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

S. RES. 62

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 62, a resolution 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.

S. RES. 71

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 cosponsors 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 taxed 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 85 percent of Social Security benefits be taxable for seniors meeting certain income thresholds, 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, after year, paying into Social Security, only to be faced with higher taxed once they retired.

The bill I am introducing would repeal the 85 percent tax, and would replace 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. BURNS, Mr. BROWNBACK, 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 senate 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 proram 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, but 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 well, physical security around too many of our air 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 airplanes. 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 have any doors at all. 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 cargo aircraft.

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

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

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

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

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

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

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

(9) Pilots of cargo aircraft deserve the same ability to protect themselves and the

aircraft they pilot as other commercial airline pilots.

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft should be armed with 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 or for other terrorist purposes.

SEC. 3. ARMING CARGO PILOTS AGAINST TERRORISM.

Section 44921 of title 49, United States Code, is amended—

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

(2) in subsection (k)—

(A) in paragraph (2)—

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

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

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

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

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 44921 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 transplantation from an 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 nationality. 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 children and 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 islet cells and a less toxic combination of immunosuppressive drugs than previous, less successful protocols—have been mild and the therapy has been generally well tolerated by most patients.

Unfortunately, long-term use of toxic immunosuppressive drugs, has side effects that make the current treatment inappropriate for use in children. Researcher, however, are working hard to find a way to reduce the transplant recipient's dependence on these drugs so 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 and continues to demonstrate promise, 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 currently are 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 transplantation if it is used 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 therefore 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 the issue of islet cell 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 warrented 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 become Medicare-eligible before they are age 65. Medicare 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 islet-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.

Islet cell transplantation offers real hope for people with diabetes. Our legislation, which is strongly supported by the Juvenile Diabetes Research Foundation JDRF, addresses some of the specific obstacles to moving this research forward as rapidly as possible, and I urge all of my colleagues to join us as cosponsors.

By Mr. CAMPBELL:

S. 519. A bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing the Native American Capital Formation and Economic Development Act of 2003.

Before the Europeans landed on these shores, Indian nations were vigorous and vital: tribal governments functioned well; tribal cultures and religions flourished; and tribal economies were strong.

Over time tribal institutions failed when the independence they had known were stifled by the Federal Government.

Since 1970, Indian self-determination has assisted the tribes in rebuilding their governments and resurrecting their economies.

The bill I am introducing today will foster real self-determination and create a Native-capitalized development assistance corporation.

If enacted, the tribes themselves will be the financiers and shareholders of the Native American Capital Development Corporation which will focus on mortgage lending and Indian home ownership; provide assistance to Native financial institutions; and work to create a secondary market in Indian mortgages.

The corporation will include the Native American Economies Diagnostic Studies Fund to partner with tribes to conduct diagnostic studies of their economies and identify the inhibitors to greater levels of private sector investment and job creation. Ultimately the corporation and the tribes will work to remove those inhibitors.

The corporation's Native American Economic Incubation Center Fund will work with participating tribes to channel development assistance to those tribes with a demonstrated commitment to sound economic and political policies; good governance; and practices that create increased levels of economic growth and job creation.

It is my expectation that there will be much debate generated by this legislation which I consider a good thing. I expect to hold hearings on this important legislation in the weeks ahead.

I urge my colleagues to join me in support of this important 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. 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:

SEC. 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, substandard housing, and associated social ills to a greater degree than any other group in the United States;

(3) the 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 individuals;

(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.

SEC. 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.

SEC. 4. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term ''Alaska Native'' has the meaning given the term ''Native'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation.

(3) CAPITAL DISTRIBUTION.—The term ''capital distribution'' has the meaning given the term in section 1303 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) COUNCIL.—The term ''Council'' means the Advisory Council established under section 106(a).

(7) DESIGNATED MERGER DATE.—The term ''designated merger date'' means the specific calendar date and time of day 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. 4703).

(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

Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

(B) satisfies—

(i) requirements established by subtitle A of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.); and

(ii) requirements applicable to persons seeking assistance from the Fund;

(C) demonstrates a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and

(D) demonstrates that the person has the endorsement of the Native American community that the person intends to serve.

(14) 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.

(15) 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).

(16) NEW CORPORATION.—The term ''new corporation'' means the corporation formed in accordance with title IV.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(18) TOTAL CAPITAL.—The term ''total capital'' has the meaning given the term in section 1303 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 on 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; RESIDENCY.—

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

(ii) 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—

(I) 3 members shall be appointed by the President; and

(II) 6 members shall be elected by the class A stockholders, in accordance with the bylaws 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—

(I) 9 members shall be appointed and elected in accordance with clause (i); and

(II) 4 members shall be elected by the class B stockholders, in accordance with the bylaws 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—

(I) 1 member shall be appointed for a 2-year term;

(II) 1 member shall be appointed for a 3-year term; and

(III) 1 member shall be appointed for a 4-year term;

as designated by the President at the time of the appointments.

(ii) Of the 6 members elected by the class A stockholders—

(I) 2 members shall each be elected for a 2-year term;

(II) 2 members shall each be elected for a 3-year term; and

(III) 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—

(I) 1 member shall be elected for a 2-year term;

(II) 1 member shall be elected for a 3-year term; and

(III) 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) Restricted 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 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.

(G) TRANSITIONS.—Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected.

(b) POWERS OF THE CORPORATION.—The Corporation—

(1) shall adopt bylaws, consistent with this Act, regulating, among other things, the manner in which—

(A) the business of the Corporation shall be conducted;

(B) the elected members of the Board shall be elected;

(C) the stock of the Corporation shall be issued, held, and disposed of;

(D) the property of the Corporation shall be disposed of; and

(E) the powers and privileges granted to the Corporation by this Act and other law shall be exercised;

(2) may make and execute contracts, agreements, and commitments, including entering into a cooperative agreement with the Secretary;

(3) may prescribe and impose fees and charges for services provided by the Corporation;

(4) may, if a settlement, adjustment, compromise, release, or waiver of a claim, demand, or right of, by, or against the Corporation, is not adverse to the interests of the United States—

(A) settle, adjust, and compromise on the claim, demand, or right; and

(B) with or without consideration or benefit to the Corporation, release or waive, in whole or in part, in advance or otherwise, the claim, demand, or right;

(5) may sue and be sued, complain and defend, in any Federal, State, tribal, or other court;

(6) may acquire, take, hold, and own, manage, and dispose of any property;

(7) may—

(A) determine the necessary expenditures of the Corporation and the manner in which those expenditures shall be incurred, allowed, and paid; and

(B) appoint, employ, and fix and provide for the compensation and benefits of such officers, employees, attorneys, and agents as the Board determines reasonable and not inconsistent with this section;

(8) may incorporate a new corporation under State, District of Columbia, or tribal law, as provided in this Act;

(9) may adopt a plan of merger, as provided in this Act;

(10) may consummate the merger of the Corporation into the new corporation, as provided in this Act; and

(11) may have succession until the designated merger date or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(c) INVESTMENT OF FUNDS; DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—

(1) INVESTMENT OF FUNDS.—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) in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

(2) DESIGNATION AS DEPOSITARY, 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 designation by the Secretary of the Treasury as a general or other depositary of public money, may—

(A) be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation; and

(B) act as such a depositary, custodian, or agent.

(d) ACTIONS BY AND AGAINST THE CORPORATION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Corporation shall be deemed to be an agency covered under sections 1345 and 1442 of title 28, United States Code;

(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 original 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 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, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division in which the action is pending; or

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

SEC. 102. AUTHORIZED ASSISTANCE AND SERVICE FUNCTIONS.

The Corporation may—

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

(2) develop and provide financial expertise and technical assistance 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 operating 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 GRANT.

(a) INITIAL GRANT PAYMENT.—If the Secretary and the Corporation enter into a cooperative agreement for the Corporation to provide technical assistance and other 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 on which 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 imposed under section 301.

