SCHUMER) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as “National Civilian Conservation Corps Day”.

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 37. Calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

At the request of Ms. MURKOWSKI, the names of the Senator from Missouri (Mr. BOND), the Senator from Wyoming (Mr. ENZI) and the Senator from Colorado (Mr. CAMPBELL) were added as co-sponsors of S. Res. 71, a resolution expressing the support for the Pledge of Allegiance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:
S. 514. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am introducing the Social Security Benefits Tax Relief Act of 2003. This is a simple bill that would repeal the income tax increase on Social Security benefits that went into effect in 1993.

When the Social Security system was created, beneficiaries did not pay Federal income tax on their benefits. However, in 1983, Congress passed legislation that changed all this. The 1983 law requires that 50 percent of Social Security benefits be tax for senior whose incomes reached a certain level. The revenue this tax generated was then credited to the Social Security trust funds. Although I wasn't in Congress back in 1983, some argued that these changes were necessary because it kept Social Security taxes more in line with taxes on private pensions and because it shored up the Social Security system.

In 1993, President Clinton proposed that 65 percent of Social Security benefits be taxed for senior whose incomes reached a certain level, and that this additional money be allocated for the Medicare Program. Unfortunately, Congress passes this provision as part of a larger bill, which President Clinton then signed into law.

I was a Member of the House of Representatives at this time. I voted against this bill and didn't support this provision. This tax is unfair to our senior citizens who worked year, after year, paying into Social Security and now faced with higher taxes once they retired.

The bill I am introducing would repeal the 85 percent tax, and would re-place the funding that has been going to the Medicare Program with general funds. This tax was unfair when it was implemented in 1993, and it is unfair today. I hope my Senate colleagues can support this legislation to remove this burdensome tax on our seniors.

By Mr. BUNNING (for himself, Mrs. BOXER, Mr. INHOFE, Mr. CRAIG, Mr. ALLEN, Mr. NICKLES, Mr. BROWNSTEIN, Mr. THOMAS, Ms. SNOWE, Mr. MILLER, Mr. CAMPBELL, and Mr. SESSIONS):
S. 516. A bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BUNNING. Mr. President, I rise today with several of my colleagues to introduce the Arming Cargo Pilots Against Terrorism Act. This bill closes a loophole to better protect the homeland against terrorists.

As a result of the airplane hijackings on September 11, 2001, Congress took the appropriate action to prevent from ever happening again the use of an airliner as a missile and weapon of mass destruction and murder. Last year, large majorities of the Senate and House of Representatives voted to arm both cargo and passenger pilots who volunteered for a stringent training program as part of the homeland security bill.

Arming these pilots served to protect the pilots and aircrew, passengers and those on the ground from ever being victims of another airline hijacking. It was the right thing to do. However, during conference of the homeland security bill the cargo pilots were yanked from the bill. This bill we introduce today will arm cargo pilots and close the loophole created when they were left out last year.

It is true that cargo airlines rarely have passengers on board. That is no reason to disregard and ignore the safety of those cargo pilots and the aircrafts they control. Indeed, on occasions they do carry passengers, and sometimes they transport couriers and guards of some of the cargo being transported. Too many times these couriers and guards are armed while the pilots are unarmed. After September 11, that simply does not make sense.

As a result, physical security around too many of our cargo facilities and terminals is not up to the standard it should be. This lax in security has allowed stowaways a free pass in climbing aboard cargo airplanes for a free ride. Just a few months ago a woman in Fargo, ND, rushed onto a United Parcel Service plane trying to get to California. Fortunately she was caught. I guarantee that many have successfully sneaked onto cargo aircraft. And many more will continue to try. This is further evidence as to why we need to act to allow these cargo pilots to defend themselves and the cockpit.

Cargo pilots are not armed and they will never have Federal air marshals. Cargo planes do not have trained flight attendants or alert passengers to fend off hijackers. Cargo planes do not have reinforced cockpit doors, and some do not even have any doors. Cargo areas of airports are not as secure as a passenger areas, and thousands of personnel have access to the aircraft. Finally, stowaways sometimes find their way aboard cargo aircraft. And in the future one might be a terrorist.

There are no logical reasons to exclude cargo pilots. Simply saying that since they carry no passengers unlike a passenger airliner is not a good enough reason. Cargo planes are just as big as—if not bigger than—passenger planes. They can carry larger loads of fuel and frequently carry hazardous materials, including chemicals and biological products. A cargo airplane causes just as much damage when used as a weapon as did the passenger planes hijacked on September 11.

We cannot allow what happened on September 11 to ever happen again. This loophole of excluding cargo pilots from being able to protect themselves and their aircraft and the public must be removed. This is the right thing to do, and I ask my Senate colleagues for their support.

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

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

S. 516

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 "Arming Cargo Pilots Against Terrorism Act".

SEC. 2. FINDINGS AND PURPOSE.

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

(1) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of commercial passenger aircraft.Cargo airplane passengers carry hazardous materials, including chemicals and biological products. A cargo airplane

(2) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists. Cargo cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

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

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

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

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

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

(b) PURPOSE.—It is the purpose of this Act to ensure the safety of cargo pilots and cargo aircraft.
aircraft they pilot as other commercial airline pilots.

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft will be permitted to carry a firearm to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction for other terrorist purposes.

SEC. 3. ARMING CARGO PILOTS AGAINST TERRORISM.

Section 49201 of title 49, United States Code, is amended—

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

(2) in subsection (k)—

(A) in paragraph (2)—

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

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

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

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

SEC. 4. IMPLEMENTATION.

(a) TIME FOR IMPLEMENTATION.—The training of pilots as Federal flight deck officers required in the amendments made by section 3 shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(b) EFFECT ON OTHER LAWS.—The requirements of subsection (a) shall have no effect on the deadlines for implementation contained in section 49201 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. BREAUx, and Mr. MILLER):

S. 518. A bill to increase the supply of pancreatic islet cells for research, to provide better coordinate of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantations from experimental procedure to a standard therapy; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. I am pleased to join my colleague from Washington, Senator PATTY MURRAY, as well as my colleague and co-chair of the Senate Diabetes Caucus, Senator JOHN BREAUx, in introducing the Pancreatic Islet Cell Transplantation Act of 2003, which will help to advance tremendously important research that holds the promise of a cure for the more than 1 million Americans with type 1 or juvenile diabetes.

As the founder and co-chair of the senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. Diabetes is a devastating, life-long condition that affects people of every age, race, and economic status. It is the leading cause of kidney failure, blindness in adults, and amputations not related to injury. Moreover, a new study released by the American Diabetes Association last week estimates that diabetes cost the Nation $132 billion last year, and that health care spending for people with diabetes is almost double what it would be if they did not have diabetes.

The burden of diabetes is particularly heavy for the young adults with type 1 or juvenile diabetes. Juvenile diabetes is the second most common chronic disease affecting children. Moreover, it is one that they never outgrow.

In individuals with juvenile diabetes, the body’s immune system attacks the pancreas and destroys the islet cells that produce insulin. While the discovery of insulin was a landmark breakthrough in the treatment of people with diabetes, it is not a cure, and people with juvenile diabetes face the constant threat of developing devastating, life-threatening complications as well as a drastic reduction in their quality of life.

Thankfully, there is good news for people with diabetes. We have seen some tremendous breakthroughs in diabetes research in recent years, and I am convinced that diabetes is a disease that can be cured, and will be cured in the near future.

We were all encouraged by the development of the Edmonton Protocol, an experimental treatment developed at the University of Alberta involving the transplantation of insulin-producing pancreatic islet cells, which has been hailed as the most important advance in diabetes research since the discovery of insulin in 1921. Of the approximately 200 patients who have been treated using variations of the Edmonton Protocol, all have seen a reversal of their life-disabling hypoglycemia, and nearly 80 percent have maintained normal glucose levels without insulin shots for more than 1 year.

Moreover, the side effects associated with this treatment— which uses more aggressive and experimental treatment— of immunosuppressives drugs than previously, less successful protocols— have been mild and the therapy has been generally well tolerated by most patients.

Unfortunately, long-term use of toxic immunosuppressives drugs, has side effects that make the current treatment inappropriate for use in children. Researchers, however, are working hard to find a way to reduce the transplant rejection drugs in a way that the procedure will be appropriate for children in the future, and the protocol has been hailed around the world as a remarkable breakthrough and proof that islet transplantation can work. It appears to offer the most immediate chance to achieve a cure for type 1 diabetes, and the research is moving forward rapidly.

New sources of islet cells must be found, however, because as the science advances, more and more people will require the procedure, and the number of islet cell transplants that can be performed will be limited by a serious shortage of pancreases available for islet cell transplantation. There are currently only 2,000 pancreases donated annually, and of these, only about 500 are available each year for islet cell transplants. Moreover, most patients require islet cells from two pancreases for the procedure to work effectively.

The legislation we are introducing today will increase the supply of pancreases available for these trials and research. Our legislation will direct the Centers for Medicare and Medicaid Services to grant credit to organ procurement organizations OPOs—for the purposes of their certification—for pancreases harvested and used for islet cell transplantation and research.

Currently, CMS collects performance data from each OPO based upon the number of organs procured for transplant relative to the population of the OPO’s service area. While CMS considers a pancreas to have been procured for a whole organ transplant, the OPO receives no credit towards its certification if the pancreas is procured and used for islet cell transplantation or research.

Our legislation will require CMS to give the OPOs an incentive to step up their efforts to increase the supply of pancreases donated for this purpose.

In addition, the legislation establishes an inter-agency committee on islet cell transplantation comprised of representatives of all of the Federal agencies with an active role in supporting this research. The many advisory committees on organ transplantation that currently exist are so broad in scope that they do not focus on the importance of islet transplantation—while of great importance to the juvenile diabetes community—does not rise to the level of consideration when included with broader issues associated with organ donation, such as organ allocation policy and financial barriers to transplantation. We believe that a more focused effort in the area of islet cell transplantation is clearly warranted since the research is moving forward at such a rapid pace and with such remarkable results.

To help us collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy covered by insurance, our legislation directs the Institute of Medicine to conduct a study on the impact of islet cell transplantation on the health-related quality of life outcomes for individuals with juvenile diabetes, as well as the cost-effectiveness of the treatment.

Diabetes is the most common cause of kidney failure, accounting for 40 percent of new cases, and a significant percentage of individuals with type 1 diabetes will experience kidney failure and require dialysis before they are age 65. Medicaid currently covers both kidney transplants and simultaneous pancreas-kidney transplants for these individuals. To help Medicare decide whether it should cover pancreatic islet cell transplants, our legislation authorizes a demonstration project to test the efficacy of simultaneous slet-kidney transplants.
and islet transplants following a kidney transplant for individuals with type 1 diabetes who are eligible for Medicare because they have end stage renal disease ESRD.

I ask unanimous consent that a copy 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. 519

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Capital Formation and Economic Development Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

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SECTION 2. FINDINGS.

Congress finds that—

(1) there is a special legal and political relationship between the United States and the Indian tribes, as grounded in treaties, the Constitution, federal statutes and court decisions, executive orders, and course of dealing;

(2) despite the availability of abundant natural resources on Indian land and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, sub-standard housing, and associated social ills to a greater degree than any other group in the United States;

(3) an economic success and material well-being of Native Americans depends on the combined efforts and resources of the United States, Indian tribal governments, the private sector, and the private funds of Native Americans; and

(4) the poor performance of moribund Indian economies is due in part to the near-complete absence of private capital and private capital institutions; and

(5) the goals of economic self-sufficiency and political self-determination for Native Americans can best be achieved by making available the resources and discipline of the private market, adequate capital, and technical expertise.

SECTION 3. PURPOSES.

The purposes of this Act are—

(1) to establish an entity dedicated to capital development and economic growth policies in Native American communities;

(2) to provide the necessary resources of the United States, Native Americans, and the private sector on endemic problems such as fractionated and unproductive Indian land;

(3) to provide a center for economic development policy and analysis with particular emphasis on diagnosing the systemic weaknesses with, and inhibitors to greater levels of investment in, Native American economies;

(4) to establish a Native-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans; and

(5) to improve the material standard of living of Native Americans.

SECTION 4. DEFINITIONS.

In this Act—

(1) ALASKA NATIVE.—The term "Alaska Native" means an Alaska Native or an Indian tribe or an organization representing the collective legal rights of the collective legal right of Alaska Natives.

(2) B OARD.—The term "Board" means the Board of Directors of the Corporation.

(3) CAPITIAL DISTRIBUTION.—The term "capital distribution" has the meaning given the term in section 103 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

(4) CHAIRPERSON.—The term "Chairperson" means the chairperson of the Board.

(5) CORPORATION.—The term "Corporation" means the Native American Capital Development Corporation established by section 101(a)(1)(A).

(6) C OUNCIL.—The term "Council" means the Advisory Council established under section 100(a)(6).

(7) DESIGNATED MERGER DATE.—The term "designated merger date" means the specific calendar date and time designated by the Board under this Act.

(8) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term "Department of Hawaiian Home Lands" means the agency that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

(9) FUND.—The term "Fund" means the Community Development Financial Institutions Fund established under section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 470k).

(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MERGER PLAN.—The term "merger plan" means the plan of merger adopted by the Board under this Act.

(12) NATIVE AMERICAN.—The term "Native American" means—

(a) a member of an Indian tribe; or

(b) a Native Hawaiian.

(13) NATIVE AMERICAN FINANCIAL INSTITUTION.—The term "Native American financial institution" means a person (other than an individual) that—

(A) qualifies as a community development financial institution under section 103 of the
Riegel Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702); (B) satisfying—
(i) the requirements established by subsubtitle A of title I of the Riegel Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702 et seq.); and
(ii) the requirements applicable to persons seeking assistance from the Fund;
(C) demonstrating a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and
(D) demonstrating that the person has the endorsement of the Native American community that the person intends to serve.

(15) NATIVE AMERICAN LENDER.—The term "Native American lender" means a Native American governing body, Native American housing authority, or other Native American financial institution that acts as a primary mortgage or economic development lender in a Native American community.

(16) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given the term in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

(17) IN CORPORATION.—The term "new corporation" means the corporation formed in accordance with title IV.

(18) TITLED CAPITAL.—The term "total capital" has the meaning given the term in section 123 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

(19) TRANSITION PERIOD.—The term "transition period" means the period beginning on the date on which the merger plan is approved by the Secretary and ending on the designated merger date.

TITLE I—NATIVE AMERICAN CAPITAL DEVELOPMENT CORPORATION

SEC. 101. ESTABLISHMENT OF THE CORPORATION.

(a) ESTABLISHMENT; BOARD OF DIRECTORS; POLICIES; PRINCIPAL OFFICE; MEMBERSHIP; VACANCIES.—
(1) ESTABLISHMENT.—
(A) IN GENERAL.—There is established and chartered a corporation, to be known as the "Native American Capital Development Corporation.

(B) PERIOD OF TIME.—The Corporation shall be a congressionally chartered body corporate until the earlier of—
(i) the designated merger date; or
(ii) the date at which the charter is surrendered by the Corporation.

(C) CHANGES TO CHARTER.—The right to revise, amend, or modify the Corporation charter is specifically and exclusively reserved to Congress.

(2) BOARD OF DIRECTORS; PRINCIPAL OFFICE.—
(A) BOARD.—The powers of the Corporation shall be vested in a Board of Directors, which Board shall determine the policies that govern the operations and management of the Corporation.

(B) PRINCIPAL OFFICE.—The principal office of the Corporation shall be in the District of Columbia.

(C) VENUE.—For purposes of venue, the Corporation shall be considered to be a resident of the District of Columbia.

(3) MEMBERSHIP.—
(A) IN GENERAL.—
(i) NINE MEMBERS.—Except as provided in clause (ii), the Board shall consist of 9 members, of which—
(A) 3 members shall be elected by the President; and
(B) 6 members shall be elected by the class A stockholders, in accordance with the by-laws of the Corporation.
(ii) THIRTEEN MEMBERS.—If class B stock is issued under section 201(b), the Board shall consist of 13 members, of which—
(A) 9 members shall be appointed and elected in accordance with clause (i); and
(B) 4 members shall be elected by the class B stockholders, in accordance with the by-laws of the Corporation.

(B) TERMS.—Each member of the Board shall be elected or appointed for a 4-year term, except that the members of the initial Board shall be elected or appointed for the following terms:
(i) Of the 3 members appointed by the President—
(A) 1 member shall be appointed for a 2-year term;
(B) 1 member shall be appointed for a 3-year term; and
(C) 1 member shall be appointed for a 4-year term.
(ii) Of the 6 members elected by the President—
(A) 2 members shall each be elected for a 2-year term;
(B) 2 members shall each be elected for a 3-year term; and
(C) 2 members shall each be elected for a 4-year term.
(iii) If class B stock is issued and 4 additional members are elected by the class B stockholders—
(A) 1 member shall be elected for a 2-year term;
(B) 1 member shall be elected for a 3-year term; and
(C) 2 members shall each be elected for a 4-year term.

(C) QUALIFICATIONS.—Each member appointed by the President shall have expertise in 1 or more of the following areas:
(i) Native American housing and economic development matters.
(ii) Financing in Native American communities.
(iii) Native American governing bodies, legal infrastructure, and judicial systems.
(iv) Economic, financial, and trust land issues, economic development, and small consumer loans.

(D) MEMBERS OF INDIAN TRIBES.—Not less than 2 of the members appointed by the President shall be members of different, federally-recognized Indian tribes and be enrolled in accordance with the applicable requirements of the Indian Tribes.

(E) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board, except that the initial Chairperson shall be selected from among the members of the initial Board who have been appointed or elected to serve for a 4-year term.

(F) VACANCIES.—
(i) APPOINTED MEMBERS.—Any vacancy in the appointed membership of the Board shall be filled by appointment by the President, but only for the unexpired portion of the term.

(ii) ELECTED MEMBERS.—Any vacancy in the elected membership of the Board shall be filled by appointment by the Board, but only for the unexpired portion of the term.

(2) DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—
(A) IN GENERAL.—Any Federal Reserve Bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designated merger or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(B) DESIGNATION AS DEPOSITORY, CUSTODIAN, OR AGENT.—Any Federal Reserve Bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designated merger or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(C) INVESTMENT OF FUNDS.—
(i) APPROPRIATIONS.—Any funds of the Corporation that are not required to meet current operating expenses shall be invested in—
(A) obligations of, or obligations guaranteed by, the United States (or any agency of the United States); or
(B) obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

(2) DESIGNATION AS DEPOSITORY, CUSTODIAN, OR AGENT.—
(A) IN GENERAL.—Any Federal Reserve Bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designated merger or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(B) DESIGNATION AS DEPOSITORY, CUSTODIAN, OR AGENT.—Any bank as to which at the time of its designation by the Corporation there is outstanding a designated merger or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(C) INVESTMENT OF FUNDS.—
(i) APPROPRIATIONS.—Any funds of the Corporation that are not required to meet current operating expenses shall be invested in—
(A) obligations of, or obligations guaranteed by, the United States (or any agency of the United States); or
(B) obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.
(2) any civil action to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the appropriate district court of the United States shall have jurisdiction over any such action, without regard to amount or value; and

(3) in any case in which all remedies have been exhausted in accordance with the applicable ordinances of an Indian tribe, in any civil or other action, case, or controversy in a tribal court, State court, or in any other court other than a district court of the United States, to which the Corporation is a party, may at any time before the commencement of the civil action be removed by the Corporation to the district court of the United States for the district and division in which the action is pending; or

(A) if there is no such district court, to the United States District Court for the District of Columbia.

