under this Act shall be deemed to have been conveyed under the provisions of ANCSA, except that the provisions of 14(c) of ANCSA shall not apply to these lands, and to the extent that section 22(g) of ANCSA would otherwise be applicable to these lands, the provisions of 22(g) of ANCSA shall also not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be deemed to be included as a portion of the Yukon National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) **EFFECT ON ENTITLEMENT.**—Nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) **EFFECT ON NEWTOK LANDS.**—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those public lands as guaranteed under ANILCA section 811 (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with ANILCA section 803 (16 U.S.C. 3113).

(e) **ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.**—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in-lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 3(a) of this Act. This additional entitlement shall come from subsurface lands already se-

lected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage.

(f) **ADJUSTMENT TO EXCHANGE.**—If requested by Newtok, the Secretary is authorized to consider and make adjustments to the original exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.]

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term:

(1) "ANCSA" means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface estates) designated as "Proposed Village Site" on a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on the map; and

(8) "Secretary" means the Secretary of the Interior.

SECTION 2. LANDS TO BE EXCHANGED.

(a) **LANDS EXCHANGED TO THE UNITED STATES.**—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) **LANDS EXCHANGED TO NEWTOK.**—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey identified lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

SECTION 3. CONVEYANCE.

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

(b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to Newtok under this Act shall be treated as having been conveyed under the provisions of ANCSA, except that the provisions of 14(c) and 22(g) of ANCSA shall not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be included as a portion of the

Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) *EFFECT ON ENTITLEMENT.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.*

(d) *EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).*

(e) *ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.*

(f) *ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.*

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

The bill (S. 924), as amended, was read the third time and passed.

VIETNAM VETERANS MEMORIAL EDUCATION CENTER

The Senate proceeded to consider the bill (S. 1076) to authorize construction of an education center at or near the Vietnam Veterans Memorial, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1076

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

[SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Veterans Memorial Education Center Act".

[SEC. 2. VIETNAM VETERANS MEMORIAL EDUCATION CENTER.

[Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

["SEC. 6. EDUCATION CENTER.

["(a) **AUTHORIZATION.**—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

["(2) The education center may be located above ground or underground, as determined through the approval process set forth under

chapter 89 of title 40, United States Code, and this section.

["(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code, and this section.

["(b) **APPLICABLE LAW.**—(1) Chapter 89 of title 40, United States Code, shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

["(A) final approval of the education center shall not be withheld; and

["(B) the provisions of section 8908(b)(1) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

["(2) The size of the education center shall be limited to the minimum necessary—

["(A) to provide for appropriate educational and interpretive functions; and

["(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

["(3) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

["(c) **OPERATION AND MAINTENANCE.**—(1) The education center shall be operated and maintained by the Secretary of the Interior.

["(2) This subsection does not waive section 8906(b) of title 40, United States Code (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

["(d) **FUNDING.**—All funds required for the planning, design, and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center."]

TITLE I—VIETNAM VETERANS MEMORIAL EDUCATION CENTER

SEC. 101. EDUCATION CENTER.

Public Law 96-297, as amended (16 U.S.C. 431 note), is further amended by adding at the end thereof the following:

"SEC. 6. EDUCATION CENTER.

"(a) AUTHORIZATION.—

"(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

"(2) The education center may be located above ground or underground, as determined through the approval process set forth under the Commemorative Works Act and this Act.

"(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act') and this section.

"(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—

"(1) The Commemorative Works Act (chapter 89 of title 40, United States Code) shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

"(A) final approval of the education center shall not be withheld; and

"(B) the provisions of section 8908(b) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

"(2) Notwithstanding section 8908(c) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), the designation of the Reserve shall

not preclude the approval of a site for the education center within such area.

"(3) Section 8905(b)(5) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.

"(4) The size of the education center shall be limited to the minimum necessary—

"(A) to provide for appropriate educational and interpretive functions; and

"(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

"(5) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

"(c) OPERATION AND MAINTENANCE.—

"(1) The education center shall be operated and maintained by the Secretary of the Interior.

"(2) This subsection does not waive section 8906(b) of title 40, United States Code (as amended by the Commemorative Works Clarification and Revision Act of 2003), requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work.

"(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center."

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Commemorative Works Clarification and Revision Act of 2003".

SEC. 202. ESTABLISHMENT OF RESERVE.

Section 8908 of title 40, United States Code, is amended by adding at the end the following:

"(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work shall be located within the Reserve."

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) PURPOSES.—Section 8901(2) of title 40, United States Code, is amended by striking "Columbia;" and inserting "Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;"

(b) DEFINITIONS.—Section 8902(a) of title 40, United States Code, is amended to read as follows:

"(a) DEFINITIONS.—In this chapter, the following definitions apply—

"(1) the term 'commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

"(2) the term 'sponsor' means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

"(3) the term 'Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson

Memorial, as depicted on the map referenced in paragraph (4); and

“(4) the term ‘the District of Columbia and its environs’ means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended as follows:

(1) In subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”;

(B) by striking “the event.” and inserting “such war or conflict.”.