(b) GAO AUDITS.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of commencement of operation of the Corporation, 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, accounts, financial records, reports, files, 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 reports of the auditor 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) not less than 6 members shall have expertise in financial matters; and

(B) not less than 9 members shall be Native Americans.

(3) TERMS.—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:

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

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

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

(c) DUTIES.—The Council shall—

(1) advise the Board on all policy matters of the Corporation; and

(2) through the regional representation of members of the Council, provide information to the Board from all sectors of the Native American community.

TITLE II—CAPITALIZATION OF CORPORATION

SEC. 201. CAPITALIZATION OF THE CORPORATION.

(a) CLASS A STOCK.—The class A stock of the Corporation shall—

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

(2) be allocated—

(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;

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

(4) 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

(5) be nontransferable.

(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;

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

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

(D) be vested with voting rights, with each share being entitled to 1 vote; and

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

(c) CHARGES AND FEES; EARNINGS.—

(1) CHARGES AND FEES.—The Corporation may impose charges or fees, which may be regarded as elements of pricing, with the objectives 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.

(d) CAPITAL DISTRIBUTIONS.—

(1) DISTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Corporation may make such capital distributions as may be declared by the Board.

(B) CHARGING OF DISTRIBUTIONS.—All capital distributions under subparagraph (A) shall be charged against the general surplus account of the Corporation.

(2) RESTRICTION.—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, 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 that 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 accomplishment of the 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, cause the formation of a new corporation under the laws of any tribe, any State, or the District of Columbia.

(b) POWERS OF NEW CORPORATION NOT PRESCRIBED.—Except as provided in this section, the new corporation may have such corporate powers and attributes permitted under the laws of the jurisdiction of 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 of those names.

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 11 years after the date of enactment of this Act.

(4) EXCEPTION.—Subject to the restriction contained in paragraph (5), the Board may adopt an amended plan of merger 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 12 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.

(c) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—The merger plan or any amended merger plan shall take effect on the date on which the plan is approved by the Secretary.

(d) REVISION OF DISAPPROVED 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 for approval, an amended 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—

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

(2) 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.

SEC. 405. EFFECT OF MERGER.

(a) TRANSFER OF ASSETS AND LIABILITIES.—On the designated merger date—

(1) all real, personal, and mixed property, all debts due on any account, and any other interest, of or belonging to or due to the Corporation, shall be transferred to and vested in the new corporation without further act or deed; and

(2) no title to any real, personal, or mixed property shall be impaired in any way by reason of the merger.

(b) TERMINATION OF THE CORPORATION AND FEDERAL CHARTER.—On the designated merger date—

(1) the surviving corporation of the merger shall be the new corporation;

(2) the Federal charter of the Corporation shall terminate; and

(3) the separate existence of the Corporation shall terminate.

(c) REFERENCES TO THE CORPORATION IN LAW.—After the designated merger date, any reference to the Corporation in any law or regulation shall be deemed to refer to the new corporation.

(d) SAVINGS CLAUSE.—

(1) PROCEEDINGS.—The merger of the Corporation into the new corporation shall not abate any proceeding commenced by or against the Corporation before the designated merger date, except that the new corporation shall be substituted for the Corporation as a party to any such proceeding as of the designated merger date.

(2) CONTRACTS AND AGREEMENTS.—All contracts and agreements to which the Corporation is a party and which are in effect on the day before the designated merger date shall continue in effect according to their terms, except that the new corporation shall be substituted for the Corporation as a party to those contracts and agreements as of the designated merger date.

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 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) CONDITIONS FOR STUDIES.—A diagnostic study conducted jointly by the Corporation and an Indian tribe under paragraph (1)—

(A) shall 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) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Diagnostic 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.

(2) 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.

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

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Diagnostic Fund shall be credited to and form a part of the Diagnostic 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. 502. NATIVE AMERICAN ECONOMIC INCUBATION CENTER 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''), consisting of—

(1) any interest earned on investment of amounts in the Economic Fund under subsection (d); and

(2) such amounts as are appropriated to the Economic Fund under subsection (f).

(b) USE OF AMOUNTS FROM ECONOMIC FUND.—

(1) IN GENERAL.—The Corporation shall use amounts in the Economic Fund to ensure that Federal development assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

(A) sound economic and political policies;

(B) good governance; and

(C) practices that promote increased levels of economic growth and job creation.

(c) 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.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of 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.

(2) 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.

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

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Economic Fund 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 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.

(f) 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.

TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 601. 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 FUNDS.

There are authorized to be appropriated such sums as are necessary to carry out sections 501 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, the Yurok 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.

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

S. 521

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''.

SEC. 2. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence—

(1) by inserting ''the reservation of the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation,'';

(2) by inserting ''the'' before ''Yavapai-Prescott'';

(3) by striking ''Washington,,'' and inserting ''Washington,''; and

(4) by inserting ''land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 3. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

''(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 part 162 of title 25, Code of Federal Regulations (or any successor regulation), subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck 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.

''(2) CONDITIONS.—A lease entered into under paragraph (1)—

''(A) shall commence during fiscal year 2011 for an initial term of 25 years;

''(B) may be renewed for an additional term of 25 years; and

''(C) shall specify in the terms of the lease an annual rental rate—

''(i) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; 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 of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

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 (referred to in this section as the ''Tribes'') may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85–20–201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years; and

(2)(A) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(B) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

SEC. 6. LEASES OF RESTRICTED INDIAN LAND; NON-INDIAN BUSINESS PARTNERS ON INDIAN LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, no Indian tribe shall be required to obtain the approval of the Secretary to enter into a lease of restricted Indian land (not including any lease for exploration, development, or extraction of any mineral resource) 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 sovereign immunity from any civil action brought by a party to the lease for just compensation as a result of such a termination. Any person that is a party to a lease described 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,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Energy Development and Self-Determination Act of 2003''.

SEC. 2. INDIAN ENERGY.

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

''TITLE XXVI—INDIAN ENERGY

''SEC. 2601. 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;

''(5) in 2000, 9,300,000 barrels of oil, 299,000,000,000 cubic feet of natural gas, and 21,400,000 tons of coal were produced from Indian land, representing $700,000,000 in Indian energy revenue;

''(6) the Department of the Interior estimates that only 25 percent of the oil and less than 20 percent of all natural gas reserves on Indian land have been developed;

''(7) the Department of Energy estimates that the wind resources of the Great Plains could meet 75 percent of the electricity demand in the contiguous 48 States;

''(8) the development of Indian energy resources would assist—

''(A) Indian communities in carrying out community development efforts; and

''(B) the United States in securing a greater degree of independence from foreign sources of energy; and

''(9) the United States, in accordance with Federal Indian self-determination laws and policies, should assist Indian tribes and individual Indians in developing Indian energy resources.

''(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 land—

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

''(5) INDIAN RESERVATION.—The term 'Indian reservation' includes—

''(A) an Indian reservation in existence as of the date of enactment of this paragraph;

''(B) a public domain Indian allotment;

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

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

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

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

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

''(6) 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).

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

''(8) PROGRAM.—The term 'Program' means the Indian energy resource development program established under section 2603(a).

''(9) SECRETARY.—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) VERTICAL INTEGRATION OF ENERGY RESOURCES.—The term 'vertical integration of energy resources' means—

''(A) the discovery and development of renewable and nonrenewable energy resources;

''(B) electricity transmission; and

''(C) any other activity that is carried out to achieve the purposes of this title, as determined by the Secretary.

''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;

''(2) provide grants to Indian tribes and tribal consortia for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

''(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 this section such sums as are necessary for each of fiscal years 2004 through 2014.

''SEC. 2604. INDIAN TRIBAL RESOURCE REGULATION.

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

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

''(4) the training of employees that—

''(A) are engaged in the development of energy resources; or

''(B) are responsible for protecting the environment.

''(c) 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 refines renewable or 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.—No 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.—

''(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives tribal regulations submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the regulations.