SEC. 102. AUTHORIZED ASSISTANCE AND SERVICES.

The Corporation may—

(1) assist in the planning, establishment, and organization of Native American financial institutions;

(2) develop and provide technical assistance and financial expertise to Native American financial institutions, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

(3) develop and provide specialized technical assistance on overcoming barriers to primary mortgage lending on Native American land, including issues relating to—

(A) trust land;

(B) discrimination;

(C) high interest costs; and

(D) inapplicability of standard underwriting criteria;

(4) provide mortgage underwriting assistance (but not in originating loans) under contract to Native American financial institutions;

(5) work with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other participants in the secondary market for home mortgage instruments in identifying and eliminating barriers to the purchase of Native American mortgage loans originated by Native American financial institutions and other lenders in Native American communities;

(6) obtain capital investments in the Corporation from Indian tribes, Native American organizations, and other entities;

(7) act as an information clearinghouse by providing information on financial practices to Native American financial institutions;

(8) monitor and report to Congress on the performance of Native American financial institutions in meeting the economic development and housing credit needs of Native Americans; and

(9) provide any of the services described in this section—

(A) directly; or

(B) under a contract authorizing another national or regional Native American financial services provider to assist the Corporation in carrying out the purposes of this Act.

SEC. 103. NATIVE AMERICAN LENDING SERVICES.

(a) Initial Grant Payment.—If the Secretary and the Corporation enter into a cooperative agreement for the Corporation to provide technical assistance and services to Native American financial institutions, the agreement shall, to the extent that funds are available as provided in this Act, provide that the initial grant payment, anticipated to be $5,000,000, shall be made at the time at which all members of the initial Board have been appointed under this Act.

(b) Payment of Grant Balance.—The payment of the remainder of the grant shall be made to the Corporation not later than 1 year after the date of the initial grant payment is made under subsection (a).

SEC. 104. AUDITS.

(a) Independent Audits.—(1) In General.—The Corporation shall have an annual independent audit made of the financial statements of the Corporation by an independent public accountant in accordance with generally accepted auditing standards.

(2) Determinations.—In conducting an audit under this subsection, the independent public accountant shall determine and submit to the Secretary a report on whether the financial statements of the Corporation—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) to the extent determined necessary by the Secretary, comply with any disclosure requirements provided under section 310.

(b) GAO Audits.—

(1) In General.—Beginning on the date that is 2 years after the date of commencement of operations, unless an earlier date is required by any other law, grant, or agreement, the programs, activities, receipts, expenditures, and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) Access.—To carry out this subsection, the representatives of the General Accounting Office shall—

(A) have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that are necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians; and

(C) have access, on request to the Corporation or any auditor for an audit of the Corporation under subsection (a), to any books, financial records, reports, files, accounts, or other papers, or property belonging to or in use by the Corporation and used in any such audit and to any papers, records, files, and records as may be used in such an audit.

(3) Reports.—The Comptroller General of the United States shall submit to Congress a report on each audit conducted under this subsection.

(4) Reimbursement.—The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this subsection.

SEC. 105. ANNUAL HOUSING AND ECONOMIC DEVELOPMENT REPORTS.

Not later than 1 year after the date of enactment of this Act and annually thereafter, the Corporation shall collect, maintain, and provide to the Secretary, in a form determined by the Secretary, such data as the Secretary determines to be appropriate with respect to the activities of the Corporation relating to economic development.

SEC. 106. ADVISORY COUNCIL.

(a) Establishment.—The Board shall establish an Advisory Council in accordance with this section.

(b) Membership.—(1) In General.—The Council shall consist of 13 members, who shall be appointed by the Board, including—

(A) 1 representative from each of the 12 districts established by the Bureau of Indian Affairs; and

(B) 1 representative from the State of Hawaii.

(2) Qualifications.—Of the members of the Council—

(A) no less than 6 members shall have expertise in financial matters; and

(B) no less than 9 members shall be Native Americans.

(c) Term.—Each member of the Council shall be appointed for a 4-year term, except that the initial Council shall be appointed, as designated by the Board at the time of appointment, as follows:

(1) Each of 4 members shall be appointed for a 2-year term.

(2) Each of 4 members shall be appointed for a 3-year term.

(3) Each of 5 members shall be appointed for a 4-year term.

SEC. 107. CAPITALIZATION OF CORPORATION.

The Corporation shall—

(A) be issued only to Indian tribes and the Department of Hawaiian Home Lands; and

(B) be located—

(A) with respect to Indian tribes, on the basis of Indian tribe population, as determined by the Secretary in consultation with the Secretary of the Interior, in such manner as to issue 1 share for each member of an Indian tribe; and

(B) with respect to the Department of Hawaiian Home Lands, on the basis of the number of current leases at the time of allocation;

(c) have such par value and other characteristics as the Corporation shall provide;

(d) be issued in such a manner as to ensure that voting rights may be vested only on purchase of those rights from the Corporation by an Indian tribe or the Department of Hawaiian Home Lands, with each share being entitled to 1 vote; and

(e) be transferable only on the books of the Corporation.

(b) Class B Stock.—

(1) In General.—The Corporation may issue class B stock evidencing capital contributions in the manner and amount, and subject to any limitations on concentration of ownership, as may be established by the Corporation.

(2) Characteristics.—Any class B stock issued under paragraph (1) shall—

(A) be available for purchase by investors; and

(B) be entitled to such dividends as may be determined by the Board in accordance with subsection (c).

(3) Voting Rights.—The Corporation may impose charges or fees, which may be regarded as elements of pricing, with the objections that—

(A) all costs and expenses of the operations of the Corporation should be within the income of the Corporation derived from such operations; and

(B) those operations would be fully self-supporting.
(2) EARNINGS.—
   (A) IN GENERAL.—All earnings from the operations of the Corporation shall be annually transferred to the general surplus account of the Corporation.
   (B) TRANSFER OF GENERAL SURPLUS FUNDS.—At any time, funds in the general surplus account may, in the discretion of the Board, be transferred to the reserves of the Corporation.
   (C) DISTRIBUTIONS.—
      (1) DISTRIBUTION.—(A) IN GENERAL.—Except as provided in paragraph (2), the Corporation may make such distributions as may be approved by the Board.
      (B) CHARGING OF DISTRIBUTIONS.—All capital distributions under subparagraph (A) shall be charged against the general surplus account of the Corporation.
      (C) RESTRICION.—The Corporation may not make any capital distribution that would decrease the total capital of the Corporation to an amount less than the capital level for the Corporation established under section 301, without prior written approval of the distribution by the Secretary.

TITLE III—REGULATION, EXAMINATION, AND REPORTS

SEC. 301. REGULATION, EXAMINATION, AND REPORTS.

(a) IN GENERAL.—The Corporation shall be subject to the regulatory authority of the Department of Housing and Urban Development with respect to all matters relating to the financial safety and soundness of the Corporation.

(b) DUTY OF SECRETARY.—The Secretary shall ensure that the Corporation is adequately capitalized and operating safely as a congressionally chartered body corporate.

(c) REPORTS TO SECRETARY.—(1) ANNUAL REPORTS.—On such date as the Secretary shall require, but not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to the Secretary a report in such form and containing such information with respect to the financial condition and operations of the Corporation as the Secretary shall require.

       (2) CONTENTS OF REPORTS.—Each report submitted under this subsection shall contain a declaration by the president, vice president, or treasurer, or any other officer of the Corporation designated by the Board to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

SEC. 302. AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Secretary shall—

       (1) have general regulatory power over the Corporation; and
       (2) promulgate such rules and regulations applicable to the Corporation as the Secretary determines to be appropriate to ensure that the purposes specified in section 3 are accomplished.

TITLE IV—FORMATION OF NEW CORPORATION

SEC. 401. FORMATION OF NEW CORPORATION.

(a) IN GENERAL.—In order to continue the accomplishments of purposes specified in section 3 beyond the terms of the charter of the Corporation, the Board shall, not later than 10 years after the date of enactment of this Act, adopt the merger plan of a new corporation under the laws of any State, or the District of Columbia.

(b) POWERS OF NEW CORPORATION NOT PROHIBITED.—Except as provided in this section, the new corporation may have such corporate powers and attributes permitted under the jurisdiction of the State in which the new corporation is incorporated as the Board determines to be appropriate.

(c) USE OF NAME PROHIBITED.—The new corporation may not use in any manner the names "Native American Capital Development Corporation" or "NACDCO", or any variation thereof.

SEC. 402. ADOPTION AND APPROVAL OF MERGER PLAN.

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, after consultation with the Indian tribes that are stockholders of class A stock referred to in section 201(a), the Board shall prepare, adopt, and submit to the Secretary for approval, a plan for merging the Corporation into the new corporation.

(b) DESIGNATED MERGER DATE.—(1) IN GENERAL.—The Board shall establish the designated merger date in the merger plan as a specific calendar date on which, and time of day at which, the merger of the Corporation into the new corporation shall take effect.

   (2) CHANGES.—The Board may change the designated merger date in the merger plan by adopting an amended plan of merger.

   (3) RESTRICTION.—Except as provided in paragraph (4), the designated merger date in the merger plan or any amended merger plan shall not be later than 10 years after the date of enactment of this Act.

   (4) EXCEPTION.—Subject to the restriction contained in paragraph (3), the Board may adopt an amended merger plan that designates a date under paragraph (3) that is later than 11 years after the date of enactment of this Act if the Board submits to the Secretary a report—

      (A) stating that an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;
      (B) explaining why an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;
      (C) describing the steps that have been taken to consummate an orderly merger of the Corporation into the new corporation not later than 11 years after the date of enactment of this Act; and
      (D) describing the steps that will be taken to consummate an orderly and timely merger of the Corporation into the new corporation.

   (5) LIMITATION.—The date designated by the Board in an amended merger plan shall not be later than 11 years after the date of enactment of this Act.

   (6) CONSUMMATION OF MERGER.—The consummation of an orderly and timely merger of the Corporation into the new corporation shall not occur later than 13 years after the date of enactment of this Act.

   (b) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—If the Secretary disapproves the merger plan or any amended merger plan—

      (1) the Secretary shall—

         (A) notify the Corporation of the disapproval; and
         (B) indicate the reasons for the disapproval; and
      (2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Corporation shall submit to the Secretary an amendment to the merger plan that responds to the reasons for the disapproval indicated in that notification.

   (c) NO STOCKHOLDER APPROVAL OF MERGER PLAN.—(1) IN GENERAL.—The approval or consent of the stockholders of the Corporation shall not be required to accomplish the merger of the Corporation into the new corporation.

   (d) SAVINGS CLAUSE.—If the Secretary disapproves the merger plan or any amended merger plan—

      (1) the Secretary shall—

         (A) notify the Corporation of the disapproval; and
         (B) indicate the reasons for the disapproval; and
      (2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Corporation shall submit to the Secretary an amendment to the merger plan that responds to the reasons for the disapproval indicated in that notification.

   (e) NO STOCKHOLDER APPROVAL OF MERGER PLAN REQUIRED.—The approval or consent of the stockholders of the Corporation shall not be required to accomplish the merger of the Corporation into the new corporation.

SEC. 403. CONSUMMATION OF MERGER.

The Board shall ensure that the merger of the Corporation into the new corporation is accomplished in accordance with—

(a) a merger plan approved by the Secretary under section 402; and

(b) all applicable laws of the jurisdiction in which the new corporation is incorporated.

SEC. 404. TRANSITION.

Except as provided in this section, the Corporation shall, during the transition period, continue to have all of the rights, privileges, duties, and obligations, and shall be subject to all of the limitations and restrictions, set forth in this Act.

TITLE V—OTHER NATIVE AMERICAN FUNDS

SEC. 501. NATIVE AMERICAN ECONOMIES DIAGNOSTIC STUDIES FUND.

(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the "Native American Economies Diagnostic Studies Fund" (referred to in this section as the "Diagnostic Fund") to be used to strengthen Indian tribal economies by supporting investment policy reforms and technical assistance to eligible Indian tribes, consisting of—

       (1) any interest earned on investment of amounts in the Fund under subsection (d); and
       (2) such amounts as are appropriated to the Diagnostic Fund under subsection (f).

(b) USE OF AMOUNTS FROM DIAGNOSTIC FUND.—(1) IN GENERAL.—The Corporation shall use amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the Corporation and interested Indian tribes may jointly—

         (A) conduct diagnostic studies of Native American economic conditions; and
(B) provide recommendations for reforms in the policy, legal, regulatory, and investment areas and general economic environment of the interested Indian tribes.

(2) CONDUCT OF STUDIES.—A diagnostic study conducted jointly by the Corporation and an Indian tribe under paragraph (1) shall:

(A) be conducted in accordance with an agreement between the Corporation and the Indian tribe; and

(B) at a minimum, shall identify inhibitors to greater levels of private sector investment and job creation with respect to the Indian tribe;

(c) EXPENDITURES FROM DIAGNOSTIC FUND.—(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Diagnostic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Diagnostic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

d) IN GENERAL.—The amounts required to be transferred from the Diagnostic Fund under subsection (c) shall be credited to and form a part of the Economic Fund.

(e) TRANSFERS OF AMOUNTS.—(1) IN GENERAL.—The amounts required to be transferred to the Diagnostic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Diagnostic Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TRANSFERS TO DIAGNOSTIC FUND.—There are appropriated to the Diagnostic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

SEC. 602. NATIVE AMERICAN ECONOMIC INCUBATION FUND.

(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the "Native American Economic Incubation Center Fund" (referred to in this section as the "Economic Fund").

(b) USE OF FUNDS.—(1) In general.—The Corporation shall use amounts in the Economic Fund to ensure that—

(A) sufficient assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

(B) sound economic and political policies;

(C) good governance; and

(D) practicing and demonstrating increased levels of economic growth and job creation.

(2) EXPENDITURES FROM ECONOMIC FUND.—(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Economic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Economic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

(3) CREDITS TO FUND.—The interest on, and dividends realized on, any obligations held in the Economic Fund shall be credited to and form a part of the Economic Fund.

(4) TRANSFERS TO ECONOMIC FUND.—There are appropriated to be transferred to the Economic Fund under this section as the "Economic Fund" as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(5) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(6) SALE OF OBLIGATIONS.—Any obligation acquired by the Economic Fund may be sold by the Secretary of the Treasury at the market price.

(7) CREDITS TO FUND.—The interest on, and dividends realized on, any obligations held in the Economic Fund shall be credited to and form a part of the Economic Fund.

(8) TRANSFERS OF AMOUNTS.—(1) IN GENERAL.—Subject to paragraph (2), the amounts required to be transferred from the Economic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Economic Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(9) TRANSFERS TO ECONOMIC FUND.—There are appropriated to the Economic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

TITILE VII—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 603. NATIVE AMERICAN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Fund, without fiscal year limitation, such sums as are necessary to provide financial assistance to Native American financial institutions.

(b) NO CONSIDERATION AS MATCHING FUNDS.—To the extent that a Native American financial institution receives funds under subsection (a), the funds shall not be considered to be matching funds required under section 108(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707(e)).

SEC. 602. CORPORATION.

There are authorized to be appropriated to the Secretary, for transfer to the Corporation, such sums as are necessary to carry out activities of the Corporation.

SEC. 603. OTHER NATIVE AMERICAN FINANCIAL INSTITUTIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 503 and 502.

By Mr. CAMPBELL:

S. 521. A bill to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Indian Land Leasing Act of 2003 to make routine changes to title 25 of the United States Code and to assist economic activity on Indian lands by liberalizing the Indian land leasing process.

Federal law requires tribal landowners to seek the approval of the Secretary of the Interior to lease their lands and further restricts the lease term to a period of 25 years. This legal framework is an obstacle in the path of the tribes and their members, and year after year Indian tribes are forced to seek the Committee on Indian Affairs' assistance in extending the lease term to 99 years.

Over the years not fewer than 38 tribes have come to Congress and secured 99-year lease authority.

At the tribes' request, this bill will extend 99-year lease authority to the Confederated Tribes of the Umatilla Reservation, the Yavapai-Prescott Tribe, and the Hopland Band of Pomo Indians to the long list of tribes that have already secured similar extensions.

The bill also provides 99-year lease authority for tribes that wish to do so without the prior approval of the Secretary.

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

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

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 "Indian Land Leasing Act of 2003."
(g) Lease of Tribally-Owned Land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.—

(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under paragraph 162 of title 25, Code of Federal Regulations (or any successor regulation), subject to section (a) and any regulations under part 2011 for an initial term of 25 years; and

(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations (or a successor regulation)''.

SEC. 4. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease shall be deposited in the Treasury of the United States.

SEC. 5. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

(ii) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; and

(iii) the Indian tribe shall determine the rental rate under this subsection for a term that does not exceed 99 years if the Indian tribe provides written notice in original leasing documents that the Indian tribe has the unilateral right to terminate the lease in any case in which the Indian tribe does not waive the treaty or any portion thereof in the preceding sentence may bring a civil action to enforce the lease.''

By Mr. CAMPBELL (for himself and Mr. DOMENICI):

S. 522. A bill to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Native American Energy Development and Self-Determination Act of 2003.

Our Nation is about to be embroiled in war in the Middle East and the markets are anxious about the military action. As a result, world oil prices are soaring and now are nearly $40 per barrel.

The economic repercussions to everyday Americans of high oil prices cannot be overlooked. Industries reliant on cheap energy will contract and people will lose their jobs.

The single working mom who commutes and delivers her child to daycare will be paying much higher prices at the pump. Shoes for her kids and payments into the college fund will have to wait.

The family-owned construction firm will be forced to let people go. Families will be disrupted.

One obvious answer to our energy future is in more vigorous domestic production.

For far too long Indian-owned energy resources have been overlooked and untapped.

There are nearly 90 tribes that own significant energy resources—both renewable and nonrenewable—and with rare exception these tribes want to develop them.

The Interior Department estimates that 25 percent of oil and less than 20 percent of natural gas reserves on Indian land have been developed.

The bill I am introducing will provide financial assistance, technical expertise, and regulatory relief to the tribes in their efforts to manage and market their resources.

I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy 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. 522.