(2) In subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

(B) by striking “House Administration” and inserting “Resources”;

(C) by inserting “Advisory” before “Commission”;

(3) Subsection (e) is amended to read as follows:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 75 percent of the amount estimated to be required to complete the memorial has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended as follows:

(1) By striking “§8904. National Capital Memorial Commission” and inserting “§8904. National Capital Memorial Advisory Commission”.

(2) In subsection (a) by striking “There is a National Capital Memorial Commission. The membership of the Commission consists of—” and inserting “The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):”.

(3) In subsection (c)—

(A) by inserting “Advisory” before “Commission”;

(B) by striking “Services” and inserting “Services (as appropriate)”.

(4) In subsection (d) by inserting “Advisory” before “Commission”.

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended as follows:

(1) In subsection (a)—

(A) by striking “person” and inserting “sponsor” each place it appears;

(B) by inserting “Advisory” before “Commission” in paragraph (1); and

(C) by striking “designs” and inserting “design concepts”.

(2) In subsection (b)—

(A) by striking “and Administrator” and inserting “or Administrator (as appropriate)”;

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”.

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended as follows:

(1) In subsection (a)(3) and (a)(4) by striking “person” and inserting “sponsor”.

(2) By amending subsection (b) to read as follows:

“(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking “Secretary of the Interior and Administrator of General Services” and inserting “Secretary of the Interior or the Administrator of General Services (as appropriate)”;

(2) by striking “numbered 869/86581, and dated May 1, 1986.” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905 of title 40, United States Code, is further amended by adding the following new paragraphs to subsection (b):

“(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(4).

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the

commemorative work carries out the purposes of this Act.

“(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.”.

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Nothing in this title shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within six months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate the National Park Service’s stable and maintenance facilities that are within the Reserve as expeditiously as possible.

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve’s character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

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

The bill (S. 1076), as amended, was read the third time and passed.

GRANTING AN EASEMENT TO FACILITATE ACCESS TO THE LEWIS AND CLARK INTERPRETIVE CENTER IN NEBRASKA CITY, NEBRASKA

The bill (H.R. 255) to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

KRIS EGGLE VISITOR CENTER

The bill (H.R. 1577) to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center,” and for other purposes was considered, ordered to a third reading, read the third time, and passed.

H.R. 1577

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

SECTION 1. REDESIGNATION.

(a) FINDING.—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) DEDICATION.—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) REDESIGNATION.—The visitor center in Organ Pipe Cactus National Monument in

Arizona is hereby designated as the "Kris Eggle Visitor Center".

(d) REFERENCE.—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Kris Eggle Visitor Center".

(e) SIGNAGE.—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

(1) describe the important role of public law enforcement officers in protecting park visitors;

(2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;

(3) refer to the dedication of the trail and the visitor center by Congress; and

(4) include a copy of this Act and an image of Kris Eggle.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

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

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA

The bill (H.R. 74) 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, was considered, ordered to a third reading, read the third time, and passed.

MAKING IMPROVEMENTS IN FOUNDATION FOR NATIONAL INSTITUTES OF HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 92, S. 314.

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

The legislative clerk read as follows:

A bill (S. 314) to make improvements for the Foundation of the National Institutes of Health.

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

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

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

The bill (S. 314) was read the third and passed, as follows:

S. 314

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foundation for the National Institutes of Health Improvement Act".

SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board."; and

(ii) in subparagraph (G), by inserting "appointed" after "that the number of";

(B) by amending paragraph (3)(B) to read as follows:

"(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board."; and

(C) in paragraph (5), by inserting "appointed" after "majority of the";

(2) in subsection (j)—

(A) in paragraph (2), by striking "(d)(2)(B)(i)(II)" and inserting "(d)(6)"; and

(B) in paragraph (10), by striking "of Health." and inserting "of Health and the National Institutes of Health may accept transfers of funds from the Foundation."; and

(3) by striking subsection (l) and inserting the following:

"(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer \$500,000 to the Foundation."

WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. FRIST. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1399 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1399) to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

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

Mr. GRASSLEY. Mr. President, I rise in support of S. 1399, a bill I am happy to cosponsor with Senator HARKIN, to name the post office in Glenwood, IA, the William J. Scherle Post Office Building. Former Congressman Bill Scherle served in the U.S. House of Representatives for four terms, from 1967-1975. Before that, we served together in the Iowa House of Representatives. Bill Scherle is originally from New York State, so he was not born an Iowan, but you would never know it. He acclimated well to Iowa, living on a farm near the small southwestern Iowa town of Henderson. Bill is a farmer through and through. He was a plainspoken conservative voice in Congress and he represented his largely rural western Iowa district well. He

then went on to serve his country in the Department of Agriculture. Bill Scherle has given a good portion of his life to public service and it is fitting that a post office near his home be named in his honor. In fact, Bill Scherle's legacy as a public servant is demonstrated by the fact that this bill to honor him is a bipartisan initiative. Both Senator HARKIN and I recognize the contribution made by Bill Scherle to Iowa and to the United States. I was very sorry when I recently learned that Bill is in poor health. I wish him the best and my prayers are with him and his family. I am glad that we have this opportunity now to recognize Bill and his service to his State and his Nation. I would like to thank Chairman COLLINS for her help in allowing this bill to be moved quickly through the Governmental Affairs Committee and the Senate. I know that Congressman KING, who follows in Congressman Scherle's footsteps, has sponsored a similar measure in the House with the support of others from the Iowa delegation. Those who know Bill Scherle or know of his legacy understand why this honor is so appropriate and I hope this bill can be enacted very soon.

Mr. HARKIN. Mr. President, I am very pleased that the Senate is moving towards passage today of legislation that would name the Glenwood, IA, post office for former Iowa Congressman, William J. Scherle. Bill Scherle and his wife Jane live on their family farm just outside of Henderson, IA, in Mills County. Glenwood is the county seat of Mills County. Bill served four terms in the U.S. House of Representatives, beginning with three terms in 1967 in what was then Iowa's 7th Congressional District, and a term in the re-districted 5th Congressional District. I think it is appropriate that Glenwood's Post Office will soon permanently bear Congressman Scherle's name.

Bill long served his Nation. He started with military service in the Navy and Coast Guard during World War II, then afterwards served in the Naval Reserve. He chaired the Mills County Republican Party for almost a decade starting in 1956. He served in the Iowa legislature from 1960 through 1966. He then was elected to the U.S. Congress and served through 1974, including service on the Education and Labor Committee and the Appropriations Committee. His public service continued in 1975 and 1976, when he was appointed to a senior position at the Department of Agriculture.

In January 1968, North Korea seized the USS *Pueblo*, imprisoned and tortured the crew. Congressman Scherle led the effort in Congress to free the crew of the *Pueblo*. I have always admired Bill's tenacity in never letting the *Pueblo* crew be forgotten. Bill was the only Member of Congress invited to attend *Pueblo* reunions and as their health has allowed, Bill and Jane always have attended.

Bill and I are at different places on the political spectrum, and I ran

against him for Congress twice. He went the first time, and I won the rematch. We disagreed on many issues, but I always understood that he acted on the basis of strong-held views about what he considered were the best interests of those he represented and of the Nation.

Long after we ran as opponents, I got to know Bill and visited him on his farm. He is a good person who cares deeply about his community and rural America. Politics has always had a certain amount of rough and tumble. But while Bill was certainly a good Republican who wanted to see consistent victories for the GOP, he also could see the good in all people.

One area of our mutual interest was the Iowa School for the Deaf in Council Bluffs. Bill always did what he could for the school my brother attended years ago, and for deaf people in general.

Congressman Scherle always cared about children and their welfare. He wrote a children's book. "The Happy Barn." He gave away thousands of copies to schools, hospitals and individual families in Southwest Iowa and the Omaha area, reading to young children time after time. He had lots of fun reading to children, and I believe that there are few more valuable things we can do as adults than to read to children and get them started on that most important activity.

Bill was a businessman and farmer, proud of both professions. He received the Alegant Health Mercy Hospital Heritage Award for his contributions to business in Southwest Iowa.

He remains a good father to his two sons, and a good husband to his wife of 55 years, Jane. He is blessed with 6 grandchildren—five girls and a boy. Bill has lived a dedicated, patriotic, family and public service life.

I am pleased that my colleague, Senator GRASSLEY, joins me in sponsoring this legislation. Congressman KING has introduced similar legislation in the House of Representatives.

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

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

The bill (S. 1399) was read the third time and passed, as follows:

S. 1399

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

SECTION 1. WILLIAM J. SCHERLE POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 101

South Vine Street in Glenwood, Iowa, and known as the Glenwood Main Office, shall be known and designated as the "William J. Scherle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the William J. Scherle Post Office Building.

HONORING CHAMBERS OF COMMERCE FOR CONTRIBUTIONS TO IMPROVEMENT OF COMMUNITIES AND STRENGTHENING OF LOCAL AND REGIONAL ECONOMIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, S. Con. Res. 53.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 53

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the Good Roads for Michigan campaign in 1910 and 1911, helping to gain voter approval of a \$2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the making of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing thanks for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan, to fund Victory Loans;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers and jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of business and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and national levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas, on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.