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

''(ii) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

''(iii) address amendments and renewals;

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

''(v) address technical or other relevant requirements;

''(vi) establish requirements for environmental review in accordance with subparagraph (C);

''(vii) ensure compliance with all applicable environmental laws;

''(viii) identify final approval authority;

''(ix) provide for public notification of final approvals; and

''(x) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way.

''(C) ENVIRONMENTAL REVIEW PROCESS.—Tribal regulations submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

''(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative);

''(ii) the identification of proposed mitigation;

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

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

''(3) PUBLIC PARTICIPATION.—The Secretary may provide notice and opportunity for public comment on tribal regulations submitted under paragraph (1).

''(4) 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.

''(5) EXECUTION OF LEASE OR BUSINESS AGREEMENT OR GRANTING OF RIGHT-OF-WAY.—

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, documentation 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 compliance of an Indian tribe with tribal regulations of the Indian tribe approved under this subsection.

''(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)(aa) rescinding a lease, business agreement, or right-of-way under this section; or

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

''(II) rescinding approval of the tribal regulations and reassuming the responsibility for approval of leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsection (b).

''(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;

''(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 (B)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal regulations.

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

''(f) AGREEMENTS.—

''(1) 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 renewable or nonrenewable energy resources developed on tribal land, shall not 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.

''(2) LIABILITY.—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 an action taken in performance of an agreement entered into under this subsection.

''(g) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of any provision of—

''(1) the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.);

''(2) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

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

''(4) any Federal environmental law.

''SEC. 2606. 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 Indian tribes with developable energy resources, at least 4 of whom shall be elected tribal leaders;

''(2) 3 members appointed by the Secretary of Interior, based on recommendations submitted by the Governors of States in which are located—

''(A) 1 or more Indian reservations; or

''(B) Indian land with developable energy resources;

''(3) 2 members appointed by the Secretary of Interior from among individuals in the private sector with expertise in tribal and State taxation of energy resources;

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

''(5) 2 members appointed by the Secretary of Interior from among individuals in the private sector with expertise in energy development;

''(6) 1 member appointed by the Secretary of Interior, based on recommendations submitted by national environmental organizations;

''(7) the Secretary of the Interior; and

''(8) the Secretary.

''(c) APPOINTMENTS.—Members of the Commission shall be appointed not later than 120 days after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003.

''(d) VACANCIES.—A vacancy in the Commission—

''(1) shall be filled in the same manner as the original appointment was made; and

''(2) shall not affect the powers of the Commission.

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

''(f) QUORUM.—Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings and convene meetings.

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

''(h) 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 equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

''(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

''(i) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

''(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 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of 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 considered necessary to carry out the duties of the Commission.

''(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 or loss of 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 royalties associated with the 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;

''(5) identify barriers or obstacles to the development of energy resources on Indian land, and make recommendations designed to foster the development of energy resources on Indian land, in order to promote economic development;

''(6) develop proposals for the promotion of vertical integration of energy resources on Indian land; and

''(7) develop proposals on taxation incentives to foster the development of energy resources on Indian land, including investment tax credits and enterprise zone credits.

''(l) POWERS OF COMMISSION.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this title—

''(1) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths;

''(2) secure directly from any Federal agency such information; and

''(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission, subcommittee, or member considers advisable.

''(m) COMMISSION REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Commission shall submit to the President, the Committee on Resources of the House of Representatives, and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, a report that describes the proposals, recommendations, and alternatives described in subsection (k).

''(2) REVIEW AND COMMENT.—Before submission of the report required under this subsection, the Chairperson of the Commission shall provide to each interested Indian tribe and each State in which is located 1 or more Indian reservations or Indian land with developable energy resources, a draft of the report for review and comment.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until expended.

''(o) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report under subsection (m)(1).

''SEC. 2607. ENERGY EFFICIENCY AND STRUCTURES ON INDIAN LAND.

''(a) TECHNICAL ASSISTANCE TO NONPROFIT AND COMMUNITY ORGANIZATIONS.—The Secretary of Housing and Urban Development, in cooperation with Indian tribes or tribally-designated housing entities of Indian tribes, shall provide, to eligible (as determined by the Secretary of Housing and Urban Development) nonprofit and community organizations, technical assistance to initiate and expand the use of energy-saving technologies in—

''(1) new home construction;

''(2) housing rehabilitation; and

''(3) housing in existence as of the date of enactment of the Native American Energy Development and Self-Determination Act of 2003.

''(b) REVIEW.—The Secretary of Housing and Urban Development and the Secretary of the Interior, in consultation with Indian tribes or tribally-designated housing entities of Indian tribes, shall—

''(1) complete a review of regulations promulgated by the Secretary of Housing and Urban Development and the Secretary of the Interior to identify any feasible measures that may be taken to promote greater use of energy efficient technologies in housing for which Federal assistance is provided under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

''(2) develop energy efficiency and conservation measures for use in connection with housing that is—

''(A) located on Indian land; and

''(B) constructed, repaired, or rehabilitated using assistance provided under any law or program administered by the Secretary 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 paragraph (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 House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that includes—

''(1) the results of the review;

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

''(3)(A) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers); and

''(B) recommendations for the removal of those barriers.

''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 Committees on Energy and Commerce and Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate a report on energy development potential on Indian land.

''(b) REQUIREMENTS.—The report shall—

''(1) identify barriers to the development of renewable energy by Indian tribes (including legal, regulatory, fiscal, and market barriers); and

''(2) include recommendations for the removal of those barriers.

''SEC. 2610. CONSULTATION WITH INDIAN TRIBES.

''In carrying out this title, the Secretary and the Secretary of 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);

(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.

(2) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(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 cited as the ''Native American Technical Corrections Act of 2003''.

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

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.

Section 3405(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by striking paragraph (3) and inserting the following:

''(3) With respect to the land conveyed to the Tribe under subsection (b)—

''(A) the land shall not be subject to any Federal restriction on alienation; and

''(B) no grant, lease, exploration or development agreement, or other conveyance of the land (or any interest in the land) that is authorized by the governing body of the Tribe shall be subject to approval by the Secretary of the Interior or any other Federal official.''.

SEC. 102. BOSQUE REDONDO MEMORIAL ACT.

Section 206 of the Bosque Redondo Memorial Act (16 U.S.C. 431 note; Public Law 106–511) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''2000'' and inserting ''2004''; and

(B) in paragraph (2), by striking ''2001 and 2002'' and inserting ''2005 and 2006''; and

(2) in subsection (b), by striking ''2002'' and inserting ''2007,''.

SEC. 103. NAVAJO-HOPI LAND SETTLEMENT ACT.

Section 25(a)(8) of Public Law 93–531 (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') (25 U.S.C.40d-24(a) (8)) is amended by striking ''annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''for each of fiscal years 2003 through 2008''.

SEC. 104. COW CREEK BAND OF UMPQUA INDIANS.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712e) is amended in the third sentence by inserting before the period at the end the following: '', and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust''.

SEC. 105. PUEBLO DE COCHITI; MODIFICATION OF SETTLEMENT.

Section 1 of Public Law 102–358 (106 Stat. 960) is amended—

(1) by striking ''implement the settlement'' and inserting the following: ''implement—

''(1) the settlement;'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) the modifications regarding the use of the settlement funds as described in the agreement known as the 'First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution', executed—

''(A) on October 22, 2001, by the Army Corps of Engineers;

''(B) on October 25, 2001, by the Pueblo de Cochiti of New Mexico; and

''(C) on November 8, 2001, by the Secretary of the Interior.''.

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

(a) IN GENERAL.—Section 101(b)(3) of the Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Public Law 106–163; 113 Stat. 1782) is amended by striking ''3 years'' and inserting ''6 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any decree described in section 101(b)(1) of the Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Public Law 106–163; 113 Stat. 1782) entered into on or after December 9, 1999.

SEC. 107. MISSISSIPPI BAND OF CHOCTAW INDIANS.