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

TITLE XXVI—INDIAN ENERGY

SEC. 2601. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the energy resources of Indians and Indian tribes are among the most valuable natural resources of Indians and Indian tribes;

(2) there exists a special legal and political relationship between the United States and Indian tribes as expressed in treaties, the Constitution, Federal statutes, court decisions, executive orders, and course of dealing;

(3) Indian land comprises approximately 5 percent of the land area of the United States, but contains an estimated 10 percent of all energy reserves in the United States, including—

(a) 30 percent of known coal deposits located in the western portion of the United States;

(b) 5 percent of known onshore oil deposits of the United States; and

(c) 10 percent of known onshore natural gas deposits of the United States;

(4) coal, oil, natural gas, and other energy minerals produced from Indian land represent more than 10 percent of total nationwide onshore production of energy minerals; and

(5) the development of Indian energy resources will be disrupted.

(b) PURPOSES.—The purposes of this title are—

(1) to assist Indian tribes and individual Indians in the development of Indian energy resources; and

(2) to further the goal of Indian self-determination, particularly through the development of stronger tribal governments and greater degrees of tribal economic self-sufficiency.

SEC. 2602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term 'Commission' means the Indian Energy Resource Commission established by section 2606(a).

(2) DIRECTOR.—The term 'Director' means the Director of the Office of Indian Energy Policy and Programs.

(3) INDIAN.—The term 'Indian' means an individual member of an Indian tribe who owns land or an interest in land, the title to which—

(A) is held in trust by the United States; or

(B) is subject to a restriction against alienation imposed by the United States.

(4) INDIAN LAND.—The term 'Indian land' means—

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

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—
"(i) in trust by the United States for the benefit of an Indian tribe; 
(ii) by an Indian tribe, subject to restriction by the United States against alienation; or 
(iii) by a dependent Indian community; and
(C) any other activity that is carried out by the United States for the benefit of an Indian tribe.

''(9) S ECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(10) TRIBAL CONSORTIUM.—The term 'tribal consortium' means an organization that consists of at least 3 entities, 1 of which is an Indian tribe. "

''(11) TECHNICAL INFRASTRUCTURE.—Technical infrastructure to protect the environment includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—
(i) provide development grants to Indian tribes and tribal consortia for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land;
(ii) provide development grants to Indian tribes and tribal consortia for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land;
(iii) provide low-interest loans to Indian tribes and tribal consortia for use in the promotion of energy resource development and vertical integration or energy resources on Indian land;
(iv) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with a lease, business agreement, or right-of-way; and

''(12) REGULATIONS.—The regulations governing leases, business agreements, and rights-of-way under this section shall—
(a) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way; 
(b) address the term of the lease or business agreement or the term of conveyance of the right-of-way; 
(c) address amendments and renewals; 
(d) address consideration for the lease, business agreement, or right-of-way; 
(e) address technical or other relevant requirements; 
(f) establish requirements for environmental review in accordance with subparagraph (C); and
(g) ensure compliance with all applicable environmental laws.

SEC. 2605. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANS- 
MISSION.

SEC. 2604. INDIAN TRIBAL RESOURCE REGULATIONS.

SEC. 2603. INDIAN ENERGY RESOURCE DEVELOPMENT PROGRAM.

(a) In General.—The Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal consortia in achieving the purposes of this title.

(b) Grants and Loans.—In carrying out the Program, the Secretary shall, at a minimum—

(1) provide development grants to Indian tribes and tribal consortia for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land; and 
(2) provide grants to Indian tribes and tribal consortia for use in projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and
(3) provide low-interest loans to Indian tribes and tribal consortia for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out such sums as may be necessary for each of fiscal years 2004 through 2014.

SEC. 2604. INDIAN TRIBAL RESOURCE REGULATIONS.

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

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

(1) the development of a tribal energy resource inventory or tribal energy resource; 
(2) the development of a feasibility study or other report necessary to the development of energy resources; 
(3) the development of tribal laws and technical infrastructure to protect the environment under paragraph (1); 
(4) the training of employees that—
(A) are engaged in the development of energy resources; or 
(B) are responsible for protecting the environment; 
(5) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of the Interior shall make available to Indian tribes and tribal consortia scientific and technical data for use in the development and management of energy resources on Indian land.

SEC. 2605. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

(a) In General.—Notwithstanding any other provision of law—

(1) an Indian or Indian tribe may enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—
(A) exploration for, extraction of, processing of, or other development of energy resources; and 
(B) construction or operation of—
(i) an electric generation, transmission, or distribution facility located on tribal land; or 
(ii) a facility to process or refine energy resources developed on tribal land; and 
(2) a lease or business agreement described in paragraph (1) shall not require the approval of the Secretary if—
(A) the lease or business agreement is executed under tribal regulations approved by the Secretary under subsection (e); and 
(B) the term of the lease or business agreement does not exceed 30 years.

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

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary under subsection (e); 
(2) the term of the right-of-way does not exceed 30 years; and 
(3) the pipeline or electric transmission or distribution line serves—
(A) an electric generation, transmission, or distribution facility located on tribal land; or 
(B) a facility located on tribal land that processes or refineries nonrenewable energy resources developed on tribal land.

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

(d) VALIDITY OF AGREEMENT.—A lease, business agreement, or right-of-way under this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with tribal regulations approved by the Secretary under subsection (e).

(e) TRIBAL REGULATORY REQUIREMENTS.—

(1) In General.—An Indian tribe may submit to the Secretary for approval tribal regulations governing leases, business agreements, and rights-of-way under this section.

(2) APPROVAL OR DisAPPROVAL.—In General.—The Secretary shall approve or disapprove the regulations.

CONDITIONS FOR APPROVAL.—The Secretary shall approve tribal regulations submitted under paragraph (1) only if the regulations include provisions that, with respect to a lease, business agreement, or right-of-way under this section—
(i) provide development grants to Indian tribes and tribal consortia for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

(2) APPROVAL OR DisAPPROVAL.—In General.—An Indian tribe may submit to the Secretary for approval tribal regulations governing leases, business agreements, and rights-of-way under this section.

(2) APPROVAL OR DisAPPROVAL.—In General.—If the Secretary disapproves tribal regulations submitted by an Indian tribe under paragraph (1) of this section, the Secretary shall—
(A) approve or disapprove the regulations.

(2) APPROVAL OR DisAPPROVAL.—If the Secretary disapproves tribal regulations submitted by an Indian tribe under paragraph (1), the Secretary shall—
(A) notify the Indian tribe in writing of the basis for the disapproval; 
(B) identify what changes or other actions are required to address the concerns of the Secretary; and
(C) provide the Indian tribe with an opportunity to revise and resubmit the regulations.

(2) APPROVAL OR DisAPPROVAL.—If the Secretary disapproves tribal regulations submitted by an Indian tribe under paragraph (1), the Secretary shall—
(A) provide the Indian tribe with an opportunity to revise and resubmit the regulations;
If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with tribal regulations approved under this subsection, the Indian tribe shall provide to the Secretary—

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

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

"(6) LIABILITY.—The United States shall not be liable for any loss or injury sustained by any party (including an Indian tribe or any member of an Indian tribe) to a lease, business agreement, or right-of-way executed in accordance with tribal regulations approved under this subsection.

"(7) COMPLIANCE REVIEW.—

"(A) IN GENERAL.—After exhaustion of tribal remedies, any person may submit to the Secretary, in a timely manner, a petition to review an Indian tribe's breach of tribal regulations. The Secretary shall grant such a petition and review compliance of the Indian tribe in accordance with this section.

"(B) ACTION BY SECRETARY.—The Secretary shall—

"(i) not later than 60 days after the date on which the Secretary receives a petition under subparagraph (A), review compliance of an Indian tribe described in subparagraph (A); and

"(ii) on completion of the review, if the Secretary determines that an Indian tribe is not in compliance with tribal regulations approved under this subsection, take such action as is necessary to compel compliance, including—

"(I) reserving a lease, business agreement, or right-of-way under this section;

"(bb) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with tribal regulations; and

"(iii) rescinding approval of the tribal regulations and restoring the responsibility for approval of the lease or agreement to the home office or regular place of business of the Indian tribe.

"(C) COMPLIANCE.—If the Secretary seeks to compel compliance of an Indian tribe with tribal regulations under subparagraph (B)(ii), the Secretary shall—

"(i) make a written determination that describes the manner in which the tribal regulations have been violated; and

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

"(iii) before taking any action described in subparagraph (C)(i) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal regulations.

"(D) PROHIBITION.—An Indian tribe described in subparagraph (C) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

"(8) AGREEMENTS.—

"(A) IN GENERAL.—Any agreement by an Indian tribe that relates to the development of an electric generation, transmission, or distribution facility, or a facility to process or refine oil and gas, nonrenewable or renewable energy resources, or mining on Indian land, shall require the specific approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) if the activity that is the subject of the agreement is carried out in accordance with this section.

"(B) LEASES.—The United States shall not be liable for any loss or injury sustained by any person (including an Indian tribe or any member of an Indian tribe) resulting from the performance of any agreement entered into under this subsection.

"(C) APPEAL.—Nothing in this section affects the application of any provision of—

"(i) the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 190 et seq.);


"(iii) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 101 et seq.); or

"(iv) any Federal environmental law.

"SEC. 2006. INDIAN ENERGY RESOURCE COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the 'Indian Energy Resource Commission'.

"(b) MEMBERS.—The Commission shall consist of—

"(1) 8 members appointed by the Secretary of Interior, based on recommendations submitted by the Governors of Indian tribes in which the activity that is the subject of the agreement is carried out in accordance with the Indian Mineral Leasing Act of 1938 (25 U.S.C. 190 et seq.);

"(2) 2 members appointed by the Secretary of the Interior, based on recommendations submitted under this subsection, the Indian tribe shall provide to the Secretary—

"(A) 1 or more Indian reservations; or

"(B) Indian land with developable energy resources;

"(3) 2 members appointed by the Secretary of the Interior from among individuals in the private sector with expertise in tribal and State taxation (including experts in the private sector with expertise in Indian law, Indian taxation, or Indian specific permission or other consultation with the States); and

"(4) 2 members appointed by the Secretary of the Interior from among individuals in the private sector with expertise in oil and gas royalty management administration, including auditing and accounting.

"(c) COMPENSATION.—

"(1) IN GENERAL.—A member of the Commission shall be compensated in accordance with this section.

"(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation.

"(3) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall serve at a rate of $200 per diem in lieu of subsistence, plus necessary expenses for the home office or regular place of business of the member in the performance of the duties of the Commission.

"(d) ORGANIZATIONAL MEETING.—Not later than 120 days after the date of enactment of this Act, the Commission shall be appointed not later than 120 days after the date of enactment of the Act.

"(e) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

"(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment was made; and

"(g) QUORUM.—11 members of the Commission shall constitute a quorum, but a lesser number may hold hearings and convene meetings.

"(h) ORGANIZATIONAL MEETING.—Not later than 30 days after the date on which at least 11 members have been reappointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures of the Commission.

"(i) COMPENSATION OF MEMBERS.—

"(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate of $200 per diem in lieu of subsistence, plus necessary expenses for the home office or regular place of business of the member in the performance of the duties of the Commission, or loss of civil service status or privilege.

"(ii) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation.

"(j) STAFF.—

"(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

"(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

"(3) COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 53 of title 5, United States Code, relating to the rates of pay for positions and General Schedule pay rates.

"(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

"(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may retain and fix the compensation of experts and consultants as the executive director considers necessary to carry out the duties of the Commission.

"(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

"(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption of the civil service status or privilege.

"(g) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of any other Federal law.

"(h) ORGANIZATIONAL MEETING.—Not later than 120 days after the date of enactment of the Act, the Commission shall be appointed not later than 120 days after the date of enactment of the Act.

"(i) COMPENSATION.—A member of the Commission who is not an officer or employee of the Federal Government shall serve at a rate of $200 per diem in lieu of subsistence, plus necessary expenses for the home office or regular place of business of the member in the performance of the duties of the Commission.

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"(5) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

"(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption of the civil service status or privilege.

"(k) DUTIES OF COMMISSION.—The Commission shall—

"(1) develop proposals to address dual taxation by Indian tribes and States of the extraction of energy minerals on Indian land;

"(2) make recommendations to improve the management, administration, accounting, and auditing of the revenues derived from production of energy minerals on Indian land;

"(3) develop alternatives for the collection and distribution of royalties associated with the production of energy minerals on Indian land;

"(4) develop proposals for incentives to foster the development of energy resources on Indian land; and

"(5) identify barriers or obstacles to the development of energy resources on Indian land.
“(7) develop proposals on taxation incentives to foster the development of energy resources on Indian land, including investment tax credits and enterprise zone credits;”

“(1) development of housing and Urban Development or the Secretary of the Interior, including—

“(i) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

“(ii) the Indian Home Improvement Program of the Bureau of Indian Affairs; and

“(3) promote the use of the measures described in paragraphs (1) and (2) in programs administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, as appropriate.

“SEC. 2608. INDIAN MINERAL DEVELOPMENT REVIEW BY SECRETARY OF THE INTERIOR.

“(a) IN GENERAL.—As soon as practicable after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Secretary of the Interior shall conduct and provide to the Secretary a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Committee on Resources and the Committee on Energy and Commerce of the Senate a report that describes the proposals, recommendations, and alternatives described in subsection (a).

“SEC. 2609. INDIAN ENERGY STUDY BY SECRETARY OF ENERGY.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources a report for review and comment.

“(b) REQUIREMENTS.—The report shall—

“(1) identify barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers); and

“(2) recommend incentives for the removal of those barriers.

“SEC. 2610. CONSULTATION WITH INDIAN TRIBES.

“In carrying out this title, the Secretary and the Interior shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the Federal Government.”

“(b) ENERGY EFFICIENCY IN FEDERALLY-ASSISTED HOUSING.—

“(1) FINDING.—Congress finds that the Secretary of Housing and Urban Development should promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

“(A) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances); and

“(B) the promotion of shared savings contracts; and

“(c) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

“SECTION 2. AMENDMENT. —Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101(2)) is amended by inserting “improvement to achieve greater energy efficiency,” after “planning.”

“By Mr. CAMPBELL:

S. 523. A bill to make technical corrections to law relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing the Indian Technical Corrections Act of 2003 to provide routine and noncontroversial amendments to Federal statutes affecting Indian tribes and Indian people.

The vast majority of these amendments were included in legislation in the last session of Congress that failed to be enacted.

Though modest, this bill provides real relief to the many tribes that seek Congress’ assistance.

I ask unanimous consent that a copy 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. 523

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be called the “Native American Technical Corrections Act of 2003.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

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CONGRESSIONAL RECORD — SENATE

March 5, 2003

Sec. 117. Santee Sioux Tribe; study and report.

Sec. 118. Seminole Tribe of Oklahoma; waiver of repayment of expert assistance loans.

Sec. 119. Shakopee Mdewakanton Sioux Community.

TITLE I—PUEDO DEL SANTA CLARA AND PUEBLO DE SAN ILDEFONSO

 Sec. 201. Definitions.

 Sec. 202. Trust for the Pueblo of Santa Clara, New Mexico.

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 Sec. 205. Administration of trust land.

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 Sec. 207. Gaming.

TITLE III—DISTRIBUTION OF QUINAULT PERMANENT FISHERIES FUNDS

 Sec. 301. Distribution of judgment funds.

 Sec. 302. Conditions for distribution.

SEC. 2. DEFINITION OF SECRETARY.

 In this Act, except as otherwise provided in this Act, the term ‘Secretary’ means the Secretary of the Interior.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Subtitle A—Technical Amendments

SEC. 101. UTE MOUNTAIN UTE TRIBE; OIL SHALE RESERVE.

This Act is amended by—

(A) in subsection (a), by striking the period at the end and inserting ‘‘(1) the settlement;’’;

(B) in paragraph (1), by striking ‘‘2002’’ and inserting ‘‘2004’’; and

(C) in paragraph (2), by striking ‘‘2001 and 2002’’.

SEC. 102. BOSQUE REDONDO MEMORIAL ACT.

SEC. 103. NAVAJO-HOPI LAND SETTLEMENT ACT.

SEC. 104. COW CREEK BAND OF UMPQUA INDIANS RECOGNITION ACT.

SEC. 105. PUEBLO DE SANTA CLARA AND PUEBLO DE SAN ILDEFONSO ACT.

SEC. 106. CHIPPEWA CREE TRIBE; MODIFICATION OF SETTLEMENT.

SEC. 107. MISSISSIPPI BAND OF CHOCTAW INDIANS.

SEC. 108. BARONA TRIBAL COUNCIL ACT.

SEC. 109. AMERICAN INDUSTRY BORROWER PROGRAM.

SEC. 110. NATIVE AMERICAN GRAVES PROTECTION AND REHABILITATION ACT.

SEC. 111. BARONA TRIBAL COUNCIL ACT OF 2000.

SEC. 112. CONGRESSIONAL RECORD — SENATE

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States 92–493, 92–506, 1331 (Docket No. 131 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 113. OGLALA SIOUX TRIBE; WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States 92–493, 92–506, 1331 (Docket No. 131 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 114. PUEBLO OF ACAHUA; LAND AND MINERAL CONVEYANCE AND ASSISTANCE LOANS.

(a) DEFINITION OF BIDDING OR ROYALTY CREDIT.—The term ‘‘bidding or royalty credit’’ means a legal instrument or other written documentation, or an entry in an account managed by the Secretary, that may be used in lieu of any other monetary payment for—

(1) a bonus bid for a lease sale on the outer Continental Shelf; or

(2) a royalty due on oil or gas production; for any lease located on the outer Continental Shelf outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

(b) AUTHORITY.—Notwithstanding any other provision of law, the Secretary may acquire any nontribal interest in or to land (including an interest in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for the purpose of carrying out Public Law 107–138 (116 Stat. 6) by issuing bidding or royalty credits under this section as the Secretary determines is necessary to acquire the land, which credits may be issued as—

(A) a bonus bid for a lease sale on the outer Continental Shelf; or

(B) a royalty due on oil or gas production; for any lease located on the outer Continental Shelf outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

(c) NOTIFICATION.—Before any such royalty credit is issued under this section, the Secretary shall—

(1) give notice in the Federal Register of the availability of bidding or royalty credits under this section; and

(2) receive applications for bidding or royalty credits under this section

(d) REGULATIONS.—The Secretary shall—

(1) prescribe regulations necessary to implement this section; and

(2) ensure that bidding or royalty credits issued under this section are—

(A) ax free from charge to the Secretary; and

(B) subject to the control of the Secretary.

SEC. 115. PUEBLO OF SANTO DOMINGO; WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS.

Notwithstanding any other provision of law—
(1) the balances of all outstanding expert assistance loans made to the Pueblo of Santo Domingo under Public Law 88-168 (77 Stat. 301), and relating to Pueblo of Santo Domingo v. United States (United States Court of Federal Claims), including all principal and interest, are canceled; and
(2) the Secretary shall take such action as is necessary to—
(A) document the cancellation under paragraph (1); and
(B) release the Pueblo of Santo Domingo from any liability associated with any loan described in paragraph (1).

SEC. 116. QUAINTAH INDIAN NATION; WATER FEASIBILITY STUDY.

(a) In General.—The Secretary may carry out a water source, quantity, and quality feasibility study for the Quinault Indian Nation, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation on the Olympic Peninsula, Washington.
(b) PUBLIC AVAILABILITY OF RESULTS.—As soon as practicable after completion of a feasibility study under subsection (a), the Secretary—
(1) publish in the Federal Register a notice of the availability of the results of the feasibility study; and
(2) make available to the public, on request, the results of the feasibility study.

SEC. 117. SANTEE SIOUX TRIBE; STUDY AND REPORT.

(a) Study.—Pursuant to reclamation laws, the Secretary, acting through the Bureau of Reclamation and in consultation with the Shakopee Mdewakanton Sioux Community (referred to in this section as the “Community”), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply and distribution system for the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the “Community”) that will—
(1) enhance, not to exceed
(2) may be used to fund activities necessary to conduct the study required by subsection (a).
(b) C OOPERATIVE AGREEMENT.—At the request of the Community, the Secretary shall enter into a cooperative agreement with the Tribe for activities necessary to conduct the study required by subsection (a) regarding which the Tribe may contribute
(c) report.—Not later than 1 year after funds are made available to carry out this subsection, the Secretary shall submit to Congress a report containing the results of the study required by subsection (a).
(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000, to remain available until expended.

SEC. 119. SHAKOPEE MDEWAKANTON SIOUX COMMUNITY; STUDY INTO A COOPERATIVE AGREEMENT WITH THE TRIBE.

(a) In General.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the “Community”) may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest in the Community in or to any real property that is not held in trust by the United States for the benefit of the Tribe, or enter into a cooperative agreement with the Tribe to carry out this section—
(b) No Effect on Trust Land.—Nothing in this section—
(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or
(2) affects the taking of any interest in any land governed by any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

TITLE II—PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO

SEC. 201. DEFINITIONS.

In this title:
(1) AGREEMENT.—The term “Agreement” means the agreement entitled “Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract”, entered into by the Governor of the Pueblo of San Ildefonso, New Mexico.
(2) BOUNDARY LINE.—The term “boundary line” means the boundary line established under section 204(a).
(3) GOVERNORS.—The term “Governors” means—
(A) the Governor of the Pueblo of Santa Clara, New Mexico; and
(B) the Governor of the Pueblo of San Ildefonso, New Mexico.
(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 202(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c).
(5) PUEBLOS.—The term “Pueblos” means—
(A) the Pueblo of Santa Clara, New Mexico; and
(B) the Pueblo of San Ildefonso, New Mexico.
(6) TRUST LAND.—The term “trust land” means the land held by the United States in trust under section 202(a) or 203(a).

SEC. 202. TRUST FOR THE PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO TECHNICAL CORRECTIONS.

(a) In General.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.
(b) Description of Land.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—
(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;
(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;
(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;
(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and
(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 204. SURVEY AND LEGAL DESCRIPTIONS.

(a) Survey.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundaries of the land established under the Agreement for the purpose of establishing, in accordance with sections 3102(b) and 3103(b), the boundaries of the trust land.
(b) Legal Descriptions.—
(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—
(A) a legal description of the boundary line; and
(B) legal descriptions of the trust land.
(2) APPLICABLE LAW.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land by the Governor of the Pueblos to ensure that the descriptions are consistent with the terms of the Agreement.
(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 205. ADMINISTRATION OF TRUST LAND.

(a) In General.—Effective beginning on the date of enactment of this Act—
(1) the land held in trust under section 202(a) shall be declared to be a part of the Santa Clara Indian Reservation; and
(2) the land held in trust under section 203(a) shall be declared to be a part of the San Ildefonso Indian Reservation.
(b) APPLICABLE LAW.—
(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

SEC. 206. PUEBLO LANDS ACT.

The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the “Pueblo Lands Act”) (25 U.S.C. 331 note):
(A) The trust land;
(B) Any land owned as of the date of enactment of this Act or acquired after the date of
enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant; (C) any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant; (c) USE OF TRUST LAND.—Subject to the criteria developed under paragraph (2), the trust land may be used only for— (A) traditional and customary uses; or (B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust. (2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 206. EFFECT. Nothing in this title— (1) affects a valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is— (A) in or to the trust land; and (B) in existence before the date of enactment of this Act; (2) repairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is— (A) based on Aboriginal or Indian title; and (B) in existence before the date of enactment of this Act; (3) constitutes an express or implied reservation of water or water right with respect to the trust land; and (4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SEC. 207. GAMING. Land taken into trust under this title shall neither be considered to have been taken into trust, nor be used for, gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

TITLE III—DISTRIBUTION OF QUINAUPT PERMANENT FISHERIES FUNDS

SEC. 301. DISTRIBUTION OF JUDGMENT FUNDS. (a) FUNDS TO BE DEPOSITED INTO SEPARATE ACCOUNTS.— (1) IN GENERAL.—Subject to section 302, not later than 30 days after the date of enactment of this Act, the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinault Indian Nation under Dockets 772-71, 773-71, 774-71, and 775-71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be deposited in 3 separate accounts to be established and maintained by the Quinault Indian Nation referred to in this title as the "Tribe") in accordance with this subsection.

(2) ACCOUNT FOR INCOME ON JUDGMENT FUNDS.— (A) IN GENERAL.—The Tribe shall establish an account for, and deposit in the account, all investment income earned on the judgment funds described in subsection (a) during the period beginning on September 19, 1989, and ending on the date on which the funds to the Tribe under paragraph (1). (B) USE OF FUNDS.—(i) USE OF FUNDS.—Funds deposited in the account established under subparagraph (A) shall be available to the Tribe for use in carrying out tribal government activities. (ii) SPECIFICATION OF ACTIVITIES.—Each tribal government activity carried out under clause (i) shall be available to the Tribe to carry out traditional and customary uses; or stewardship enhancement projects. Each fisheries enhancement project carried out under subparagraph (B)(i) shall be specified in the approved annual budget of the Tribe. (C) ACCOUNT FOR INCOME ON JUDGMENT FUNDS.— (i) IN GENERAL.—The Tribe shall establish an account for, and deposit in the account, all investment income earned on amounts in the permanent fisheries fund established under paragraph (2)(A)(i) after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant; (ii) be subject to an annual audit. (b) DETERMINATION OF AMOUNT OF FUNDS AVAILABLE.—Subject to compliance by the Tribe with paragraphs (3)(C) and (4)(B)(ii) of subsection (a), the Quinault Business Committee, as the governing body of the Tribe, may determine the amount of funds available for expenditure under paragraphs (3) and (4) of subsection (a). (c) ANNUAL AUDIT.—The records and investment activities of the 3 accounts established under subsection (a) shall— (1) be maintained separately by the Tribe; and (2) be subject to an annual audit.

SEC. 302. CONDITIONS FOR DISTRIBUTION. (a) UNIFORMED FISHERIES RESPONSIBILITY.—Subject to section 303(a), the United States shall bear no trust responsibility or liability for the investment, supervision, administration, or expenditure of the funds described in subsection (c) of this section. (b) APPLICATION OF OTHER LAW.—All funds distributed under this title shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407).

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. DEWINE, Ms. STABENOW, Mr. REED, Mr. NOUNY, Mr. KENNEDY, Mr. LEAHY, Ms. CANTWELL, Mr. JEFFORDS, Mr. WARNER, Mr. AKAKA, Mr. FITZGERALD, Mr. DURBIN, and Mr. BAYH): S. 525. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today, my colleagues from Maine, Senator COLLINS and I are very pleased to introduce the Nonindigenous Aquatic Nuisance Prevention and Control Act of 2003. This bill, which reauthorizes the Nonindigenous Aquatic Nuisance Prevention and Control Act, takes a comprehensive approach towards addressing aquatic nuisance species to protect the Nation's waters. This bill deals with the prevention of new introductions, the screening of new aquatic organisms coming into the country, the rapid response to new invasions, and the research to implement the provisions of this bill.

The rapid response to new invasions, and the research to implement the provisions of this bill.

The problem of invasive species is a very real one. Over the past 450 years, during colonization and development of this country, more than 6,500 non-indigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish to animals—typically encounter environments that are far too different than their new environments and wreak havoc on native species. Aquatic nuisance species threaten biodiversity nationwide, especially in the Great Lakes.

Some of my colleagues may remember back in the Eighties, the problem of aquatic nuisance species was first raised after the zebra mussel was released into the Great Lakes. The Great Lakes still have zebra mussels, and now, 20 States are fighting to control them. Zebra mussels were carried over from the Mediterranean to the Great Lakes in the ballast tanks of ships. The leading pathway for aquatic invasive species is maritime commerce. Most invasive species are contained in the water that ships use for ballast. Aquatic invaders such as the zebra mussel and round goby were introduced into the Great Lakes when ships, often from halfway around the world, pulled into port and discharged their ballast water. Aquatic invaders can also attach themselves to ships' hulls and anchor chains.

Because of the impact that the zebra mussel had in the Great Lakes, Congress passed legislation in 1990 and 1996 that have reduced, but not eliminated, the threat of new introductions. Requiring ballast water management for ships entering the Great Lakes. Today, there is a mandatory ballast water management program in the Great Lakes. The current law requires that ships entering the Great Lakes must, before they discharge their ballast water, seal their ballast tanks or use alternative treatment that is "as effective as ballast water exchange." Unfortunately, the effectiveness of ballast water exchange has been left undefined. Consequently, alternative treatment technologies have not been fully developed and widely tested on ships because the developers of ballast technology do not know what standard
they are trying to achieve. This obstacle is serious because ultimately, only onboard ballast water treatment will adequately reduce the threat of new aquatic nuisance species being introduced through ballast water.

Our second problem. First, this bill establishes deadlines for national interim and final standards for ballast water management. This way, technology vendors and the maritime industry know when to expect clear requirements. Second, our bill establishes what the phrase “as effective as ballast water exchange” means for the purposes of the interim period. Research has shown that ballast water exchange has highly variable effectiveness rates. This bill takes the maximum effectiveness that ballast water exchange could have using the safest approach—a 95-percent reduction of near coastal plankton and establishes it as the floor for treatment effectiveness. Rather than a percent kill or removal of live organisms. Within 18 months of the bill’s passage, the Coast Guard is required to issue regulations implementing an interim ballast water standard that would require ships that enter or depart an area outside the Exclusive Economic Zone of 200 miles to either use ballast water treatment technology that meets the standard, retain the ship’s ballast water, or exchange the ship’s ballast water in the high seas. Ship operators in coastal waters may have technology that is not technologically achievable. Rather than wait many more years before taking action to stop new introductions, I believe that an imperfect but clear and achievable interim standard for treatment technology is the right approach. This interim standard will lead to the use of those treatments that are more protective of our waters than the default method of ballast water exchange provides, and it can be implemented in the very near future. Further, the bill provides the Coast Guard with the flexibility to promulgate the interim standard as a size-based standard or by whatever parameters the Coast Guard determines appropriate.

I understand that ballast water technologies are being researched and are ready to be effective on ships. These technologies include ultraviolet lights, filters, chemicals, deoxygenation, and several others. Each of these technologies has a different price tag attached to it. It is not my intention to overburden the maritime industry with an expensive requirement to install technology. In fact, the legislation states that the final ballast water technology standard must be based on “technologically achievable.” That means that the EPA must consider what technology is available, and if there is not economically achievable technology available to a class of vessels, then the standard will not include technology for that class of vessels, subject to review every 3 years. I do not believe this will be the case, however, because the approach creates a clear incentive for treatment vendors to develop affordable equipment for the market. Since ballast technology will be always evolving, it is important that the EPA review and revise the standard so that it reflects what is the best technology currently available and whether it is economically achievable. Shipowners cannot be expected to upgrade their equipment upon every few years as technology develops, however, so the law provides an approval period of at least 10 years.

There are other important provisions of the bill as well. The bill requires the Army Corps of Engineers to construct and operate the Chicago Ship and Sanitary Canal project which includes the construction of a second dispersal barrier to prevent the Asian carp from migrating up the Mississippi through the canal into the Great Lakes. Equally important, this barrier will prevent the migration of invasive species in the Great Lakes from proceeding into the Mississippi system. The bill establishes an experimental ballast treatment approval process to take effect immediately so that the treatment technology industry can begin full-scale experimental installations of treatments on ships. The bill also authorizes for better coordinated research to find effective means of combating invasive species. It would help Federal, State, and regional authorities guard against future invasions by developing early detection, monitoring and rapid response plans. And it provides funding for outreach and education programs to inform the public and marine owners about the dangers of inadvertently carrying aquatic invaders on the hulls of recreational and commercial vessels dumping bait buckets into the Lakes.

Invasive species threaten the region’s biological diversity and are an economic drain. Estimates of the annual economic damage caused nationwide by invasive species go as high as $137 billion. Because of the system of canals connecting the Great Lakes to the Mississippi River and the Atlantic Ocean, there are no physical barriers to block the spread of invasive species, making the Great Lakes system particularly vulnerable. Because of the frequency of ships entering into the Great Lakes, though, our region is often “ground zero,” and once an exotic species establishes itself, it is almost impossible to eradicate and sometimes difficult to prevent from moving throughout the nation. Therefore, prevention is the key to controlling new introductions.

I hope in all, the bill would cost between $137 billion for the annual cost of the Great Lakes ecosystem is each year. This is a lot of money, but it is a critical investment. As those of us from the Great Lakes know, the economic damage that invasive species can cause is much greater. However, compared to the $137 billion annual cost of invasive species, the cost of this bill is minimal. Therefore, I urge my colleagues to co-sponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickeral Pond to Lake Auburn, from Sebago Lake to Bryant Pond, lakes and ponds in Maine are under attack. Aquatic invasive species threaten Maine’s drinking water system, recreation, wildlife habitat, lakefront real estate, and fisheries. Such as variable leaf milfoil, are crowding out native species. Invasive Asian shore crabs are taking over southern New England’s tidal pools, and just last year began their advance into Maine’s waters. Invasive species threaten the lobster and clam industries.

Maine and many other States are attempting to fight back against these invasions. Unfortunately, their efforts have frequently been of limited success, with native species, the integrity of our lakes, streams, and coastlines from invading species cannot be accomplished by individual States alone. We need a uniform, nationwide approach to deal effectively with invasive species.

Today I am pleased to join Senator Levin in introducing the National Aquatic Invasive Species Act of 2003. This bill would create the most comprehensive nationwide approach to dealing with the devastating invasive species that invade our shores.

The stakes are high when invasive species are unintentionally introduced into our Nation’s waters. They endanger ecosystems, reduce biodiversity, and threaten native species. They disrupt people’s lives and livelihoods by lowering property values, impairing commercial fishing and aquaculture, degrading recreational experiences, and damaging public water supplies.

As with national security, protecting the integrity of our lakes, streams, and coastlines from invasive species cannot be accomplished by individual States alone. We need a uniform, nationwide approach to deal effectively with invasive species.

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to stop European green crabs from taking hold on the east coast, but we still have the opportunity to prevent many other species from taking hold in Maine and the United States.

Three months ago, in the town of Limerick, ME, one of North America's most aggressive invasive species—hydrilla—was found in Pickeral Pond. Hydrilla can quickly dominate its new ecosystem already hydrilla covers 60 percent of Pickeral Pond and from the shoreline out to 6 feet deep. Never before detected in Maine, this stubborn and fast-growing aquatic plant threatens Pickeral Pond's recreational use for swimmers and boaters, and could spread to nearby lakes and ponds. Unfortunately, eradication of hydrilla is nearly impossible, so we must now work to prevent further infestation in the state.

The National Aquatic Invasive Species Act of 2003 is the most comprehensive effort ever to address the threat of invasive species. By authorizing $386 million over 6 years, this legislation would open numerous new fronts in our war against invasive species. The bill directs the National Aquatic Invasive Species Act (NIASA) to develop regulations that will end the easy cruise of invasive species into U.S. waters through the ballast water of international ships, and would provide the Coast Guard with $6 million per year to develop and implement these regulations.

The bill also would provide $30 million per year for a grant program to assist State efforts to prevent the spread of invasive species, it would provide $12 million per year for the Army Corps of Engineers and Fish and Wildlife Service to contain and control invasive species. Finally, the Levin-Collins bill would authorize $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invasive species before they have the chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.

One of the leading pathways for the introduction of aquatic organisms to U.S. waters from abroad is through international commerce. Coastal vessels fill and release ballast tanks with seawater as a means of stabilization. The ballast water contains live organisms from plankton to adult fish that are transported and released through this pathway. The bill we are introducing today would establish a framework to prevent the introduction of aquatic invasive species by ships.

Currently, the U.S. is in negotiations with the international community on the development and implementation of an international program for preventing the unintentional introduction and spread of non-indigenous species through ballast water. I commend the American delegation for working with the international community to address this global problem. This legislation offers a strong framework that the U.S. should use as a model in negotiating this important international convention. The legislation must ensure that international conference will be at least as protective as the legislation we are introducing today. The United States must take the most proactive action possible to protect our waters, ecosystems, and industries from destructive invasive species before it is too late.

Ms. STABENOW. Mr. President, I would like to express my strong support for the National Aquatic Invasive Species Act of 2003.

During the 107th Congress, I introduced S. 1034, the Great Lakes Ecosystem Protection Act which sought to curb the influx of invasive species into the Great Lakes. This is an immense task, and more aggressive aquatic species have been accidentally introduced into the Great Lakes in the past century. I am proud to say that this bill had strong bipartisan support with the Levin-Collins bill had strong support from my colleagues. The Great Lakes Senator would like to support this bill that will provide innovative solutions and necessary resources to this longstanding environmental problem, and will also protect our precious water resources for the enjoyment and benefit of future generations of Americans.

Mr. JEFFORDS. Mr. President, I rise today to join my colleagues, Senator LEVIN and Senator SNOWE in introducing the National Aquatic Invasive Species Act of 2003.

The waters of the United States continue to face threats from aquatic invasive species. Invasive species take both an economic and an environmental toll. The United States and Canada are spending $70 million a year just to try to control sea lamprey, a species that has invaded Lake Champlain and the Great Lakes. The environmental costs are also staggering. Invasive species usually have high reproductive rates, disperse easily, and can tolerate a wide range of environmental conditions, making them very difficult to eradicate. They often lack predators in their new environment and out-compete native species for prey or breeding sites.

The legislation we are introducing today will build on programs established over the last decade and focus much of our attention and resources on preventing invasive species from entering our aquatic ecosystems. This legislation establishes a mandatory ballast water management program for the entire country; makes federal funds and resources available for rapid response to the introduction of invasive species and for prevention, control and research.