Section 1(a)(2) of Public Law 106–228 (114 Stat. 462) is amended by striking ''report entitled'' and all that follows through ''is hereby declared'' and inserting the following: ''report entitled 'Report of May 17, 2002, Clarifying and Correcting Legal Descriptions or Recording Information for Certain Lands placed into Trust and Reservation Status for the Mississippi Band of Choctaw Indians by Section 1(a)(2) of Pub. L. 106–228, as amended by Title VIII, Section 811 of Pub. L. 106–568', on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is declared''.

Subtitle B—Other Provisions Relating to Native Americans

SEC. 111. BARONA BAND OF MISSION INDIANS; FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, and to any easements or similar restrictions which may be granted to the city of San Diego, California, for the construction, operation and maintenance of a pipeline and related appurtenances and facilities for conveying water from the San Vicente Reservoir to the Barona Indian Reservation, or for conservation, wildlife or habitat protection, or related purposes, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the ''Band'')—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½ SE¼, 68 acres; NW¼ NW¼, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 112. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

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 (Docket No. 117 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 to—

(A) 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 ACOMA; LAND AND MINERAL CONSOLIDATION.

(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 in an amount equal to the value of the interest acquired by the Secretary, as determined under section 1(a) of Public Law 107–138 (116 Stat. 6).

(c) USE OF BIDDING AND ROYALTY CREDITS.—On issuance by the Secretary of a bidding or royalty credit under subsection (b), the bidding or royalty credit—

(1) may be freely transferred to any other person (except that, before any such transfer, the transferor shall notify the Secretary of the transfer by such method as the Secretary may specify); and

(2) shall remain available for use by any other person during the 5-year period beginning on the date of issuance by the Secretary of the bidding or royalty credit.

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

Notwithstanding any other provision of law—

(1) the balances of all 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 (Docket No.355 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 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. QUINAULT 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 shall—

(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 Santee Sioux Tribe of Nebraska (referred to in this subtitle as the ''Tribe''), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska that could serve the tribal community and adjacent communities and incorporate population growth and economic development activities for a period of 40 years.

(b) COOPERATIVE AGREEMENT.—At the request of the Tribe, 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 has unique expertise or knowledge.

(c) REPORT.—Not later than 1 year after funds are made available to carry out this subtitle, 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 appropropriated to the Secretary to carry out this section $500,000, to remain available until expended.

SEC. 118. SEMINOLE TRIBE OF OKLAHOMA; 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 Seminole Tribe of Oklahoma under Public Law 88–168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No.247 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 to—

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

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

SEC. 119. SHAKOPEE MDEWAKANTON SIOUX COMMUNITY.

(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 of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) NO EFFECT ON TRUST LAND.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or 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 operation of 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 Governors on December 20, 2000.

(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 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(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, NEW MEXICO.

(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 Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, 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 north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 203. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(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 boundary line 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) TECHNICAL CORRECTIONS.—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 provided in sections 3102(b) and 3103(b) 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.

(2) 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.—

(1) IN GENERAL.—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 any 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) enlarges, impairs, 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; or

(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 QUINAULT 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 distributed by the Secretary and deposited into 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 PRINCIPAL AMOUNT.—

(A) IN GENERAL.—The Tribe shall—

(i) establish an account for the principal amount of the judgment funds; and

(ii) use those funds to establish a Permanent Fisheries Fund.

(B) USE AND INVESTMENT.—The principal amount described in subparagraph (A)(i)—

(i) except as provided in subparagraph (A)(ii), shall not be expended by the Tribe; and

(ii) shall be invested by the Tribe in accordance with the investment policy of the Tribe.

(3) ACCOUNT FOR INVESTMENT INCOME.—

(A) 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)(ii) after the date of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—Funds deposited in the account established under subparagraph (A) shall be available to the Tribe—

(i) subject to subparagraph (C), to carry out fisheries enhancement projects; and

(ii) pay expenses incurred in administering the Permanent Fisheries Fund established under paragraph (2)(A)(ii).

(C) SPECIFICATION OF PROJECTS.—Each fisheries enhancement project carried out under subparagraph (B)(i) shall be specified in the approved annual budget of the Tribe.

(4) 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 of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), 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 specified in the approved annual budget of the Tribe.

(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.

(d) REPORTING OF INVESTMENT ACTIVITIES AND EXPENDITURES.—Not later than 120 days after the date on which each fiscal year of the Tribe ends, the Tribe shall make available to members of the Tribe a full accounting of the investment activities and expenditures of the Tribe with respect to each fund established under this section (which may be in the form of the annual audit described in subsection (c)) for the fiscal year.

SEC. 302. CONDITIONS FOR DISTRIBUTION.

(a) UNITED STATES LIABILITY.—On disbursement to the Tribe of the funds under section 301(a), the United States shall bear no trust responsibility or liability for the investment, supervision, administration, or expenditure of the funds.

(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. INOUYE, Mr. VOINOVICH, 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 colleague from Maine, Senator COLLINS and I are very pleased to introduce the National Aquatic Invasive Species 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 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 nonindigenous 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 few, if any, natural enemies in 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 that back in the late 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 invasions by 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 exchange 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 treatments 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 bill rectifies this 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 which is a 95 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 any U.S. port after operating 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. Ships operating in coastal waters would not be required to manage ballast water during the interim standard.

A 95-percent reduction of organisms will be the interim standard used for treatment technology until the EPA, with the concurrence of the Coast Guard, promulgates the final standard. This interim standard is not intended to be implemented for the long run, and it is not perfect. However, a final standard is difficult to set today or in the near future because of the limited research that has been conducted on how clean or sterile ballast water discharge should be, what is the best expression of a standard, and what is 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 ballast 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 using 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 tested onboard ships. These technologies include ultraviolet lights, filters, chemicals, deoxygenation, and several others. Each of these technologies has a different pricetag 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 ''best available technology economically 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 require ballast 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 keep species like 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 authorizes additional funding 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 marina owners about the dangers of inadvertently carrying aquatic invaders on the hulls of recreational boats or 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 highly 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.

All in all, the bill would cost between $160 million and $170 million 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 cosponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickerel 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. Plants, 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—to the potential detriment of Maine's 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. As with national security, protecting 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 date for combating alien 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.

In the 1950s, European green crabs swarmed the Maine coast and literally ate the bottom out of Maine's soft-shell clam industry by the 1980s. Many clam diggers were forced to go after other fisheries or find new vocations. In just one decade, this invader reduced the number of clam diggers in Maine from nearly 5,000 in the 1940s to fewer than 1500 in the 1950s. European green crabs currently cost an estimated $44 million a year in damage and control efforts in the United States.

Past invasions forewarn of the long-term consequences to our environment and communities unless we take steps to prevent new invasions. It is too late 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 the bottom of Pickerel Pond from the shoreline out to 6 feet deep. Never before detected in Maine, this stubborn and fast-growing aquatic plant threatens Pickerel 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 $836 million over 6 years, this legislation would open numerous new fronts in our war against invasive species. The bill directs the Coast Guard 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 invading species before they have a 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 transoceanic vessels. Commercial 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 American negotiators 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 U.S. Government must ensure that the international convention will be at least as protective as the legislation we are introducing today. The United States must take the most protective 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, NAISA.

During the 107th Congress, I introduced S. 1034, the Great Lakes Ecology Protection Act which sought to curb the influx of invasive species into the Great Lakes. This is an immense task, as more then 87 nonindigenous 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 12 Great Lakes Senators as original cosponsors.

Today, I am proud to join Senator LEVIN as an original cosponsor of NIASA which will provide a national strategy for preventing invasive species from being introduced in the Great Lakes and our Nation's waters. I am pleased that NIASA incorporates many of the ideas from the Great Lakes Ecology Protection Act in formulating a national standard.

Invasive species have had a devastating economic and ecological impact on the United States. They have already damaged the Great Lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water.

For example, Lake Michigan once housed the largest self-producing lake trout fishery in the entire world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago, has contributed greatly to the decline of trout and whitefish in the Great Lakes by feeding on and killing native trout species.

Today, lake trout must be stocked because they cannot naturally reproduce in the lake. Many Great Lakes States have had to place severe restrictions on catching yellow perch because invasive species such as the zebra mussel disrupt the Great Lakes' ecosystem and compete with yellow perch for food. The zebra mussel's filtration also increases water clarity, which may be making is easier for predators to prey upon the yellow perch. Moreover, tiny organisms like zooplankton that help form the base of the Great Lakes food chain, have declined due to consumption by exploding populations of zebra mussels.

We have made progress on preventing the spread of invasive species, but we have not yet solved this problem. NIASA will create a mandatory national ballast water management program to prevent the introduction of invasive species into our waters, as well as, encourage the development of new ballast treatment technology to eliminate invasive species. NIASA also will greatly increase research funding for these treatment and prevention technologies, and provide necessary funding and resources for invasive species rapid response plans. In addition, the bill will increase outreach and education to recreational boaters and the general public on how to prevent the spread of invasive species.

As Members of the U.S. Congress, we have a responsibility to share in the stewardship of our Nation's natural resources. As a Great Lakes Senator, I feel a particularly strong responsibility to protect a resource that is not only a source of clean drinking water for more than 30 million people in the Great Lakes, but is vital to Michigan's economy and environment. I am proud to support a 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 generation 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 $14 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 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 sea lamprey have invaded Lake Champlain and are having a 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. GRAHAM 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 disproportionate 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 costs 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 Medicare Improvements for Special Needs Beneficiaries Act provides improved 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 patient's choice and innovative 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. This legislation is a no-cost 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 Navajo Nation is by far the Nation's largest Indian reservation, covering 25,000 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 give you an idea of its size, 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 county-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 anywhere else; 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. If the schoolbuses don't get 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 schoolbuses 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 each of 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 Southeastern Utah Association of Local Governments and the Tri-State County Association of New Mexico, Arizona, and Utah. I ask unanimous consent that letters and resolutions from New Mexico, Arizona, and Utah be printed in the RECORD at the conclusion of my remarks.

I am pleased that Congressmen TOM UDALL of New Mexcio, RICK RENZI of Arizona, and JAMES DAVID MATHESON 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 WITH INDIAN RESERVATIONS.

(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 that is located in a 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 State for all or 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.—A public 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);

(B) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(C) is maintained by the county in which the public road is located.

(3) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State that receives funds under subsection (a) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(B) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this section by eligible 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.

(c) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary of Transportation shall ensure that funding made available under this section supplements (and does not supplant)—

(1) any obligation 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.

(d) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this section that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

(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.

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

GALLUP MCKINLEY COUNTY PUBLIC SCHOOLS,
Gallup, NM., December 11, 2002.

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.

The School bus route 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, Tohlakal, CR–1, Crestview, lyanbito 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 passage for our school districts 160 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.

Your help in sponsoring Bills, which address the unique situations with respect to school bus route roads, have been greatly appreciated. Your continuing support of the school bus route program (TEA–21 Bill) will enable us to continue to safely and efficiently transport our students. 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,
Gallup, N.M., December 20, 2002.

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

Re: Indian School Bus Route Safety Reauthorization Act of 2003.

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 143 school buses on a weekday basis traveling 16,070 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.

I appreciate your sponsorship of the Indian School Bus Route Safety Reauthorization Act of 2003.

Sincerely yours,

EARNEST C. BECENTI, Sr.,
Chairperson.

COUNTY OF MCKINLEY,
Gallup, N.M., December 20, 2002.

Hon. JEFF BINGAMAN
U.S. Senate,
Washington, DC. 20510

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 bus routes 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 $60,000. We have enclosed a recap 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 511.746 miles of maintained roads that lead to or are within Indian Lands that qualify under the TEA–21 funding. This total reflects that approximately 90 percent of McKinley County roads on 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 unimproved 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 miles of unimproved 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. Thank you once again for your past 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 many roads maintenance issues. Of course, 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 9,089 students and covers 16,070 miles. The 9,089 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 5000 square miles size and reported unpaved road transportation nears 400,000 miles. What the McKinley County Roads Department maintains include grading, placing gravel with some degree of compaction, repair work on drainage appurtenances 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.

Senator, I recall 3 years ago that you took a ride in one of our buses west of Gallup. I understand you enjoyed the rough ride. I thank you for taking the time from your busy schedule to visit our school district.

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 provide the means to get 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.

Whereas:

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 governance 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 Re-authorize 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 plan, promote, and coordinate the community, economic, 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 are 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:

5. There are vest miles of (dirt roads) school bus routes that still require improvement. Poor roads 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 resolution to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominici to Re-authorize 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 18th of February, 2003.

RAYMOND EMERSON,
Chapter President.
HARRIETT K. BECENTI,
Council Delegate.
LUCINDA ROANHORSE,
Acting Community Services Coordinator.

SAN JUAN COUNTY COMMISSION,
Monticello, UT, January 6, 2003.

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

Re: Indian School Bus Route Safety Reauthorization Act of 2003.

DEAR SENATOR BINGAMAN: San Juan County, Utah wants to express our appreciation to you for your efforts to secure funding to improve the Indian 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 90 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 Montezuma Creek, Monument Valley High School in Monument Valley and Navajo Mountain High School in Navajo Mountain). In addition, the school district has two elementary schools located in Halchita, near Mexican Hat and in Montezuma Creek. The Bureau of Indian Affairs has two boarding schools that also operate within the County boundaries at Aneth and Navajo Mountain. In addition there are pre-schools that are located in Monument Valley, Halchita, Toda, and montezuma Creek.

One major example of these funds that have been previously used was to pave the nearly six mile section of road in the Navajo Mountain area. Navajo Mountain is an isolated community located in the southwestern corner of San Juan County. There is a single highway in and out of the community, with the nearest community located over seventeen miles to the south in Arizona. The road still is dirt for ten miles south of the Utah boundary, but the County was able to pave the road on the Utah side this past year making the road passable year round and greatly improving the safety for the students and residents.

We would strongly encourage the re-authorization of these funds for this important need.

Very truly,

TY LEWIS,
Commissioner.
MANUEL MORGAN,
Commissioner.
LYNN H. STEVENS,
Commissioner.

SAN JUAN COUNTY,
Aztec, NM, January 9, 2003.

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

HON. SENATOR BINGAMAN:

We are aware that Congress will be considering bills to reauthorize the TEA–21 funding for local roads that provide access to the Navajo Reservation. These funds are of special significance to San Juan County.

The Public Works Department of San Juan County regularly maintains over 400 miles of roads that are adjacent to or provide access to the Navajo Reservation. These roads are critical to the population in the service areas. School buses depend on our County workers to keep the roads maintained and to provide other essential services.

Over the past five years, we have received $953,688 from the TEA–21 program for the maintenance of roads and bridges in these areas. The assistance received under this program will be crucial if we wish to continue to provide these much needed services to the residents on the Navajo Reservation and their visitors.

I would like to thank you for your hard work on behalf of the citizens on San Juan County and urge you to support legislation that would extend the TEA–21 Program.

Sincerely,

TONY ATKINSON,
County Manager.

NAVAJO COUNTY BOARD OF SUPERVISORS,
Holbrook, AZ, December 18, 2002.

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

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—$63,226; Purchase of road working equipment—$215,651; 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 annual 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, Counties in New Mexico, Arizona and Utah, are faced with maintaining miles of unpaved roads serving Federally owned land or Indian Reservations; and

Whereas, Section 1214 of Transportation Equity Act for the 21st Century priovided $1.5 Million per year beginning October 1, 1998, for six years; to eligible Counties to maintain public raods which provide access to an Indian Reservation or is used by school buses to transport children to Headstart Programs; and,

Whereas, Congress has designated the Secretary of Transportation to divide each fiscal year the $1.5 Million equally between the States of New Mexico, Arizona and Utah, through the State Highway Department of State Department of Transportation to eligible Counties (San Juan and McKinley, NM; Navajo, Apache, Coconino, AZ; and San Juan, UT.); and,

Whereas, Each County receiving the special appropriation were able to complete additional schools bus route improvements on roads that would not have been improved otherwise; and

Whereas, the need for school bus route improvements greatly exceed the annual allocation provided for each County and the allocation should be increased under the reauthorization of the Transportation Bill.