Increased funding and resources for dispersal barrier projects and research to prevent the interbasin transfer of hydropower would open numerous new fronts in our war against invasive species. The Levin-Collins bill would provide $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invasive species before they have the chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.
organisms is of particular importance in my State of Vermont. We, along with New York, are home to one of this country’s most beautiful lakes—Lake Champlain. However, zebra mussels, Eurasian water milfoil, water chestnuts, and small-lamp tiger in the Lake Champlain Basin are having devastating impact. Like most who visit Lake Champlain, these species want to call it home, but we cannot compromise the health of the lake. Examining the feasibility and effectiveness of a dispersal barrier in the Lake Champlain Canal to control the dispersal of invasive species in the lake is another avenue toward preventing further destructive dispersal of these species.

I look forward to working with my colleagues on the Environment and Public Works Committee and in the Senate to move this important legislation forward.

By Mr. HATCH (for himself, Mr. Grah of Florida, Mr. Kennedy, Mr. Coleman, Ms. Mikulski, Mr. Allard, and Mr. Dayton):

S. 526. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill designed to provide assistance to vulnerable Medicare beneficiaries: the Medicare Improvements for Special Needs Beneficiaries Act of 2003. This legislation will improve access to health care for frail and elderly Medicare beneficiaries who reside in nursing homes or their local communities.

Approximately 6 million Medicare beneficiaries are eligible for both Medicare and Medicaid coverage. Known as "dual eligibles," these beneficiaries are the most vulnerable group of Medicare recipients. They are elderly or disabled and poor. Many have serious health concerns and complex medical, social, and long-term care needs. As a result, dual eligibles represent a disproportionately share of Medicare spending.

To address the concerns of dual eligibles, a small number of health plans specialize in providing quality coordinated care to frail, elderly Medicare beneficiaries through demonstrations and the Medicare+Choice Program. These specialized plans include innovative clinical models of care that improve care and health outcomes while reducing medical costs. Today, approximately 25,000 Medicare beneficiaries, most of whom reside in nursing homes, receive their health care through these specialized plans.

Through these plans, physicians and nurse practitioners work together to provide as much primary, preventive, and acute care as possible on-site—in a nursing home facility or in the patient’s home. For those beneficiaries residing in nursing homes, this means fewer trips to the emergency room; for those still living at home, it delays nursing home placement. If enrollees can be treated successfully without a trip to the hospital or placement in a nursing home, they remain healthier and cost less to the Medicare Program are reduced.

Currently, these specialized plans are facing regulatory barriers that prevent them from becoming permanent Medicare+Choice program options. The current Medicare+Choice program is a special needs beneficiary access to Medicare+Choice plans by removing these barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries. Specifically, the bill would allow a special Medicare+Choice program designation so these plans may continue to target enrollment to the frail elderly and provide appropriate health care to this vulnerable population.

Both the President and Members of Congress have stated their commitments to improving services provided to Medicare beneficiaries. In fact, when President Bush visited Minneapolis last July, he expressed his strong support for the Evercare program by saying that "government should act to strengthen these private health insurance options, not replace them. By relying on competition and patients' choice, and programs like Evercare, we will protect our seniors now, and offer many new lifesaving services to seniors in the future and preserve our private health care system."

These specialized programs are fulfilling the original promise of the Medicare+Choice Program to not only protect our Medicare beneficiaries but, in addition, these program improve health care quality and lower health care costs. It is an ideal way to continue this effort. Evercare plans serve a unique and valuable purpose for a vulnerable segment of our society. I hope my colleagues will join me in supporting this important bill.

By Mr. Bingaman (for himself and Mr. Bennett):

S. 528. A bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Indian School Bus Route Safety Reauthorization Act of 2003. This bill continues an important Federal program begun in TEA-21 that addresses a unique problem with the roads in and around the Nation’s single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by frequently impassable roads are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Nation is by far the Nation’s largest Indian reservation, covering 15,000 square miles. Portions of the Navajo Nation are in three States: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To the Navajo, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,800 miles of public roads serve the Navajo Nation. Only about one-fifth of these roads are paved. The remaining 7,600 miles, 78 percent, are dirt roads. Every day schoolbuses use nearly all of these roads to transport Navajo children to and from school.

About 6,400 miles of the roads on the Navajo reservation are BIA roads, and about 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads, are considered part of the Federal Indian reservation road system. However, only BIA roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in TEA-21 is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, three-quarters of McKinley County is either tribal or Federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of State-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, UT, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel, and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools, and four preschools.

The situation is similar in neighboring San Juan County, NM, as well, Apache, Navajo, and Coconino Counties, AZ. In light of the counties' limited resources, I do believe the Federal
Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families living in and around the United States. Their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy, or snowy. These roads, over which the kids travel through, the kids simply cannot get to school.

These children are literally being left behind. Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. The funding was included at my request in section 1214(d) of TEA–21. Under this provision, $1.5 million is made available each year to be shared equally among the three States. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to a reservation, that are on the State or county maintenance system, and that serve as schoolbus routes.

This program has been very successful. For the last 6 years, the counties have used the annual funding to help maintain the routes used by school-buses to carry children to school and to Head Start programs. I had an opportunity in 1998 to see first hand the importance of this funding when I rode in a schoolbus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, with a modest increase in the annual funding to allow for inflation, and for additional roads to be maintained in the three States. I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation—by far the Nation’s largest—and the unique nature of this need that only the Federal Government can deal with effectively.

I don’t believe any child wanting to get to and from school safely should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. I ask all Senators to join me in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

My bill has the support of the Southwestern Utah Association of Local Governments and the Tri-State County Association of New Mexico, Arizona, and Utah. I am confident that letters and resolutions from New Mexico, Arizona, and Utah will be printed in the Record at the conclusion of my remarks.

I am pleased that Congressman Tom Udall of New Mexico, Rick Renzi of Arizona, and Senator Jon Kyl of Utah are introducing a companion bill today in the House. I look forward to working with them this year and with the chairman of the Environment and Public Works Committee, Senator Inhofe, and Senator Jeffords, the ranking member, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation bill.

Mr. President, I ask unanimous consent that text of the bill be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 528

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 "Indian School Bus Route Safety Reauthorization Act of 2003."

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES AND PUBLIC WORKS COMMITTEES.

(a) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under subsection (e) for the fiscal year shall be made available by the Secretary of Transportation, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

(b) AVAILABILITY TO ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Each fiscal year, each county in the State to which funds are made available under subsection (a), and that has in the county a public road described in paragraph (2), shall be eligible to apply to the Secretary for a portion of the funds made available to the State under this section to be used by the county to maintain such public roads.

(2) ROADS—The road referred to in paragraph (1) is a public road that—

(A) is within, is adjacent to, or provides access to an Indian reservation described in subsection (a), and

(B) is used by a school bus to transport children to or from a school or Headstart program.

(c) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Except as provided in subsection (d), each county that is eligible under subsection (b) shall receive a portion of the funds made available under subsection (a) in proportion to the total number of students served in the county.

(2) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds allocated to all counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

(d) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary of Transportation shall ensure that funding made available under this section is sufficient to perform the obligations of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(2) any funding provided by a State to a county for road maintenance programs in the county.

(e) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(A) $3,000,000 for each of fiscal years 2004 and 2005;

(B) $4,000,000 for each of fiscal years 2006 and 2007; and

(C) $5,000,000 for each of fiscal years 2008 and 2009.

(f) CONTRACT AUTHORITY.—Funds made available to carry out this section shall be available for obligation in the same manner as the funds were appropriated under chapter 1 of title 23, United States Code.

GALLUP MCKINLEY COUNTY
PUBLIC SCHOOLS,

Hon. Jeff Bingaman
U.S. Senate,
Washington, DC.

DEAR HON. JEFF BINGAMAN: The Gallup McKinley County Schools serve over 15 thousand students, of which over 10 thousand are bussed daily. Our District’s school buses travel 9,250 miles daily, one way. Several miles of these roads are primitive dirt roads with poor or no drainage. Several do not have guard rails and some are not maintained by any entity. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions greatly restricts our ability to provide adequate services for families living along these particular roadways. Funding for school bus route road maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

School bus route road maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been extremely helpful in maintaining hundreds of miles of bus route roads. The route improvements completed recently in the North Coyote Canyon, Mexican Springs, Johnson loop, Topaz, Tuba City, and Bluewell have provided us with the ability to safely negotiate these areas and transport hundreds of students to various schools.

The School bus route program is a very important program. Our County Roads division worked diligently to provide safe access and protection for our school districts 150 school buses. Without the school bus route program, it would be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, it is imperative that the reauthorization of the TEA–21 Bill be realized.

Thank you for your continued support of school safety and for your efforts to help clear the way for safe and efficient transportation for our school children. It is through
these cooperative efforts that we are able to serve the hundreds of families living in our County. Thank you for your continued efforts.

Sincerely,
BEN CHAVEZ, Support Services Director.

COUNTY OF MCKINLEY,
Hon. JEFF BINGAMAN, U.S. Senate, Washington, DC.


DEAR SENATOR BINGAMAN: The Board of Commissioners supports your proposed Bill entitled, Indian School Bus Route Safety Reauthorization Act of 2003.

Currently, TEA–21 has provided a pilot program for the Counties in New Mexico, Arizona and Utah with funds to help maintain school routes accessing the Navajo Nation. This support has allowed McKinley County to improve an average of six miles per year.

The Gallup-McKinley County Schools operates 334 school buses on a weekday basis traveling 10,600 miles daily. The Navajo Nation also operates a bus network for their Headstart Programs.

Our residents who live in the rural areas of our County depend on these same roads to shop, access medical services and jobs. Improved roads are critical to our region.


Sincerely yours,
EARNEST C. BECENTI, Sr., Chairperson.
COUNTY OF MCKINLEY,
Hon. JEFF BINGAMAN, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: We want to take this opportunity to let you know how grateful McKinley County residents are for your past efforts in obtaining the federal funding received under the TEA–21 Bill. These funds have improved approximately 30 miles of school roads in our County that could not have been a reality without them. These roads were improved to all weather standards at an average cost per mile of approximately $50,000.

We now look to identifying the type of improvements made and expenditures. We have also enclosed a letter from the Gallup-McKinley County Schools identifying the enhancement of these improvements that contribute to the safe transportation of students throughout the County.

McKinley County has a total of 571,746 miles of maintained roads that lead to or within Indian lands that qualify under the TEA–21 funding. This total reflects that approximately 90 percent of McKinley County roads in the maintenance system serve the vast Indian population in rural McKinley County. The TEA–21 funding received thus far has improved approximately 5 percent of these miles; leaving approximately 95 percent of the remaining miles to be improved.

As you can see, the miles improved thus far are small in comparison to the vast needs of McKinley County.

The improved roads continue to contribute to the number of school days missed during inclement weather at all grade levels, which ultimately contribute to the illiteracy of our young people, and to the high level of unemployment in this area. It is difficult to change these statistics with the insurmountable amounts of unpaved roads and the lack of sufficient funding sources. It is also very difficult to attract economic growth to McKinley County and improve the job market and quality of life for families throughout rural McKinley County.

We strongly solicit support for the continuation of the TEA–21 allocation for the improvement of school bus routes in our area. This support has allowed us for our past efforts and continued support in meeting the needs of McKinley County.

Sincerely,
DAVID J. ACOSTA, Road Superintendent.

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS,
December 19, 2002.
Hon. SENATOR JEFF BINGAMAN, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: Regarding the reauthorization of TEA–21 legislation, I would like to be up front in support of this bill. Our Gallup-McKinley County School District cannot function without a decent roads maintenance program. Our school district has established a good partnership with the McKinley County Commissioners Office.

Mr. Irvin Harrison, McKinley County Manager, is very instrumental in addressing the multitude of roads that our buses must travel. The money to do the actual maintenance work comes from the Indian School Bus Route Safety Reauthorization Act.

Let me explain why the Gallup-McKinley County Schools consider TEA–21 is practically indispensable. Our district daily transports 9,099 students and covers 16,070 miles. The 9,099 students are almost all Native Americans residing on Indian Reservation land or checker Board Areas. The majority of the roads are dirt or unimproved. Our bus fleet totals 146 and 27 buses are equipped with lifts. Senator, you can imagine how delicate it is to make sure the roads are safe and all-weather condition. On an annual basis, our miles driven exceed 3,047,269.

Without the county's roads maintenance program, our buses would deteriorate as quickly as we buy them and absenteeism would climb astronomically. What is so unique about our district is, it's 500 square miles size and reported unpaved road transportation needs. What the McKinley County Roads Department maintains include grading, placing gravel with some degree of compaction, repair work on drainage improvements and providing drainage solutions to rain damaged areas. Gallup-McKinley County School District is still expanding. A new high school is under design in Pueblo Pintado. A safe bridge is absolutely essential right next to the new school site.

I am confident that the reauthorization of TEA–21 will be an historic event because this piece of legislation indeed relates to the No Child Left Behind Initiative. All weather and safe roads are crucial again for the children to school on time. Absentees and tardiness are discouraged with a reliable transportation to school. I urge your colleagues to jump on the bandwagon and support the Indian School Bus Route Safety Reauthorization Act of 2003. Please call me if you have any questions.

Sincerely,
KAREN S. WHITE, Acting Superintendent.

THE NAVAJO NATION, ROCK SPRINGS CHAPTER, Yah-Ta-Hey, NM.

Resolution of Rock Springs Chapter Eastern Navajo Agency–District 16

Requesting and Recommending to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominci to Reauthorize the TEA–21 Bill for Continued Funding to the County of McKinley, State of New Mexico for Improvement of School Bus Routes Leading to and within the Navajo Indian Reservation which is Supported by Rock Springs Chapter Community.

Whence,

1. The Rock Springs Chapter is a certified chapter and recognized by the Navajo Nation Council, pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local government act (LGA) which directs local chapters to promote all matters that affect the local community members and to make appropriate decisions, recommendation and advocate on their behalf, and;

2. The Rock Springs Chapter is requesting and recommending to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominci to Reauthorize the TEA–21 Bill for Continued Funding to the County of McKinley, State of New Mexico for Improvement of School Bus routes leading to and within the Navajo Indian Reservation which is supported by Rock Springs Chapter Community, and;

3. The Rock Springs Chapter is established to promote and coordinate the community, economic, social, political and social development for the community, including an oversight of coordinator and support for federal, state, tribal, and other programs and entities; and;

4. The Rock Springs Chapter Community is highly concerned of their students attendance due to poor road conditions, lack of improving and maintaining bus routes and how it effects the daily transports of students as well as daily travel for community members, and:

Make area vast miles of (dirt roads) school bus routes that still require improvement. Poor road contribute to poor education, health issues, economic growth, unemployment, and fatalities in our rural (community) county.

Now, therefore be it Resolved:

1. The Rock Springs Chapter strongly supports the foregoing request from United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominci to Reauthorize the TEA–21 Bill for Continued Funding to the County of McKinley, State of New Mexico for improvement of school bus routes leading to and within the Navajo Indian Reservation.

2. The Rock Springs Chapter Community hereby supports the continuation of improving and upgrading the vast miles of dirt roads school bus routes.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly presented and considered by the Rock Springs Chapter at duly called chapter meeting at Rock Springs Chapter, New Mexico (Navajo Nation) at which a quorum was present and the same was passed with a vote of 33 in favor, 00 opposed and 00 abstained on this 11th of February, 2003.

RAYMOND EMERSON,
Chair, President.

LUCINDA ROANHORSE, Acting Community Services Coordinator.
CONGRESSIONAL RECORD — SENATE  March 5, 2003

S3184

Hon. JEFF BINGAMAN, U.S. Senator, Washington, DC.

Dear Senator Bingaman: San Juan County, Utah wants to express our appreciation to you for your efforts to secure funding to improve School Bus Routes. San Juan County has approximately 25% of the total land area on the Utah portion of the Navajo Nation. The County is currently maintaining 611 miles of roads on the Navajo Nation. 357 miles are natural surface, 164 miles are of a gravel surface and 80 miles are paved. Most of these roads are used by school bus in the transportation of students to and from the different schools.

The County has three high schools that are operated by the San Juan School District on the Utah portion of the Navajo Nation (Whitehorse High School in Monument Valley and Navajo Mountain High School in Monument Valley and Navajo Mountain High School in Navajo Mountain). In addition, the school district has two elementary schools located at Aneth Hat and in Montezuma Creek. The Bureau of Indian Affairs has two boarding schools that also operate within the County boundaries at Aneth Hat and in Montezuma Creek. These agreements allow us to expand the budgets for roads in the school districts and receive maximum benefit for funds spent.

The funding to date has been spent as follows: Funding of road worker salaries—$53,226; Purchase of road working equipment—$251,652. Purchase of road building materials—$173,313.

The material, labor and equipment helps to maintain over 1,300 miles of school bus routes. Even though these funds are extremely helpful, the current amount of funding is inadequate to meet the needs that are encountered in these remote lands.

Navajo County fully supports your efforts to not only continue the present funding, but also the efforts to increase the amount. If this funding was not available, the school children on the reservation would be the ones who suffer.

Please continue your efforts to enhance the TEA-21 funds. If you need further information, please call me at (928) 524-4053.

Sincerely,

TONY ATKINSON, County Manager.

RE: TEA-21 Funding for Maintenance of School Bus Routes.

Dear Senator Bingaman:

Navajo County has used the TEA-21 funding since its inception to maintain school bus routes located on reservation lands within the county. In order to best use these funds, we have entered into agreements with the Bureau of Indian Affairs and various established school districts. These agreements allow us to expand the budgets for roads in the school districts and receive maximum benefit for funds spent.

The funding to date has been spent as follows: Funding of road worker salaries—$53,226; Purchase of road working equipment—$251,652. Purchase of road building materials—$173,313.

The material, labor and equipment helps to maintain over 1,300 miles of school bus routes. Even though these funds are extremely helpful, the current amount of funding is inadequate to meet the needs that are encountered in these remote lands.

Navajo County fully supports your efforts to not only continue the present funding, but also the efforts to increase the amount. If this funding was not available, the school children on the reservation would be the ones who suffer.

Please continue your efforts to enhance the TEA-21 funds. If you need further information, please call me at (928) 524-4053.

Sincerely,

JESSE THOMPSON, Supervisor.

RESOLUTION OF THE TRI-STATE COUNTY ASSOCIATION (NEW MEXICO, ARIZONA AND UTAH)

Whereas, the Tri-State County Association met on September 20, 2002, in St. Michael’s, Arizona, to discuss the proposed Bill by Senator Jeff Bingaman cited as the “Tribal Transportation Program Improvement Act of 2002” and,

Whereas, the only Indian Reservation that would extend the TEA-21 Program.

Now, therefore be it

Resolved, by the Board of Commissioners or McKinley County, to request Congressional support to increase the allocation under Section 121(d) of the Tribal Transportation Equity Act for the 21st Century (TEA-21) to improve school bus routes within, adjacent to, or accessing the Navajo Reservation after FY-03.

By Ms. CANTWELL (for herself, MR. THOMAS, MR. LEAHY, MR. SMITH, MR. WYDEN, MR. SNOWE, MR. DURBIN, MR. HAGEL, MR. ROBERTS, and MR. CHAMBILLIS).

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today with Senator CRAIG THOMAS to introduce legislation that would exclude loan repayments made through the National Health Service Corps from the individual’s taxable income. I am pleased that Senators LEAHY, SMITH, WYDEN, SNOWE, DURBIN, HAGEL, ROBERTS, and CHAMBILLIS are also cosponsoring this important legislation.

There have been many developments in the area of health care in the last few years from managed care reform, to increases in biomedical research, the mapping of the human genome, and the use of exciting new technologies in both rural and urban areas such as telemedicine. In fact, it seems that almost every day we hear of astounding new scientific breakthroughs. But unfortunately, while we are making great
March 5, 2003

CONGRESSIONAL RECORD — SENATE

S3185

strides in the quality of health care, we are losing ground on the access to health care for so many.

The sad truth is that there are currently 38.7 million Americans without health insurance coverage—9.2 million of whom are uninsured children. In Washington State, before the recession, 13.3 percent of the population, and 155,000 children, lacked health insurance. That is undoubtedly higher today.

Access to health insurance for the uninsured is one of the utmost importance—we know that at the very least, health insurance means the difference between timely and delayed treatment and at worst between life and death. In fact, the uninsured are four times as likely as the insured to delay or forego needed care—and uninsured children are six times as likely as insured children to go without needed medical care.

But even insurance isn't enough if there are no available providers. Hospitals and other health care providers across the country are facing an increasingly uncertain future. The sad truth is that it is increasingly more difficult to recruit health care providers to work within underserved communities—especially in rural areas. In addition to economic pressures, rural areas must overcome the environmental issues involved with recruiting a doctor who may have been raised, educated, and trained in an urban setting.

The National Health Service Corps was created in 1970 by Senator Warren Magnuson, one of the most distinguished Senators to come from Washington State. He saw the need to put primary care clinicians in rural communities and inner-city neighborhoods, and developed this program to fill that need.

Since then, the Corps has placed over 22,000 health professionals in rural or urban communities in shortage areas. There is no doubt that National Health Service Corps has been extremely successful. In fact, the most recent available data show that more than 70 percent of providers continued to provide services to underserved communities after their Corps obligation was fulfilled—80 percent of these health care providers stayed in the community in which they had originally been placed.

During the last August recess, I had the opportunity to travel throughout Washington State and held 15 community discussions on health care. I met patients who would not have access to health services but for the providers there through the Corps and I met many doctors who have been living in our rural communities for years because of their Corps placements. And because it has been so successful—right now in Washington State there are 75 physician health professionals working in underserved areas that would not otherwise be here—we must do everything possible to support this program.

Under current law, the National Health Service Corps provides scholarships, loan repayments, and stipends for clinicians who agree to serve in urban and rural communities with severe shortages of health care providers. But in 1966—when this legislation was first enacted—the present 80 percent of the loan repayment amount, which is to be used by the recipient to offset his or tax liability resulting from the loan repayment “income.” This means that nearly 40 percent of the Federal loan repayment budget goes toward taxes on the loan repayment “income” alone. If these federal payments were not taxed, and the funding was freed up, more health professions students could take advantage of the loan repayment program, and we could attract more providers to underserved areas, thereby increasing access to health care in both urban and rural areas.

This is not a new problem. The tax burden that accompanies the National Health Service Corps loan payments is significant. Increasing the number of clinicians enrolling in the Corps. I do not want to see a situation where, as happened several years ago, over 300 applicants actually left underserved areas because the Corps could not fully fund the loan repayment program.

The legislation we are introducing today, the National Health Service Corps Loan Repayment Act, would address this disincentive, making the loan repayment beneficial to both the Corps, health professionals, and thereby bringing more providers into underserved areas. If loan repayments are excluded from taxation, the National Health Service Corps will have greater resources to provide aid to health professionals seeking loan repayment, and will be able to increase the number of providers in underserved areas.

There is no doubt that strengthening the National Health Service Corps is a win-win situation. Corps scholarships help finance education for future primary care providers interested in serving the underserved. In return, graduates serve those communities where the need for primary health care is greatest.

The bill is supported by over 20 national organizations including the National Rural Health Association, the National Association of Community Health Centers, the Association of American Medical Colleges, and the American Medical Student Association. I am especially pleased that the Washington State Medical Association is supporting this bill. I ask unanimous consent that the complete list be included in the Record after my statement.

I understand that there are no easy solutions to the health care problems we are facing right now. But we need to take the small steps forward, and come in at this problem from many different angles.

I urge my colleagues to look at this bill and to join us in expanding this vital and important and immediately successful program.

Mr. THOMAS. I am pleased to rise today to introduce the National Health Service Corps Loan Repayment Act with my colleague from Washington, Ms. Cantwell. Specifically, this legislation will exclude loan repayments made through National Health Service Corps, NHSC, program from taxable income. Adoption of the National Health Service Corps Loan Repayment Act would increase the amount of Federal dollars available so students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan repayments, and stipends for clinicians who agree to work in underserved urban and rural communities. The tax law changes in 1986 resulted in the IRS ruling that all NHSC payments were taxable. Congress eliminated the tax on the scholarship in 2001, but the loan repayments and stipends continue to be taxed.

To assist loan repayment recipients with their tax burden, the NHSC loan program includes an additional payment equal to 39 percent of the loan repayment amount so the loan repayment recipient can pay his or her taxes. Close to 40 percent of the NHSC Federal loan repayment budget goes to pay taxes on the loan repayment “income.” The current situation should not be allowed to continue. Given the fiscal restraints we are facing, we must ensure that Federal dollars are spent efficiently and effectively. It is obvious that today’s NHSC loan repayment structure does not meet that goal. Our legislation resolves this issue.

For over 30 years, the National Health Service Corps, NHSC, program has literally been a lifeline for many underserved communities across the country that otherwise would not have a health care provider. I know this program is critically important to my State of Wyoming and to many other rural States that have difficulties recruiting and retaining primary health care clinicians.

There are 2,800 health professional shortage areas, 740 mental health shortage areas and 1,200 dental health shortage areas now designated across the country. However, the NHSC program is meeting less than 13 percent of the current shortage—even if it were to double, it could only meet less than 6 percent of need for mental health and dental services. The National Health Service Corps Loan Repayment Act would increase
the number of students in the program and allow more providers to be placed in these shortage areas.

The National Health Service Corps Loan Repayment Act is crucial to the future well-being of many of our rural communities. I strongly urge all my colleagues to support this important legislation.

By Mr. KERRY:

S. 530. A bill to amend title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee’s duty; to the Committee on Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing legislation on behalf of thousands of Federal firefighters and emergency response personnel worldwide, who, at great risk to their own personal safety and the safety of America’s defense, our veterans, Federal wildlands, and national treasures. Although the majority of these important Federal employees work for the Department of Defense, Federal firefighters are also employed by the Department of Veterans Affairs, and the U.S. Park Service. From first response emergency care services on military installations around the world to first-line defense against raging forest fires here at home, we call on these brave men and women to protect our national interests.

Yet under Federal law, compensation and retirement benefits are not provided to Federal employees who suffer from occupational illnesses unless they can specify the conditions of employment which caused their disease. This onerous requirement makes it nearly impossible for Federal firefighters, who suffer from occupational diseases, to receive just compensation or retirement benefits. The bureaucratic nightmare they must endure is burdensome, unnecessary, and in many cases, overwhelming. It is ironic and unjust that the very people we call on to protect our Federal interests are not afforded the very best health care and retirement benefits our Federal Government has to offer.

Today, I introduced legislation, the Federal Fire Fighters Fairness Act of 2003, which amends the Federal Employment Compensation Act of 1981 to create a presumptive disability for firefighters who become disabled by heart and lung disease, cancers such as leukemia and lymphoma, and infectious diseases like tuberculosis and hepatitis. Disabilities related to the cancers, heart, lung, and infectious diseases enumerated in this important legislation would be considered job related for purposes of workers compensation and disability retirement—entitling those affected to the health care coverage and retirement benefits they deserve.

Too frequently, the poisonous gases, toxic byproducts, asbestos, and other hazardous substances with which Federal firefighters and emergency response personnel come in contact, rob them of their health livelihood, and professional careers. The Federal Government should not rob them of necessary benefits. Thirty-eight States have already enacted a similar disability presumption law for Federal firefighters’ counterparts working in similar capacities on the State and local levels.

The effort behind the Federal Firefighters Fairness Act of 2003 marks a significant advancement for firefighter health and safety. Since September 11, there has been an enhanced appreciation for the risks that firefighters and emergency response personnel face every day. Federal firefighters deserve our highest commendation and it is time to do the right thing for these important Federal employees.

The job of firefighting continues to be complex and dangerous. The nationwide increase in the use of hazardous materials, the recent rise in both natural and manmade disasters, and the threat of terrorism pose new threats to firefighter health and safety. The Federal Firefighters Fairness Act of 2003 will help protect the lives of our firefighters and it will provide them with a vehicle to secure their health and safety.

I urge my colleagues to embrace this bipartisan effort and support the Federal Fire Fighters Fairness Act of 2003 on behalf of our Nation’s Federal firefighters and emergency response personnel.

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

S. 531. A bill to direct the Secretary of the Interior to establish the Missouri River Monitoring and Research Program, to authorize the establishment of the Missouri River Basin Stakeholder Committee, and for other purposes; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, I am pleased my colleague from South Dakota, Senator Tim Johnson, is joining me today in introducing this Missouri River Enhancement and Monitoring Act of 2003, and I thank him for his efforts in working with me on this legislation. This bill will establish a program to conduct research on, and monitor the health of, the Missouri River to help recover threatened and endangered species, such as the pallid sturgeon and piping plover.

This bill will enable those who are active in the Missouri River Basin to collect and analyze baseline data, so that we can monitor changes in the health of the river and in species recovery in future years, as river operations change. The program would also provide an analysis of the social and economic impacts along the river. And it would establish a stakeholder group to make recommendations on the recovery of the Missouri River ecosystem.

The bill establishes a cooperative working arrangement between State, regional, Federal, tribal, and active in the Missouri River Basin. I look forward to working with all of the stakeholders in the basin to implement this important legislation.

I am especially pleased that this legislation is supported by a broad range of stakeholders, including the North Dakota State Water Commission; the North Dakota Game and Fish Department; the Missouri River Natural Resources Committee; the Missouri River Basin Association; the South Dakota Department of Game, Fish and Parks; American Rivers; and Environmental Defense.

I am confident this legislation will enjoy bipartisan support because of its significance in helping to monitor and restore the health of this historic river. Lewis and Clark traveled on this river. This river also contributes to $80 million in recreation, fishing, and tourism benefits in the basin. I look forward to participating in hearings on this bill and hope we will be able to pass it into law in the near future.

I ask unanimous consent that this bill be inserted in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 533

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 “Missouri River Enhancement and Monitoring Act of 2003”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term “Center” means the River Studies Center of the Biological Resources Division of the United States Geological Survey, located in Columbia, Missouri.

(2) COMMITTEE.—The term “Committee” means the Missouri River Basin Stakeholder Committee established under section 4(a).

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act of 1975.

(4) PROGRAM.—The term “program” means the Missouri River monitoring and research program established under section 3(a).

(5) RIVER.—The term “River” means the Missouri River.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Biological Resources Division of the United States Geological Survey.

(7) STATE.—The term “State” means—

(A) the State of Iowa;

(B) the State of Kansas;

(C) the State of Missouri;

(D) the State of Montana;

(E) the State of Nebraska;

(F) the State of North Dakota;

(G) the State of South Dakota; and

(H) the State of Wyoming.

(8) STATE AGENCY.—The term “State agency” means any agency of a State that has jurisdiction over fish and wildlife of the River.

SEC. 3. MISSOURI RIVER MONITORING AND RESEARCH PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish the Missouri River monitoring and research program.

(1) AUTHORITY.—The program is authorized to—

(A) establish a stakeholder group to make recommendations on the recovery of the Missouri River ecosystem;

(B) develop an inventory of information on the biological and water quality characteristics of the River; and
(B) to evaluate how those characteristics are affected by hydrology;
(2) to coordinate the monitoring and assessment of biota (including threatened or endangered species) and habitat of the River; and
(3) to make recommendations on means to assist in restoring the ecosystem of the River.
(b) CONSULTATION.—In establishing the program under subsection (a), the Secretary shall consult with—
(1) the Biological Resources Division of the United States Geological Survey;
(2) the Director of the United States Fish and Wildlife Service;
(3) the Chief of Engineers;
(4) the Western Area Power Administration;
(5) the Administrator of the Environmental Protection Agency;
(6) the Governors of the States, acting through—
(A) the Missouri River Natural Resources Committee; and
(B) the Missouri River Basin Association; and
(7) the Indian tribes of the Missouri River Basin.
(c) ADMINISTRATION.—The Center shall administer the program.
(d) ACTIVITIES.—In administering the program, the Center shall—
(1) establish a baseline of conditions for the River against which future activities may be compared;
(2) monitor biota (including threatened or endangered species), habitats, and the water quality of the River;
(3) collect data on the condition of the River;
(4) establish a scientific database that shall be—
(A) coordinated among the States and Indian tribes with Missouri River Basin; and
(B) readily available to members of the public.
(e) CONTRACTS WITH INDIAN TRIBES.—
(1) In awarding contracts with Indian tribes, the Secretary shall—
(i) include an option to carry out activities on the property of the tribe;
(ii) the States.
(f) MONITORING AND RECOVERY OF THREATENED SPECIES AND ENDANGERED SPECIES.—The Center shall provide financial assistance to the United States Fish and Wildlife Service and State agencies to monitor and recover threatened species and endangered species, including monitoring the response of pallid sturgeon to reservoir operations on the mainstem of the River.
(g) GRANT PROGRAM.—
(1) GRANTS.—The Center shall carry out a competitive grant program under which the Center shall provide grants to States, Indian tribes, research institutions, and other eligible entities and individuals to conduct research on the impacts of the operation and maintenance of the mainstem reservoirs on the Missouri River and the wildlife of the River, including an analysis of any adverse social and economic impacts that result from reservoir operations on the River.
(2) ANNUAL BASIS.—The Secretary shall consult with the Center, the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey, and the Missouri River Basin Association to carry out activities relating to section 4.
(3) USE OF ALLOCATIONS.—
(A) In general.—Of the amount made available to the Center for a fiscal year under clause (ii), not less than—
(i) 20 percent of the amount shall be made available to carry out the program of financial assistance under subsection (f); and
(ii) 33 percent of the amount shall be made available to provide grants under subsection (g).
(B) ADMINISTRATIVE AND OTHER EXPENSES.—Any amount remaining after application of subparagraph (A) shall be used to pay the costs of—
(i) administering the program;
(ii) collecting additional information relating to the River, as appropriate; and
(iii) analyzing and using the information collected under clause (i); and
(iv) preparing any appropriate reports, including—
(I) a report on the environmental conditions of the River; and
(ii) an analysis of any adverse social and economic impacts on the River, in accordance with subsection (g)(3).
SEC. 4. MISSOURI RIVER BASIN STAKEHOLDER COMMITTEE.
(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Governors of the States and the governing bodies of the Indian tribes of the Missouri River Basin shall establish a committee to be known as the "Missouri River Basin Stakeholder Committee" to make recommendations to the Federal agencies with jurisdiction over the River on means of restoring the ecosystem of the River.
(b) MEMBERSHIP.—The Governors of the States and governing bodies of the Indian tribes of the Missouri River Basin shall appoint to the Committee—
(1) representatives of—
(A) the States; and
(B) Indian tribes of the Missouri River Basin;
(2) individuals in the States with an interest or expertise relating to the River; and
(3) such other individuals as the Governors of the States and governing bodies of the Indian tribes of the Missouri River Basin determine to be appropriate.
SEC. 5. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Secretary—
(1) to carry out section 3—
(A) $6,500,000 for fiscal year 2004;
(B) $8,500,000 for fiscal year 2005; and
(C) $15,100,000 for each of fiscal years 2006 through 2018; and
(2) to carry out section 4, $150,000 for fiscal year 2004.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. MCCAIN):
S. 532. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonies; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, today I rise to introduce legislation to improve the deplorable housing situation in the valley region of the Texas-Mexico border with Mexico. Our colonies are among the most distressed areas of the country.

In 1993 when I ran for the Senate, I visited with a woman named Elida Bocanegra who led me through the streets of the colonia where she lived. Elida showed me her community and, quite frankly, I couldn’t believe I was in America. Since my election to the Senate, I have worked to improve living conditions for people such as Elida, helping to secure more than $615 million for the colonies of my State. In fact, my first amendment as a Senator authorized $50 million for a colonias clean-up project.

Despite third world living conditions, colonias, or underdeveloped subdivisions, have grown in population. Along the 1,248 mile stretch from Cameron County to El Paso County in Texas, there are more than 1,400 colonias that suffer from such conditions as open sewage, a lack of indoor plumbing, and poor housing construction.

The Colonias Gateway Initiative Act establishes annual competitive grants for nonprofit organizations which work to develop affordable housing, improve infrastructure, and foster economic opportunities. My bill would authorized the Secretary of Housing and Urban Development to award $15 million in the fiscal year 2004 and appoint a nine-member advisory board consisting of colonias residents and service providers to facilitate communication. This bill will bring quality-of-life improvements to those who need it most, providing...
the most basic services like indoor plumbing. It will also provide funds to build affordable housing. This piece of legislation introduced today will fulfill the most basic needs of these communities. As you can see, the Colonias Gateway Initiative Act will assist our neediest people, foster economic opportunity, and vastly improve the quality of life. Mr. President, I ask unanimous consent that a copy of the bill be placed in the RECORD. 

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

S. 32

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 “Colonias Gateway Initiative Act”.

SEC. 2. COLONIAS GATEWAY INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) COLONIA.—The term ‘‘colonia’’ means any identifiable community that—

(A) is located in the State of Arizona, California, Colorado, New Mexico, or Texas;

(B) is located in the United States-Mexico border region;

(C) is determined to be a colonia on the basis of objective criteria, including lack of electric service, lack of safe, reliable, and adequate water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(D) is in existence and generally recognized as a colonia before the date of enactment of this Act.

(2) REGIONAL ORGANIZATION.—The term ‘‘regional organization’’ means a nonprofit organization or a consortium of nonprofit organizations with the capacity to serve colonias.

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Housing and Urban Development.

(b) UNITED STATES-MEXICO BORDER REGION.—The term ‘‘United States-Mexico border region’’ means the area of the United States within 150 miles of the border between the United States and Mexico, except that such term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000.

(2) PROGRAM.—To the extent amounts are made available to carry out this section, the Secretary may make grants under this section to 1 or more regional organizations to enhance the availability of affordable housing, economic opportunity, and infrastructure in the colonias.

(c) GRANTS.—

(1) IN GENERAL.—Grants under this section may be made only to regional organizations selected pursuant to subsection (d).