Now, therefore be it

Resolved, by the Tri-State County Association, to support the ''Tribal Transportation Program Improvement Act of 2002,'' as proposed by Senator Jeff Bingaman, which includes additional funding for maintenance of school bus routes on Indian Reservations.

STATE OF NEW MEXICO COUNTY OF MCKINLEY

Whereas, the Board of Commissioners did meet in *regular* session on February 27, 2001; and

Whereas, Section 1214(d) of the Transportation Equity Act for the 21st Century (TEA–21) provides additional funding for States that have within their boundaries all or part of an Indian Reservation having a land area of 10,000,000 acres or more; and,

Whereas, the only Indian Reservation meeting this criteria is the Navajo Indian Reservation in Arizona, New Mexico and Utah; and ,

Whereas, the three States equally divide the $1,500,000 among the various Counties to maintain public roads which are within, adjacent to, or accessing the Navajo Indian Reservation which are used to transport children to or from a school or Headstart Program and are maintained by the County; and

Whereas, McKinley County has demonstrated the fiscal capacity to implement and administer funds allocated through the New Mexico State Highway and Transportation Department to complete 19.3 miles through FY–00.

Now therefore be it

Resolved, by the Board of Commissioners or McKinley County, to request Congressional support to increase the allocation under Section 1214(d) of the Transportation Equity Act for the 21st Century (TEA–210 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, Ms. SNOWE, Mr. DURBIN, Mr. HAGEL, Mr. ROBERTS, and Mr. CHAMBLISS):

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 taxable income. I am pleased that Senators LEAHY, SMITH, WYDEN, SNOWE, DURBIN, HAGEL, ROBERTS, and CHAMBLISS 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 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 children. In Washington, 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 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 with 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 health professions 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 physicians or other 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. In 1986 the IRS ruled that all payments made under the program are considered taxable income. Understanding the immediate detriment to scholarship recipients, who were forced to pay the tax out of their own pockets, Congress eliminated the scholarship tax in 2001. And while the scholarship program is now not considered taxable income to the IRS, the loan repayments and stipends are.

By statute, the current loan program awards also include a tax assistance payment equal to 39 percent of the loan repayment amount, which is to be used by the recipient offset his or tax liability resulting from the loan repayment "income." This means that nearly 40 percent of the Federal loan repayment budget goes to pay 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 could be placed in shortage 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 a significant deterrent to 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 Corps available to more medical and 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 do something—even if it is taking 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 vitally 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. Enactment of the National Health Service Corps Loan Repayment Act would increase the amount of Federal dollars available so more students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan repayments, and stipends for clinicians who agree to serve in national designated 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 heath 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 need for primary care providers and 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 health and safety, protect 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 frontline 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 fair and 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 Employees Compensation Act 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 that 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 Fire Fighters 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 entities that are 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. 531

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 (25 U.S.C. 450b).

(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 an 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)(A) to coordinate the collection 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 measured;

(2) monitor biota (including threatened or endangered species), habitats, and the water quality of the River;

(3) if initial monitoring carried out under paragraph (2) indicates that there is a need for additional research, carry out any additional research appropriate to—

(A) advance the understanding of the ecosystem of the River; and

(B) assist in guiding the operation and management of the River;

(4) use any scientific information obtained from the monitoring and research to assist in the recovery of the threatened species and endangered species of the River; and

(5) establish a scientific database that shall be—

(A) coordinated among the States and Indian tribes of the Missouri River Basin; and

(B) readily available to members of the public.

(e) CONTRACTS WITH INDIAN TRIBES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into contracts in accordance with section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) with Indian tribes that have—

(A) reservations located along the River; and

(B) an interest in monitoring and assessing the condition of the River.

(2) REQUIREMENTS.—A contract entered into under paragraph (1) shall be for activities that—

(A) carry out the purposes of this Act; and

(B) complement any activities relating to the River that are carried out by—

(i) the Center; or

(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) IN GENERAL.—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 River on the health of fish and wildlife of the River, including an analysis of any adverse social and economic impacts that result from reoperation measures on the River.

(2) REQUIREMENTS.—On an annual basis, the Center, the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey, and the Missouri River Natural Resources Committee, shall—

(A) prioritize research needs for the River;

(B) issue a request for grant proposals; and

(C) award grants to the entities and individuals eligible for assistance under paragraph (1).

(h) ALLOCATION OF FUNDS.—

(1) CENTER.—Of amounts made available to carry out this section, the Secretary shall make the following percentages of funds available to the Center:

(A) 35 percent for fiscal year 2004.

(B) 40 percent for fiscal year 2005.

(C) 50 percent for each of fiscal years 2006 through 2018.

(2) STATES AND INDIAN TRIBES.—Of amounts made available to carry out this section, the Secretary shall use the following percentages of funds to provide assistance to States or Indian tribes of the Missouri River Basin to carry out activities under subsection (d):

(A) 65 percent for fiscal year 2004.

(B) 60 percent for fiscal year 2005.

(C) 50 percent for each of fiscal years 2006 through 2018.

(3) USE OF ALLOCATIONS.—

(A) IN GENERAL.—Of the amount made available to the Center for a fiscal year under paragraph (1)(C), not less than—

(i) 20 percent of the amount shall be made available to provide 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;

(iii) analyzing and presenting the information collected under clause (ii); and

(iv) preparing any appropriate reports, including the report required by subsection (i).

(i) REPORT.—Not later than 3 years after the date on which the program is established under subsection (a), and not less often than every 3 years thereafter, the Secretary, in cooperation with the individuals and agencies referred to in subsection (b), shall—

(1) review the program;

(2) establish and revise the purposes of the program, as the Secretary determines to be appropriate; and

(3) submit to the appropriate committees of Congress a report on the environmental health of the River, including—

(A) recommendations on means to assist in the comprehensive restoration of the River; and

(B) an analysis of any adverse social and economic impacts on the River, in accordance with subsection (g)(1).

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 in 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 colonias; 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 border with Mexico. Our colonias 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 and the quality of life for people such as Elida, helping to secure more than $615 million for the colonias 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 authorize the Secretary of Housing and Urban Development to award $16 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 I introduce 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. 532

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, 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 potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(D) was 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.

(4) 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.

(b) GRANT 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 provide a grant to such organization in subsequent fiscal years, subject to subsection (f)(2).

(d) SELECTION OF REGIONAL ORGANIZATIONS.—

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

(2) COMPETITION.—The selection under paragraph (1) shall be made pursuant to a competition, which shall—

(A) consider the proposed work plan of the applicant under subsection (f); and

(B) be based upon the criteria described in paragraph (3).

(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 by carrying out the eligible activities set forth in subsection (g);

(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 colonias 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) MEMBERSHIP.—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 member to serve as Chairperson, ensuring that the Chairperson position rotates to a member from every State in which colonias are located.

(3) TERM.—Advisory Board members shall be appointed for 2-year terms that shall be renewable at the discretion of the Secretary.

(4) COMPENSATION.—Advisory Board members shall serve without compensation, but the Secretary may provide members with travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) FUNCTIONS.—The Advisory Board shall—

(A) assist any regional organization that receives a grant under this section in the development and implementation of its final work plan under subsection (f);

(B) review and approve all final work plans;

(C) assist the Secretary in monitoring and evaluating the performance of any regional organization in implementing its final work plan; and

(D) provide such other assistance as the Secretary may request.

(f) WORK PLANS.—

(1) APPLICATION.—Each regional organization applying for a grant under this section shall include in its application a proposed work plan.