(2) SELECTION.—After a regional organization has been selected pursuant to subsection (d) to receive a grant under this section, the Secretary may make a grant to such organization in subsequent fiscal years, subject to subsection (f).

(d) SELECTION OF REGIONAL ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary shall select 1 or more regional organizations that submit applications under this section to receive such grants.

(2) COMPETITION.—The selection under paragraph (1) shall be made pursuant to a competitive process through which—

(A) the proposed work plan of the applicant or organization shall be subject to the determination of the Secretary; and

(B) the application or organization shall be evaluated in accordance with the criteria described in paragraphs (3) and (4).

(3) CRITERIA.—Criteria for the selection of a grant recipient shall include a demonstration of the extent to which the applicant organization has the capacity to—

(A) enhance the availability of affordable housing, economic opportunity, and infrastructure in the colonias;

(B) provide assistance in each State in which colonias are located;

(C) form partnerships with the public and private sectors and local and regional housing and economic development intermediaries to leverage and coordinate additional resources to achieve the purposes of this section;

(D) ensure accountability to the residents of the colonia through active and ongoing outreach to, and consultation with, residents and local governments; and

(E) meet such other criteria as the Secretary may specify.

(4) DISTRIBUTION OF FUNDING.—In making the selection under paragraph (1), the Secretary shall ensure that—

(A) each State in the United States-Mexico border region receives a grant under this Act; and

(B) each State receives not less than 15 percent of the amounts appropriated to carry out this Act.

(e) ADVISORY BOARD.—

(1) MEMBERS.—The Secretary shall appoint an Advisory Board that shall consist of 9 members, who shall include—

(A) 1 individual from each State in which colonias are located;

(B) 3 individuals who are members of nonprofit or private sector organizations having substantial investments in the colonias, at least 1 of whom is a member of such a private sector organization; and

(C) 2 individuals who are residents of a colonia.

(2) CHAIRPERSON.—

(A) IN GENERAL.—The Secretary shall designate a member of the Advisory Board to serve as Chairperson for a 1-year term.

(B) ALTERNATING CHAIRPERSON.—At the end of the 1-year term referred to in subparagraph (A), the Secretary shall designate a different individual to serve as Chairperson, ensuring that the Chairperson position rotates to a member from every State in which colonias are located.

(3) FUNCTION.—The Advisory Board shall—

(A) ensure accountability to the residents of colonias; and

(B) review and approve all final work plans.

(f) ELIGIBLE ACTIVITIES.—Grant amounts under this section may be used only to carry out eligible activities set forth in subsection (g);

(g) ELIGIBLE ACTIVITIES.—Grant amounts under this section may be used for—

(1) coordination of public, private, and community-based resources and the use of grant amounts to leverage such resources;

(2) technical assistance and capacity building, including training, business planning and investment advice, and the development of marketing and strategic investment plans;

(3) development and early-stage investments in activities to provide—

(A) housing, infrastructure, and economic development;

(B) housing counseling and financial education, including counseling and education about avoiding predatory lending; and

(C) access to financial services for residents of colonias;

(4) development of comprehensive, regional, socioeconomic, and other data, and the establishment of a centralized information resource, to facilitate strategic planning and investments;

(5) administrative and planning costs of any regional organization in carrying out its mission; except that the Secretary may limit the amount of grant funds used for such costs; and
S. 535  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 “Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003”.

SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS.

(a) AUTHORITY.—(1) IN GENERAL.—The family of a deceased law enforcement officer may request, and the Attorney General shall provide to such family, a Capitol-flown flag, which shall be supplied to the Attorney General by the Architect of the Capitol. The Department of Justice shall supply the cost of such flag, including shipping, out of discretionary grant funds.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date on which the Attorney General establishes the procedure required by subsection (b).

(b) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish a procedure (including any appropriate forms) by which the families of deceased law enforcement officer may request, and provide sufficient information to determine such officer’s eligibility for, a Capitol-flown flag.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer who died on or after the date of enactment of this Act.

(d) DEFINITIONS.—In this Act—

(1) the term “Capitol-flown flag” means a United States flag flown over the United States Capitol in honor of the deceased law enforcement officer for whom such flag is requested; and

(2) the term “deceased law enforcement officer” means a person who was charged with the enforcement of Federal law, who died in the line of duty, and who died while acting in the line of duty as an employee of the Federal Government.

SEC. 3. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED FIREFIGHTERS.

(a) AUTHORITY.—The family of a paid or volunteer firefighter who dies in the line of duty may request, and the Director of the Federal Emergency Management Agency shall provide to such family, a capitol-flown flag, which shall be supplied to the Director by the Architect of the Capitol. The Federal Emergency Management Agency shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(b) EFFECTIVE DATE.—This section shall take effect on the date on which the Attorney General establishes the procedure required by section 2(b).

By Mr. DeWINE (for himself, Mr. Levin, Ms. Collins, Mr. Reed, Mr. Voinovich, and Ms. Stabenow), to introduce the National Invasive Species Council Act—A bill to permanently establish the National Invasive Species Council. The National Invasive Species Council was established by an Executive order so that the Federal Government can better coordinate to combat the economic, ecological, and health threat of invasive species.

Invasive species are a national threat. Estimates of the annual economic damages caused by invasive species in this Nation are as high as $137 billion. To combat the serious threats posed by invasive species, we need Federal coordination and planning. Our bill would provide just that—on a permanent basis. Under this legislation, the Secretaries of State, Commerce, Transportation, Agriculture, Health & Human Services, Interior, Defense, and Treasury, along with the Administrators of EPA and USAID, would continue to work together through the Federal Invasive Species Management Plan.

Though the Council can continue to operate and develop invasive species management plans as they currently do, the GAO reported last year that implementing the national invasive species management plan is difficult because the Council does not have a congressional mandate to act. GAO also reported that most of the agencies that have responsibilities under the National Invasive Species Management Plan have been slow to complete activities by the due date established under the plan and the agencies do not always act in a coordinated manner. As my colleagues who are cosponsoring this legislation know, it is too great of a problem to be left unmanaged.

The duties of the Council are generally to coordinate Federal activities in an effective, efficient, and cost-effective manner; update the National Invasive Species Management Plan; ensure that Federal agencies implement the management plan; and develop recommendations for international cooperation. Agencies that do not implement the recommendations of the National Invasive Species Management Plan must report to Congress as to why the recommendations were not implemented. The Council is directed to develop, for Federal agencies, recommendations for management plans and actions to prevent, control, and eradicate of invasive species so that Federal programs and actions do not increase the risk of invasion or spread nonindigenous species. And finally, the bill also establishes an Invasive Species Advisory Committee to the Council.

Ultimately, with a congressional mandate, the Council can enhance its effectiveness and better protect our environment from invasive species. I urge my colleagues to cosponsor this measure so that the Federal Government can improve its response to invasive species threat.
Mr. VOINOVICH. Mr. President, I rise today in support of the National Aquatic Invasive Species Act and the National Invasive Species Council Act. As a Senator representing a Great Lake State, I am proud to be an original co-sponsor of both of these bills that are critical to the future of the Great Lakes ecosystem.

In my 36 years of public service, one of my greatest sources of comfort and accomplishment has been my work to help clean up and protect the environment of Lake Erie.

Lake Erie's ecology has come a long way since I was elected to the state legislature in 1966. During that time, Lake Erie formed the northern border of my district and it was known worldwide as a dying lake, suffering from eutrophication. Lake Erie's decline was covered extensively by the media and became an international symbol of pollution and environmental degradation.

I remember the British Broadcasting Company coming to Cleveland to make a documentary about it. One reason for all the attention is that Lake Erie is a source of drinking water for 11 million people.

So first-hand the effects of pollution on Lake Erie and the surrounding region, I knew we had to do more to protect the environment for our children and grandchildren. As a State legislator, I made a commitment to stop the deterioration of the lake and to wage the "Second Battle of Lake Erie" to reclaim and restore Ohio's Great Lake. I have continued this fight throughout my career as County Commissioner, state legislator, Mayor of Cleveland, Governor of Ohio, and United States Senator.

It is comforting to me that 36 years since I started my career in public service, I am still involved, as a member of the United States Senate and our Committee on Environment and Public Works, in the battle to save Lake Erie.

Today in Ohio, we celebrate Lake Erie's improved water quality. It is a habitat to countless species of wildlife, a vital resource to the area's tourism, transportation, and recreation industries, and the main source of drinking water for many Ohioans. Unfortunately, however, there is still a great deal that needs to be done to improve and protect Ohio's greatest natural asset.

Our current enemy is the aquatic invasive species that threaten the health and viability of the Great Lakes fishery and ecosystem. I am worried about these aquatic terrorists in the ballast water that enter the Great Lake system through boats from all over the world. These species are already wreaking havoc in the lakes and will continue to do so until they are stopped.

Since the 1800s, over 145 invasive species have colonized in the Great Lakes. Since 1990, when legislation to address aquatic nuisance species was first enacted, we have averaged about one new invader each year. Clearly, we have not closed the door to invasive species. I am deeply troubled by the surge in new invasive species in Lake Erie, because once a species establishes itself, there is virtually no way to eliminate it.

As early as the 1980s, I was alarmed about the introduction of zebra mussels into the Great Lakes and conducted the first national meeting to investigate the problem. It is a complicated situation and we are still learning how invasive species like the zebra and quagga mussels. In early August, for example, I conducted a field hearing of the Environment and Public Works Committee to examine the increasingly extensive oxygen depletion or anoxia in the central basin of Lake Erie. This phenomenon has been referred to as a "dead zone." Anoxia over the long term could result in massive fish kills, toxic algae blooms, and bad-tasting or bad-smelling water.

Anoxia is usually the result of decaying algae blooms which consume oxygen at the bottom of the lake. In the past, excessive phosphorus loading from point sources such as municipal sewage treatment plants were greatly responsible. Since 1965, the level of phosphorus entering the Lake has been reduced by about 50 percent. These reductions have resulted in smaller quantities of algae and more oxygen into the system.

In recent years, overall phosphorus levels in the Lake have been increasing, but the amount of phosphorus entering it has not. Scientists are unable to account for the increased levels of phosphorus in the Lake. One hypothesis is the influence of two aquatic nuisance species the zebra and quagga mussels. Although their influence is not well understood, they may be altering the way phosphorus cycles through the system.

Another way zebra mussels could be responsible for oxygen depletion in Lake Erie is due to their ability to filter and clear vast quantities of lake water. Clearer water allows light to penetrate deeper into the Lake, encouraging additional organic growth on the bottom. When this organic material decays, it consumes oxygen.

The possible link between Lake Erie's "dead zone" problem and aquatic nuisance species like the zebra mussel should be a strong component of our legislation, the National Aquatic Nuisance Species Act. Over the last 30 years, we have made remarkable progress in improving water quality and restoring the natural resources of our Nation's aquatic areas, and we need to prevent any backsliding on this progress.

While aquatic invasive species are a particular problem because they readily spread through interconnected waterways, our efforts today to prevent safely, they represent only one piece of the problem. Both terrestrial and aquatic invasive species cause significant economic and ecological damage throughout North America. Recent estimates state that invasive species cost the U.S. at least $138 billion per year and that 42 percent of the species on the Threatened and Endangered Lists are at risk primarily due to invasive species.

In 1999, President Clinton issued an Executive Order creating the National Invasive Species Council to develop a national management plan for invasive species and bring together the federal agencies responsible for managing them. This was a promising action that has never been fully implemented. The National Invasive Species Management Plan was issued in 2003, but agencies with responsibilities under the plan have been slow to complete activities by the established due dates and the agencies do not always act in a coordinated manner.

The General Accounting Office released a report last year that claimed that implementing the Management Plan was being hampered by the lack of a congressional mandate for the Council. It is disturbing to me that this Council exists but is not making progress. Unfortunately, I urge my colleagues to act quickly on both of these bills to ensure that the National Invasive Species Council Act is updated and fully implemented.

We must act quickly to strengthen the oversight of efforts preventing invasive species from wreaking havoc on the Great Lakes' aquatic habitat and throughout the U.S.

The National Invasive Species Council Act will fix this problem by legislatively establishing the Council. Because timing is so important, I urge my colleagues to act quickly on both of these bills to ensure that the National Invasive Species Council Act is updated and fully implemented.

I look forward to working with my colleagues in the House and Senate to move these bills forward. I understand that both bills will be referred to the Environmental and Public Works Committee today, and I look forward to working with Chairman INHOFE to move them expeditiously through committee.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Ms. SNOWE, Mr. BREAUX, Mr. JEFFORDS, Mrs. MURRAY, Ms. COLLINS, Mr. KENNEDY, and Mr. SMITH):

S. 538. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce the Lifespan Respite Care Act of 2003 today, a bill to establish the availability of respite services for our family caregivers, and to increase coordination of these programs so that caregivers will be better able to access them.
As a nation, we rely on family caregivers. Twenty-six million Americans care for an adult family member who is ill or disabled. Eighteen million children have a condition that place significant demands on their parental caregivers. Four million Americans with mental retardation or other developmental disability rely on family members for care and supervision. If services provided by family caregivers were replaced by paid services, it would cost nearly $200 billion annually.

But these numbers are just the tip of the iceberg. Every member has a human face. Let me tell you about Heather Thoms-Chelsey. I met Heather last year at a press conference announcing the Lifespan Respite Care Act of 2002. At that press conference I also met Heather's then 4-year-old daughter, Victoria, who was arett syndrome. Victoria is totally dependent on family caregivers for all basic living skills: dressing, feeding, bathing and toileting. She also engages in self-injurious behaviors, hand-biting, head banging, body slamming, hair pulling. She has to be monitored all the time for her protection. Heather says, "I feel tired and exhausted after only less than 5 years, what will I be like in 15?"

Heather is very resourceful. She has managed to find some respite care—164 hours per year—through her State's department of hygene and mental health. She used 4 hours of her allotted time to bring a respite care worker with her to the press conference so she could tell us her story. The State allows Heather a maximum payment of $7.50 per hour for respite services. It is difficult to find someone who can care for a child with such complicated needs for that. Most of the time, Heather uses the respite care dollars to hire someone to help her care for Victoria in the home or on an outing. Very rarely does Heather actually get to leave the house and take a real break. She would say she is one of the lucky ones. She actually has some respite care. Many people have none.

Heather's story is repeated all across this country. Some people are caring for children or grandchildren with special needs and elderly parents at the same time. Some have called these people the "sandwich" generation, sandwiched between the caregiving demands of children or grandchildren and the caregiving demands of elderly parents. Just because family caregiving is unpaid does not mean it is costless. Caregiving is certainly personally rewarding but it can also result in substantial emotional and physical strain, and financial hardship. Many caregivers are exhausted and become sick themselves. Many give up jobs to care for loved ones, putting their own financial security in jeopardy.

But this country is suffering not just from the budget deficit, but what Mona Harrington has called, "a care deficit." Everywhere we look—nursing, childcare, teaching, long-term care—we see shortages and looming crises that threaten the provision of care on which our children, our parents, and our families all depend. Caregiving is undervalued, underfinanced, and too often uncompensated. Family caregiving seems almost "invisible" in our society, perhaps because it is work that women perform in the home.

It is time we recognize the heroic effort of our family caregivers and provide them the kind of support they need. The Senate has increased the number of Medicare rates. One way to do that is through respite care. Respite care provides a much needed break from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, respite care is hard to find. Many caregivers do not know where to find information about services that are available. Even when community respite care services exist, there are often long waiting lists. For example, the United Cerebral Palsy Association of Nassau County on Long Island, provides respite service to 70 people, but they have had a 200-person waiting list since 1995. In the same community, the Association for the Help of Retarded Children serves 140 youngsters; 200 children are on their waiting list. Variety Preschoolers serves 150 toddlers with special needs; 120 children are on their waiting list. The list goes on and on.

But, this is not a problem isolated to Long Island, NY. It is happening all across the America. There are more caregivers in need of respite care than there are respite care resources available. Part of the problem is funding and part of the problem is staffing.

Children and adults with special needs require trained caregivers. Paradoxically, family caregivers are understandably hesitant to leave their loved ones with untrained staff. But training staff costs money and trained staff are going to be reluctant to work for as little as $7-8 an hour. Until we recognize the value of caregiving and pay for it as a valued service, we are going to continue to face shortages: shortages in respite care but also shortage in caregiving in a larger sense.

We don't have enough teachers. We don't have enough nurses. We don't have enough childcare workers. We don't have enough trained workers to care for our elderly. And we don't have enough trained staff to provide respite care.

It is time that we, as a nation, face this care deficit and do something about it.

Today, I, along with my colleagues, Senators WARNER, MIKULSKI, SNOWE, BURR, LEVIN, MOY, McCAIN, MURRAY, THURMOND, and SMITH, are introducing the Lifespan Respite Care Act of 2003. This bill would provide over $90 million in grants annually to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

Some of my colleagues have questioned the pricetag of this legislation. I ask them to do the math. With 26 million caregivers of adults and 18 million caregivers of children with special needs, $90 million dollars amounts to $2.05 per caregiver. If anything, we should be investing more in respite care, not less. Estimates place the cost of current family caregiving at $200 billion annually. We simply cannot afford to continue to ignore this issue.

I remain committed to the concerns of family caregivers and to their need for respite care in particular. Together, I believe we can pass respite care legislation. But, our work cannot stop there. The need of family caregivers for respite care is just one piece of a larger complex picture. I am asking you to join me in a longer term effort to put the care deficit—in childcare, in teaching, in nursing, in long-term care, as well as in family caregiving—on the national agenda.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mr. KYL, Mrs. FEINSTEIN, Ms. MURkowski, Mr. BURNS, Mr. BINGAMAN, Mr. MURRAY, Mr. MCCAIN, Mrs. HUTCHISON, Mr. COLEMAN, and Mr. BINGAMAN):

S. 539. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill of critical importance to our Nation's economic well-being and the security of our border. Mr. Kyl and I introduced the Border and Transportation Security Modernization Act.

No American border has undergone a comprehensive infrastructure overhaul since 1986, when Senator Dennis DeConcini of Arizona and I put forth a $357 million effort to modernize the southwest border. That bill pertained only to the southwest border, and a great deal was change since 1986.

More importantly, much has changed since September 11, 2001. It is now critical that we look at the bigger picture and give our northern and southwestern borders the resources they need to address security vulnerabilities and facilitate the flow of trade.

Two years ago, the General Services Administration completed a comprehensive assessment of infrastructure needs on the southwestern and northern borders of the United States. This assessment found that overhauling both borders would require $784 million in grants annually to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

Some of my colleagues have questioned the pricetag of this legislation. I ask them to do the math. With 26 million caregivers of adults and 18 million caregivers of children with special needs, $90 million dollars amounts to $2.05 per caregiver. If anything, we should be investing more in respite care, not less. Estimates place the cost of current family caregiving at $200 billion annually. We simply cannot afford to continue to ignore this issue.