(2) ANNUAL SUBMISSION.—To be eligible to continue receiving annual grants under this section after selection pursuant to subsection (d), a regional organization shall, on an annual basis after such selection and subject to the determination of the Secretary to continue to provide grant amounts to such regional organization, submit a proposed work plan to the Advisory Board and the Secretary for review and approval.

(3) FINAL WORK PLAN.—In any fiscal year, including the fiscal year in which any regional organization is selected pursuant to subsection (d), prior to final determination and allocation of specific grant amounts, each selected regional organization shall, with the assistance of the Advisory Board, develop a final work plan that thoroughly describes how the regional organization will use specific grant amounts to carry out its functions under this section, which shall include—

(A) a description of outcome measures and other baseline information to be used to monitor success in promoting affordable housing, economic opportunity, and infrastructure in the colonias;

(B) an account of how the regional organization will strengthen the coordination of existing resources used to assist residents of the colonias, and how the regional organization will leverage additional public and private resources to complement such existing resources;

(C) an explanation, in part, of the effects that implementation of the work plan will have on areas in and around colonias; and

(D) such assurances as the Secretary may require that grant amounts will be used in a manner that results in assistance and investments for colonias in each State containing colonias, in accordance with requirements that the Advisory Board and the Secretary may establish that provide for a minimum level of such investment and assistance as a condition of the approval of the work plans.

(4) APPROVAL.—

(A) IN GENERAL.—No grant amounts under this section for a fiscal year may be provided to a regional organization until the Secretary approves the final work plan of the organization, including a specific grant amount for the organization.

(B) CONSIDERATIONS.—In determining whether to approve a final work plan, the Secretary shall consider whether the Advisory Board approved the plan.

(C) NONAPPROVAL OF PLAN.—To the extent that the Advisory Board or the Secretary does not approve a work plan, the Advisory Board or the Secretary shall, to the maximum extent practicable, assist the selected regional organization that submitted the plan to develop an approvable plan.

(g) ELIGIBLE ACTIVITIES.—Grant amounts under this section may be used only to carry out eligible activities to benefit the colonias, including—

(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) initial 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 this section, except that the Secretary may limit the amount of grant funds used for such costs; and

(6) such other activities as the Secretary considers appropriate to carry out this section.

(h) GRANT AGREEMENTS.—A grant under this section shall be made only pursuant to a grant agreement between the Secretary and a regional organization selected under this section.

(i) TERMINATION AND RECAPTURE.—If the Secretary determines that a regional organization that was awarded a grant under this section has not substantially fulfilled its obligations under its final work plan or grant agreement, the Secretary shall terminate the participation of that regional organization under this section, and shall recapture any unexpended grant amounts.

(j) DETAILS FROM OTHER AGENCIES.—Upon request of any selected regional organization that has an approved work plan, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to that regional organization to assist it in carrying out its duties under this section.

(k) ENVIRONMENTAL REVIEW.—For purposes of environmental review, projects assisted by grant amounts under this section shall—

(1) be treated as special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547); and

(2) be subject to regulations issued by the Secretary to implement such section 305(c).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $16,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for each of fiscal years 2005 through 2009.

(m) SUNSET.—No new grants may be provided under this section after September 30, 2009.

By Mr. CAMPBELL:

S. 535. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

Mr. CAMPBELL. Mr. President, today I am introducing the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003.

This bill would help honor the sacrifice of the men and women who lost their lives in the line of duty by providing Capitol-flown flags to the families of deceased law enforcement officers and firefighters.

Under this legislation, the family of a deceased law enforcement officer can request from the Attorney General that a flag be flown over the U.S. Capitol in honor of the slain officer. The Department of Justice shall pay the cost of the flags, including shipping, out of discretionary grant funds, and provide them to the victim's family.

As a former deputy sheriff, I know firsthand the risks which law enforcement officers face every day on the frontlines protecting our communities. I also have great appreciation, as the cochair of the Congressional Fire Caucus, for the service that our Nation's firefighters provide, day in and day out, and that all too often, they end up sacrificing their lives while saving others.

I believe providing a Capitol-flown flag is a fitting way to show our appreciation for fallen officers and firefighters who make the ultimate sacrifice. It also lets their families know that Congress and the Nation are grateful for their loved one's service.

I ask unanimous consent that the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003 be printed in the RECORD.

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

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 pay 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 family of a 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 protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

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):

S. 536. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today I am pleased to join with Senators LEVIN, COLLINS, REED, VOINOVICH, and 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, ecologic, 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 Council to develop a National 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 bill know, invasive species are too great of a problem to be left unmanaged.

The duties of the Council are generally to coordinate Federal activities in an effective, complementary, cost-efficient 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 guidance for Federal agencies on prevention, control, and eradication 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 cosponsor 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, particularly 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 even sending a film crew 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.

Seeing firsthand 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 Lakes 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 Mayor of Cleveland in 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 mussel affect the ecosystem.

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 for algae blooms. 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 underscore the importance 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 and are difficult to treat 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 2001, 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 in October 2002 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 substantial progress. Make no mistake about it; these species are not waiting for the Federal Government to get all of its ducks in a row. They are continuing to take over the waters and lands of 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 Management Plan 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.

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 Environment 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 a 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 are just numbers. 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 as Rett 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? Or even 20?''

Heather is very resourceful. She has managed to find some respite care—164 hours per year—through her State's department of hygiene 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. Some would say Heather 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.

I believe that our country is suffering not just from a 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 before their own health deteriorates. 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 how to find information about services 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. Parents and spouses and other 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, BREAUX, JEFFORDS, MURRAY, COLLINS, KENNEDY, 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 important 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, Mrs. 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 borders: the Border Infrastructure and Technology Modernization Act.

No American border has under gone 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 big 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.

Since the publication of that assessment in February 2001, many of the needs identified remain outstanding. Many have grown, and new needs have 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 considerations. 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 other border agencies involved, 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 country. 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 Land Border Security Plan, including cooperation between Federal State and local entities involved at 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 industry partnership 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 southwestern borders. This 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 problems on our borders. 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 adds 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 introduced 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,

SECTION 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.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2004 through 2008, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security 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

(B) 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.

(2) 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).

(b) TRAINING.—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—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 United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 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 Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

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

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

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

(3) prioritize the projects described in paragraphs (1) and (2) based on 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 (3) 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.

SEC. 5. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Under Secretary shall prepare a National Land Border

Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required in subsection (a), the Under Secretary shall consult with the Under Secretary for Information Analysis and Infrastructure Protection and the Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border.

(c) VULNERABILITY ASSESSMENT.—

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

(2) PORT SECURITY COORDINATORS.—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 6. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope (including personnel needs) of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

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

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least one Customs-Trade Partnership Against Terrorism program along that border. The Customs-Trade Partnership Against Terrorism program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Under Secretary shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) 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 cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

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

(2) 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 onto 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.—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, 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.

(2) CONTENT.—The report shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 3, such sums as may be necessary for the fiscal years 2004 through 2008;

(2) to carry out the provisions of section 4—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2004 through 2008; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2004 through 2008; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 6—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2004, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2005 through 2008; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2004; and

(ii) such sums as may be necessary for the fiscal years 2005 through 2008; and

(4) to carry out the provisions of section 7, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for each of the fiscal years 2005 through 2008.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized in this Act may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this Act.

Mr. MCCAIN. Mr. President, I am pleased to join Senators DOMENICI, DORGAN, KYL, FEINSTEIN, MURKOWSKI, BURNS, and MURRAY to introduce the Border Infrastructure and Technology Modernization Act. For most of us, this is not a new issue. I have worked closely with many of my colleagues to address concerns regarding the protection of our Nation's borders, particularly the problems associated with illegal immigration.

The bill we are introducing today addresses border infrastructure, to ensure that our Nation's borders, both southern and northern, are as secure and up to date as possible. This bill will authorize. the Bureau of Immigration and Customs Enforcement to address staffing shortages and hire additional agents, inspectors, and support staff. It will also authorize several studies and demonstration programs to improve infrastructure, security, facilitate trade, and expand the use of technology along the borders.

Cross-border commerce suffers greatly due to backups at our ports of entry. Two and three hour delays hinder the transport of goods from Mexico into the United States. Improving infrastructure at our ports of entry will increase our capability to screen trucks and individuals coming into the country in a more efficient manner, reducing the backups along the border and improving the free flow of commerce.

As undocumented aliens take increasingly desperate measures to cross our border with Mexico, the burden borne by States along the southwestern border continues to grow. The Federal Government's attempt to stem illegal immigration in Texas and California has made it increasingly difficult to cross the border in these States and has created a funnel effect, giving Arizona the dubious distinction of being the location of choice for illegal border crossings.

Reports suggest that at least one in three of the illegal border crossers arrested traversing the U.S.-Mexico border are stopped in Arizona. Last year approximately 320 people died in the 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 auto theft rate in the Nation. 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 our northern and our southern neighbors. Technology is the key to that goal, and this bill takes a big step toward ensuring that technological needs are assessed and that technology is improved.

There are between 7–9 million people in this country illegally. Many of these people entered our country legally but have overstayed their visas. By upgrading the technology for our ports of entry and further developing the entry-exit system we will have a way to better monitor these individuals. During this year's appropriations bill, I sponsored an amendment along with Senators KYL and FEINSTEIN to restore $165 million to entry-exit system and help the INS establish four pilot projects on the borders to effectively track and monitor immigration. This bill and the amendment we passed recently are both important ways to increase the resources available to the border.

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. CHAFEE, 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. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SARBANES, 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 Environmental 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 urgent 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 at a most 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—itself 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 2020.

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—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

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

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

"(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).".

By Mr. DODD (for himself, Mr. WARNER, Mr. HOLLINGS, Mr. REED, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SARBANES, and Ms. LANDRIEU):

S. 544. 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 SARBANES, and Senator LANDRIEU to introduce the Staffing for Adequate Fire and Emergency Response, SAFER, 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, improved training, and 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 will provide 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 has not improved 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

Senate Science, Technology and Space Subcommittee on October 11, 2001, understaffing has caused or contributed to firefighter deaths in Memphis, Tennessee; Worcester, Massachusetts; Keokuk, Iowa; Pittsburgh, Pennsylvania; Chesapeake, Virginia; Stockton, California; Lexington, Kentucky; Buffalo, New York; Philadelphia, Pennsylvania; and Washington, D.C. In each case, firefighters went into dangerous situations without the support they needed and they paid the ultimate price.

The unfortunate reality is that our local communities have not been able to maintain the level of staffing necessary to ensure the safety of our firefighters or the public. Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined and the budget crises that our state and local governments are enduring has made matters worse. Across the country today, firefighter staffing is being cut and fire stations are even being closed because of state and local budget shortfalls. All of this at a time when the threats of terrorism are placing unprecedented demands on our fire service.

According to a ''Needs Assessment Study'' recently released by the U.S. Fire Administration, USFA, and the National Fire Protection Association, NFPA, understaffing contributes to enormous problems. For example, USFA and NFPA have found that only 11% of our Nation's fire departments have the personnel and equipment they need to respond to a building collapse involving 50 or more occupants. The USFA and NFPA also found that there are routine problems that threaten the health and safety of our first responders. In small and medium-sized cities, firefighters are too often compelled to respond to emergencies without sufficient manpower to protect those on the ground. More often than not, firefighters in too many of our communities respond to fires with fewer than the four firefighters per truck that is considered to be the minimum to ensure firefighter safety.

The USFA/NFPA study also suggests that shortages of personnel prevent many firefighters from taking time off to receive training and too few departments can afford to hire dedicated training staff. As a result, nearly three-quarters of all fire departments cannot comply with EPA and OSHA regulations that require formal hazardous materials response training for front-line firefighters.

The SAFER Act is a national commitment to hire the firefighters necessary to protect the American people from the consequences of terrorist attacks and from more ordinary, but often equally devastating, events. This legislation will put 75,000 new firefighters on America's streets over the next 7 years and will help provide Americans with the level of protection they need and deserve.

As I have said before, just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire firefighters to protect the American people here at home. In these difficult times, it is both 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 them. 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.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by redesignating the second section 33 and section 34 as sections 35 and 36, respectively, and by inserting after the first section 33 the following new section:

''SEC. 34. 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 career, voluntary, and combination fire departments of a State, in consultation with the chief executive of the State, for the purpose of substantially increasing the number of firefighters so that communities can meet industry minimum standards to provide adequate protection from acts of terrorism and hazards.

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

''(B) Grantees are required to commit to retaining for at least 1 year beyond the termination of their grants those career firefighters hired under paragraph (1).

''(3) In awarding grants under this section, the Administrator may give preferential consideration, where feasible, to applications for hiring and rehiring additional career firefighters that involve a non-Federal contribution exceeding the minimums under paragraph (5).

''(4) The Administrator may provide technical assistance to States, units of local government, Indian tribal governments, and to other public entities, in furtherance of the purposes of this section.

''(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) 50 percent in the third year of the grant; and

''(D) 30 percent in the fourth year of the grant,

unless the Administrator waives, wholly or in part, the requirement under this paragraph of a non-Federal contribution to the costs of a program, project, or activity.

''(6) The authority under paragraph (1) of this section to make grants for the hiring of additional career firefighters shall lapse at the conclusion of 10 years from the date of enactment of this section. Prior to the expiration of this grant authority, the Administrator shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Administrator may have for amendments to this section and related provisions of law.

''(c) APPLICATIONS.—(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) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy;

''(B) explain the applicant's inability to address the need without Federal assistance;

''(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) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(E) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic 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 over areas with populations of less than 50,000, the Administrator may waive 1 or more of the requirements of paragraph (3) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

''(d) 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 not be used to supplant 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.

''(2) 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)(A) 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.

''(B) 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, developed pursuant to guidelines established by the Administrator. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

''(2) Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Administrator. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required.

''(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.

''(f) REVOCATION OR SUSPENSION OF FUNDING.—If the Administrator determines, as a result of the activities under subsection (e), or otherwise, 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 pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

''(2) Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

''(h) DEFINITIONS.—In this section, the term—

''(1) 'firefighter' has the meaning given the term 'employee in fire protection activities' under section 3(a) of the Fair Labor Standards Act (29 U.S.C. 203(y)); and

''(2) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''There are authorized to be appropriated for the purposes of carrying out this section—

''(1) $1,000,000,000 for fiscal year 2004;

''(2) $1,030,000,000 for fiscal year 2005;

''(3) $1,061,000,000 for fiscal year 2006;

''(4) $1,093,000,000 for fiscal year 2007;

''(5) $1,126,000,000 for fiscal year 2008;

''(6) $1,159,000,000 for fiscal year 2009; and

''(7) $1,194,000,000 for fiscal year 2010.''.

Mr. WARNER. Mr. President, I am pleased to be joining my colleague Senator DODD in the introduction of the Staffing for Adequate Fire and Emergency Response Act. The SAFER Act establishes a new grant program that will provide direct funding to fire and rescue departments though the new Department of Homeland Security. This funding 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, biohazard 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 Federal 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 cosponsor 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.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—TO AMEND RULE XLII OF THE STANDING RULES ON THE SENATE TO PROHIBIT EMPLOYMENT DISCRIMINATION IN THE SENATE BASED ON SEXUAL ORIENTATION

Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Ms. LANDRIEU, Mr. BREAUX, 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. LAUTENBERG, Ms. COLLINS, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, Mr. EDWARDS, Mr. SARBANES, 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 ''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 Standing Rules of the Senate by adding ''sexual orientation'' to ''race, color, religion, sex, national origin, age, or state of physical handicap'' in the antidiscrimination 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 antidiscrimination.

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 13087 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