I remain committed to the concerns of family caregivers and to their need for respite care in particular. Together, I believe we can pass respite care legislation. But, our work cannot stop there. The need of family caregivers for respite care is just one piece of a larger complex picture. I am asking you to join me in a longer term effort to put the care deficit—in childcare, in teaching, in nursing, in long-term care, as well as in family caregiving—on the national agenda.
arisen as the task of making border trade flow faster has become more complicated in the face of unprecedented security concerns.

In response to our Nation's heightened security concerns, we created the Department of Homeland Security, an agency affecting virtually every Federal entity involved in border operations. Congress must give this new Department adequate resources and tools to achieve the necessary balance between security and trade consideration.

The Border Infrastructure and Technology Modernization Act proposes a number of measures meant to increase the speed at which trade crosses the border as well as beefing up security at vulnerable points on our land borders.

In the recently passed omnibus appropriations bill, I secured legislative language asking the General Services Administration, in cooperation with the Department of Homeland Security, to complete an updated assessment of needs on our borders. The information contained in this assessment will provide a blueprint for comprehensive, targeted improvements to border infrastructure and technology. The bill I am introducing today provides $100 million per year for 5 years to implement these improvements.

Congress has already passed legislation to improve security at airports and seaports, but we have not yet addressed the needs of our busiest ports, located on the United States' northern and southwestern land borders. Traditionally, tighter security requirements have come at the expense of efficient commerce across our borders. With the improvements we are proposing today, we mean to move toward a day when we can say that higher security does not penalize trade.

America's two biggest trading partners are not across an ocean—they lie to the north and south of our nation. In the past decade, U.S.-Canada trade has doubled, and in the same time period, trade between the United States and Mexico tripled. At the same time, our infrastructure is weakest on our land borders, and we must act quickly and decisively to prevent terrorists from exploiting this weakness.

To address this threat, the Border Infrastructure and Technology Modernization Act provides for a coordinated Security and Infrastructure Assessment project to improve our ability to protect our borders, including cooperation between Federal State and local entities involved in our borders, as well as the private sector.

When it comes to security, everybody has a role to play, not just the government. We must enlist the help of the private sector to address security concerns on our borders. Trade and industry have made this country the economic powerhouse it is today, and we must fully involve them in protecting our country through government trade and immigration enforcement programs.

The U.S. Customs Service has already started this process. I commend them for their quick action after the September 11 terrorist attacks in enlisting the support of private industry by quickly developing the Customs-Trade Partnership Against Terrorism, C-TPAT. We need to expand these programs, especially along the northern and southern borders. The bill authorizes an additional $30 million and additional staff to accomplish this task.

Finally, equipment and technology alone will not solve the trade and security problem. The border agencies of the Department of Homeland Security need sufficient personnel levels, and training to ensure the implementation and use of modern technology. I am pleased that the administration has taken the first step to meet this objective by announcing that they will add 1,700 new inspectors to the Bureau of Customs and Border Security of the Department of Homeland Security.

The Border Infrastructure and Technology Modernization Act increases the number of inspectors and support staff in this bureau by an additional 200 each year for 5 years. This bill also authorizes the Bureau of Customs and Border Protection to add 100 more special agents and support staff each year for 5 years to the Bureau of Immigration and Customs Enforcement, the investigative arm of the Department of Homeland Security. I am pleased to introduce this bill today to devote greater resources to maximizing the economic possibilities of the trade flowing across our borders, while addressing the security vulnerabilities on our land borders. I am convinced that these goals are not mutually exclusive, but instead must be realized in concert.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 539

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

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

SEC. 3. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

SEC. 5. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Secretary shall:

(i) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(ii) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(b) WAIVER OF FTE LIMITATION.—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO DEDICATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection, the Immigration and Naturalization Service, and the General Services Administration in accordance with the methodology resulting from the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2940 of the 106th Congress. 1st session, H. Rept. 106-319, on page 67 and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Secretary of Homeland Security and the Under Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall:

(i) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(ii) include the projects identified in the National Land Border Security Plan required by section 5; and

(iii) prioritize the projects described in paragraph (2) on the basis of the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under paragraph (2) of such subsection.

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.
TERRORISM.—

(a) CUSTUMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(i) In General.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall establish a program to test and evaluate new port of entry demonstration sites identified in the plan required in subsection (a) to improve supply chain security.

(ii) Technology Demonstrations.—Under the program established in paragraph (1), the Under Secretary shall establish demonstration sites at ports of entry that are located on the northern border or the southern border.

(iii) Content.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry on the northern border or the southern border.

(iv) Implementation.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(b) TECHNOLOGY AND FACILITIES.—

(i) In General.—Under the dem-

(i) Technology Test Program.—Under the Demonstration Program, the Under Secretary shall test technologies that enhance security, facilitate trade, and expand the use of technology along the borders.

(ii) Facilities Developed.—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including those related to inspections, port tracking, identification of persons and cargo, sensory devices, personal detection, and equipment orientation.

(iii) Demonstration Sites.—

(A) NUMBER.—The Under Secretary shall carry out the demonstration program at not more than 3 sites and not more than 5 sites.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program along the border that the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(i) the Business Anti-Smuggling Coalition;

(ii) the Carrier Initiative Program;

(iii) the Americas Counter Smuggling Initiative;

(iv) the Container Security Initiative;

(v) the Free and Secure Trade Initiative; and

(vi) other Industry Partnership Programs administered by the Commissioner.

(c) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program along the border that the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

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(ii) the Carrier Initiative Program;

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(d) Technology Demonstration Program.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program along the border that the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(i) the Business Anti-Smuggling Coalition;

(ii) the Carrier Initiative Program;

(iii) the Americas Counter Smuggling Initiative;

(iv) the Container Security Initiative;

(v) the Free and Secure Trade Initiative; and

(vi) other Industry Partnership Programs administered by the Commissioner.

(e) Technology Test Program.—Under the Demonstration Program, the Under Secretary shall test technologies that enhance port of entry operations, including those related to inspections, port tracking, identification of persons and cargo, sensory devices, personal detection, and equipment orientation.

(i) Technology Test Program.—The Under Secretary shall carry out the demonstration program at not more than 3 sites or not more than 5 sites.

(ii) Selection Criteria.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion of not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month in the 12 full months preceding the date of enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—

(i) The Under Secretary may establish 1 or more

(ii) The Under Secretary may establish 1 or more

(iii) The Under Secretary may establish 1 or more

(iv) The Under Secretary may establish 1 or more

(v) The Under Secretary may establish 1 or more

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(viii) The Under Secretary may establish 1 or more

(ix) The Under Secretary may establish 1 or more

(x) The Under Secretary may establish 1 or more
desert trying to cross the border. Additionally, the number of attacks on National Park Service officers has increased in recent years. Property crimes are rampant along the border, leaving Arizona with the highest per capita crime rates in the West. Times have become so desperate that vigilante groups have begun to form with the goal of doing the job the Federal Government is failing to do.

We must do all we can to improve the ports of entry along our borders with both Canada and Mexico. In the long run, our national security will remain at risk.

Beyond the improvement of infrastructure, technology and security along the border, we must also address illegal immigration through a guest worker program. As long as there are jobs to be had on this side of the border, people will continue to attempt to cross illegally, and our national security will remain at risk.

I urge my colleagues to move expeditiously on this important piece of legislation, in order to ensure that in a time of new global threats, our Nation’s borders are as safe as possible and American citizens are protected.

By Mr. LIEBERMAN (for himself, Mr. CHAFFEE, Mr. BIDEN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. KOUTENBERG, Mr. LEARY, Mrs. MURRAY, Mr. REED, Mr. SARBAVES, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 543. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation to designate the coastal plain of the Arctic Refuge as wilderness.

America’s dependence on foreign oil is an unstable and stubborn problem. But the answer isn’t in the ground. It’s in our heads. We have to apply the genius of America to engineer a solution to energy independence, not hope that we will magically find one in the deposits under Alaska.

The facts on this are clear. Alaska has a host of 6 month supply of oil—not a drop of which will be available for a decade. The United States Energy Information Administration—part of the Bush administration—itsself concluded that full development of the Refuge would reduce our projected dependence on foreign oil from 62 to 60 percent at the very most, and not until 2008.

For that, is it worth forever losing a national treasure, one of our last great wild places? I say no. Instead, I say yes to a smart, forward-looking strategy to wean our economy off its addiction to foreign oil without sacrificing our natural treasures.

Despite my colleagues arguments to the contrary, I believe it is finally established that there is no way—to drill in the Arctic without disrupting and essentially destroying that precious place. For too long, drilling advocates have attempted to raise questions about the impacts of drilling. It is time for the facts to carry the day.

In fact, just today, the National Academies of Science released a report detailing the cumulative impacts of oil development on Alaska’s North Slope. The NAS not only found that Arctic oil development has adversely impacted populations of caribou, birds and bowhead whales—more importantly, they said that future drilling would pose grave threats to the Arctic’s environmental health. As the report stated in a section entitled "The Essential Trade-Off," the question for Congress is whether the available oil is worth the "inevitable accumulated undesirable effects." With so little impact on our oil dependence predicted, the answer is clearly no.

In every poll, we see that the majority of Americans oppose ruining the Arctic for oil. And, as we established last year, the majority of the U.S. Senate agrees with them. Once and for all, let’s respect that desire, and let’s protect this precious place. Let’s pass this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 543. A bill to establish a SAFER Firefighter Grant Program; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today with my colleagues Senator WARNER, Senator HOLLINGS, Senator REED, Senator DASCHLE, Senator LIEBERMAN, Senator CLINTON, Senator SARBAVE, and Senator LANDRIEU to introduce the Staffing for Adequate Fire and Emergency Response Act. This legislation will help to remedy a critical shortage in the fire service and help ensure that America’s firefighters have the staffing they need to safely do their jobs.

Every day approximately one million firefighters put their lives on the line to protect the people of our great Nation. I firmly believe that in recognition of that fact, our Nation has an obligation to ensure that the brave men and women of the fire service have the tools, the training, and the staffing they need to do their jobs safely.

In recent years, the Federal Government has recognized that it can and should be a better partner with local firefighters. In 2000, Senator DEWINE, Senator LEVIN, Senator WARNER, and I worked successfully to help create the FIRE Act. This law stood as the first Federal grant program explicitly designed to help fire departments throughout America obtain better equipment, improve their training, and hiring needed personnel. Since September 11, 2001, Congress and the administration have provided billions of dollars to help local firefighters purchase equipment and training to respond to acts of terrorism, accidental fires, chemical spills, and natural disasters. Over the last 2 years, the Federal FIRE Act grant initiative has provided nearly half a billion dollars in direct assistance to local fire departments across the country and the FIRE Act has provided another $750 million this year.

We are beginning to significantly improve the quality of the equipment available to firefighters in every State and in communities large and small. Unfortunately, the FIRE Act service has recognized staffing conditions for America’s fire service. Severe staffing shortages still plague departments across the country.

Currently two-thirds of all fire departments operate with inadequate staffing. And the consequences are often tragic. According to testimony by Harold Schaitberger, General President of the International Association of Firefighters, presented before the
The SAFER Act is a national commitment to hire firefighters in order to protect the American people here at home. In these difficult times, the act is necessary and proper for us to send for reinforcements for our domestic defenders. The SAFER Act will make that commitment.

In closing let me say that this legislation honors America’s firefighters. It acknowledges the men and women who charge up the stairs while everybody else is running down the basement. But it does more than that. This legislation is an investment in America’s security, an investment to ensure the safety of our firefighter as well as American families and their homes and businesses.

Both the International Association of Firefighters and the International Association of Fire Chiefs have expressed their strong support for this legislation. I urge my colleagues to join those of us who have introduced this measure today.

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. 544

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 “Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003”.

SEC. 2. OFFICE OF GRANT MANAGEMENT. —

(a) ESTABLISHMENT.—A new office within the United States Fire Administration shall be established to administer the SAFER Firefighter grant program under this section.

(b) AUTHORITY TO MAKE GRANTS.—(1) The Administrator may make grants directly to departments of a State, in consultation with the chief executive of the State, for the purpose of substantially increasing the number of career or fire districts having jurisdiction to hire new, additional career firefighters.

(2)(A) Grants made under paragraph (1) shall be for 4 years and be used for programs to hire new, additional career firefighters.

(3) In awarding grants under this section, the Administrator shall—

(4) Notwithstanding any other provision of this section, in application for a grant under this section shall—

(5) The portion of the costs of a program, project, or activity provided by a grant under paragraph (1) may not exceed—

(A) 90 percent in the first year of the grant;

(B) 80 percent in the second year of the grant;

(C) 70 percent in the third year of the grant;

(D) 60 percent in the fourth year of the grant.

(6) In awarding grants under this section, the Administrator shall—

(a) APPROPRIATE GRANTS.—(1) No grant may be made under this section unless an application has been submitted to, and approved by, the Administrator.

(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator may prescribe by regulation or guidelines.

(3) In accordance with the regulations or guidelines established by the Administrator, each application for a grant under this section shall—

(A) Request a grant or grants in an amount that reflects consideration of the statewide strategy;

(B) Describe the project or activity for which the grant will be used;

(C) Outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

(D) Provide assurances that the applicant will, to the extent practicable, seek, recruit, and retain members of minority groups and women in order to increase their ranks within firefighting.

(4) Notwithstanding any other provision of this section, in relation to applications under this section of units of local government or fire districts having jurisdiction in areas with populations of less than 50,000, the Administrator may waive any or all of the requirements of paragraph (3) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

(5) LIMITATION ON USE OF FUNDS.—(1) Funds made available under this section to States or units of local government for salaries and benefits to hire new, additional career firefighters shall be used to supplement State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(6) Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian
Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

(3) Total funding provided under this section over 4 years for hiring a career firefighter may not exceed $100,000, unless the Administrator grants a waiver from this limitation.

(4) The $100,000 cap shall be adjusted annually for inflation beginning in fiscal year 2005.

(e) Performance Evaluation.—(1) Each program, project, or activity funded under this section shall contain a monitoring component that will establish and monitor the implementation of the critical day-to-day services they provide to communities and will be funded at not less than $2.5 million per fiscal year for the purpose of monitoring and evaluating the effectiveness of funded programs, projects, and activities.

(2) The Administrator may require a grant recipient to submit to the Administrator the results of the monitoring and evaluations required under paragraphs (1) and (2) and such other data and information as the Administrator considers reasonably necessary.

(f) Revocation or Suspension of Funding.—If the Administrator determines, as a result of the grant application submitted under subsection (c), that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Administrator may revoke or suspend funding of that grant, in whole or in part.

(g) Access to Documents.—(1) The Administrator shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the records of State and local governments, pertinent to the grant recipient under this section and to the results of the monitoring and examination to any pertinent data and information to any pertinent documents of the critical day-to-day services they provide.

(2) The Administrator shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of the critical day-to-day services they provide to the extent necessary to carry out the requirements of this section.

(3) The Administrator may require a grant recipient to submit to the Administrator the results of the monitoring and evaluations required under paragraphs (1) and (2) and such other data and information as the Administrator considers reasonably necessary.

(4) There are authorized to be appropriated $1,266,000,000 for fiscal year 2005; $1,266,000,000 for fiscal year 2006; $1,266,000,000 for fiscal year 2007; $1,266,000,000 for fiscal year 2008; $1,266,000,000 for fiscal year 2009; and $1,093,000,000 for fiscal year 2010.

Mr. WARNER. Mr. President, I am pleased to be joined by my colleague Senator Dodd in the introduction of the Strengthening and Public Safety and Security Act (S. 245). This legislation will help to cover some of the costs associated with hiring and training new firefighters.

Our Nation’s fire departments must be able to hire the necessary personnel in order to meet the ever increasing demands on local first responders. Many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, bio-hazard incidents, and water rescues. These are dangers which our fire rescue personnel deal with on a daily basis.

The National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and guidelines, issued minimum staffing standards of at least four firefighters per apparatus. Furthermore, local departments are expected to comply with Occupational Safety and Health Administration, OSHA, standards, which require a minimum of two qualified firefighters inside and two qualified firefighters outside of a structure fire or similar incident. Except in cases of a known need for rescue, a fire company with less than four personnel cannot enter that structure to fight a fire or respond to an incident until additional firefighters arrive on the scene, ready to go.

I am honored to be an original co-sponsor of this important legislation. I encourage my colleagues to support this measure not only because of the firefighters role in our homeland security endeavors, but also in recognition of the critical day-to-day services they provide in our Nation’s communities.

STATENMENT ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—TO AMEND RULE XLII OF THE STANDING RULES OF THE SENATE TO PROHIBIT EMPLOYMENT DISCRIMINATION IN THE SENATE BASED ON SEXUAL ORIENTATION

Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Ms. LANDRIEU, Mr. BREAX, Mr. AKAKA, Mr. BIDEN, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Mr. DURBIN, Ms. STABENOW, Mr. LEVIN, Mr. WYDEN, Mr. KENNEDY, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LUTENBERG, Ms. COLLINS, Mr. CHAFFEE, Mr. HARKIN, Mr. BINGHAM, Mr. EDWARDS, Mr. SARBAVES, Mr. CORZINE, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. DAYTON, Mr. NELSON of Florida, MR. SCHUMER, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Rules and Administration—

Resolved, SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1 of rule XLII of the Standing Rules of the Senate is amended by striking or state of physical handicap and inserting or state of physical handicap, or sexual orientation.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to prohibit employment discrimination in the Senate based on sexual orientation.

I would like to thank the Senator from Oregon, Mr. SMITH, as well as my other colleagues who join me in introducing this resolution.

The resolution would amend the Senate’s Rules of the Senate by adding “sexual orientation” to “race, color, religion, sex, national origin, age, or state of physical handicap” in the anti-discrimination provision of rule 42, which governs the Senate’s employment practices.

By amending the current rule, it would forbid any Senate Member, officer, or employee from terminating, refusing to hire, or otherwise discriminating against an individual with respect to promotion, compensation, or any other privilege of employment, on the basis of that individual’s sexual orientation.

Senate employees currently have no recourse available to them should they become a victim of this type of employment discrimination.

If the rules are amended, any Senate employee that encountered discrimination based on their sexual orientation would have the option of reporting it to the Senate Ethics Committee. The Ethics Committee could then investigate the claim and recommend discipline for any Senate Member, officer, or employee found to have violated the rule.

Unfortunately, the Senate is already well behind other establishments of the U.S. Government in this area of anti-discrimination.

By 1996, at least 13 Cabinet level agencies, including the Departments of Justice, Agriculture, Transportation, Health and Human Services, Interior, Housing and Urban Development, Labor, and Energy, in addition to the General Accounting Office, General Services Administration, Internal Revenue Service, the Federal Reserve System, Office of Personnel Management, and the White House had already issued policy statements forbidding sexual orientation discrimination.

In 1998, Executive Order 13107 was issued to prohibit sexual orientation discrimination in the Federal executive branch, including civilian employees of the military departments and sundry other governmental entities.

That Executive order now covers approximately 2 million Federal civilian