

and Human Services (referred to in this section as the "Secretary"), acting as appropriate in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Committee, and other agencies, should consider carrying out the following:

(1) **FIVE-YEAR PLAN.**—It is the sense of the Senate that the Secretary should consider the establishment of a plan that, for the five fiscal years following the date of the enactment of this Act, provides for the activities to be carried out during such fiscal years toward achieving the goals under paragraphs (2) through (4). The plan should, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease and other tick-borne disorders that are conducted or supported by the Federal Government.

(2) **FIRST GOAL: DIAGNOSTIC TEST.**—The goal described in this paragraph is to develop a diagnostic test for Lyme disease and other tick-borne disorders for use in clinical testing.

(3) **SECOND GOAL: SURVEILLANCE AND REPORTING OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.**—The goal described in this paragraph is to accurately determine the prevalence of Lyme disease and other tick-borne disorders in the United States.

(4) **THIRD GOAL: PREVENTION OF LYME DISEASE AND OTHER TICK-BORNE DISORDERS.**—The goal described in this paragraph is to develop the capabilities at the Department of Health and Human Services to design and implement improved strategies for the prevention and control of Lyme disease and other tick-borne diseases. Such diseases may include Masters' disease, ehrlichiosis, babesiosis, other bacterial, viral and rickettsial diseases such as tularemia, tick-borne encephalitis, Rocky Mountain Spotted Fever, and bartonella, respectively.

The bill (S. 969), as amended, was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4013.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4013) to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. KENNEDY. Mr. President, I commend the Senate today for its bipartisan action in approving the Rare Diseases Act of 2002 and the Rare Diseases Orphan Product Development Act of 2002. These two measures will enhance the prospects for developing effective care, treatments and cures for literally thousands of rare diseases and disorders.

Congress has a longstanding commitment to provide this support. In 1983, we passed the Orphan Drug Act to improve the development of treatments for rare diseases and disorders. These diseases affect small patient populations, typically smaller than 200,000 individuals in the United States. They

include Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy.

The Rare Diseases Act and the Rare Diseases Orphan Product Development Act build upon the enormous success of the original Orphan Drug Act, which encouraged the development of over 220 treatments for rare diseases and disorders.

The Rare Diseases Act of 2002 provides a statutory authorization for the existing Office of Rare Diseases at the National Institutes of Health and authorizes regional centers of excellence for research and training with respect to rare diseases. This proposal originated with the NIH, in recommendations of a Special Emphasis Panel convened to examine the state of rare disease research. The Panel itself was convened in response to a request of the Senate Appropriations Committee in 1996, and it is appropriate that we are today introducing legislation which represents the fruition of a long, deliberative process involving both Congress and the NIH.

The Rare Diseases Orphan Product Development Act increases funding for the Food and Drug Administration's Orphan Product Research Grant program, which provides vital support for clinical research on new treatments for rare diseases and disorders. This funding will encourage many more commercial sponsors to investigate and develop vital new medicines.

Although each rare disease may not affect many patients, 25 million Americans today suffer from the 6,000 known rare diseases and disorders, including more than 600,000 in Massachusetts. Anyone who has a family member or friend who suffers from a rare disease or disorder knows the importance of developing new treatments and helping patients to obtain these potential cures. Today's passage of these two bills will provide the resources necessary to continue to develop new treatments and even cures for millions of Americans.

I would also add that these bills are intended to build upon previous congressional efforts to expand research and development for all rare diseases and disorders. Senator HATCH and I introduced the Rare Diseases Act, upon which these bills are based, to expand and enhance existing initiatives underway at the various institutes of NIH with respect to different rare diseases, including but not limited to muscular dystrophy, Huntington's disease, and ALS (Lou Gehrig's disease). I believe the NIH will act upon these new bills in the appropriate spirit, by building upon current activities and investments on rare diseases and disorders.

I commend the National Organization for Rare Diseases for its tireless and continuing leadership on these basic issues. I also commend Senator HATCH for his leadership on this issue in the Senate, and I commend Congressmen WAXMAN, SHIMKUS, and

FOLEY for their leadership in the House of Representatives. I know that all of us look forward to the implementation of these important measures we are approving today.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4013) was read the third time and passed.

AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 4014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4014) to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4014) was read the third time and passed.

TO ESTABLISH WILDERNESS AREAS, PROMOTE CONSERVATION, IMPROVE PUBLIC LAND, AND PROVIDE FOR HIGH QUALITY DEVELOPMENT IN CLARK COUNTY, NEVADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5200.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5200) to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, today I rise to comment on the Clark County Conservation of Public Lands and Natural Resources Act of 2002, which is important to southern Nevada and a priority for the Nevada delegation. This broad-based compromise legislation is also important for America. The many provisions in this legislation reflect the many challenges faced by southern Nevada. I would like to highlight some of

the ways in which the Clark County Conservation PLAN will enhance the quality of life and economic opportunities for Nevadans at the same time we protect southern Nevada's environment for the benefit of future generations.

When Congress passed the Southern Nevada Public Lands Management Act in 1998, we made the decision that it was in the public interest to transition away from federal-private land exchanges and competitively auction those parcels of land deemed by the BLM as suitable for disposal. This decision has proven quite effective and fair and represents the future of land privatization in Nevada and the West. However, at the time the law was enacted, Congress did contemplate that a limited number of ongoing land exchanges should be completed because of their benefit to the public. The Red Rock Canyon-Howard Hughes exchange is one such exchange. This land exchange has been contemplated for a number of years and enjoys unusually broad support ranging from the County to the environmental community. The time when this exchange should have reached completion through the administrative process has long since passed and a legislative resolution is now in order.

Nevada has nearly 100 wilderness study areas on federal land across the state, which remain de facto wilderness until Congress acts. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect wilderness character of the lands under current law. Those of us who wrote this bill hold different views regarding wilderness. But in developing the wilderness component of this bill, Senator ENSIGN, Congressman GIBBONS and I made good faith compromises that protect all interested parties as we designated 18 wilderness totaling about 450,000 acres and released 220,000 acres from wilderness study area status. We believe that this solid compromise represents a critical step toward addressing the outstanding wilderness issues in the state of Nevada.

The Clark County Conservation PLAN Act modifies the Southern Nevada Public Lands Management Act and expands the so-called Las Vegas valley disposal boundary. This expansion will make an additional 23,000 acres of BLM land available for auction and development.

One of the most important infrastructure issues facing southern Nevada is siting a new international airport. The County's preferred site is in a dry lake bed between Jean and Primm, Nevada south of the Las Vegas Valley in the Interstate 15 transportation corridor near the California border. Congress made federal land at that site available for use as an airport, pending environmental reviews. The Clark County Conservation PLAN complements that law in two important ways. First, our bill conveys federal land adjacent to the proposed airport to the Clark County Airport Authority so that it can promote compatible development within the area impacted by the noise of the airport. Second, our bill directs the Bureau of Land Man-

agement to reserve a right-of-way for non-exclusive utility and transportation corridors between the Las Vegas valley and the proposed airport. However, both of these provisions are contingent upon a positive record of decision on the environmental impact statement for the planned Ivanpah Airport.

One of the most precious areas in southern Nevada is a humble canyon near Henderson. It is an area graced with hundreds of petroglyphs. This canyon is in desperate need of protection because it is within a short walk of the Las Vegas valley. Similar resources elsewhere in the desert Southwest have been destroyed by urban encroachment.

The Clark County Conservation PLAN designates the Sloan petroglyphs site and the area that comprises most of its watershed as the North McCullough Mountains Wilderness. This wilderness combined with about 32,000 acres of open space comprises the proposed Sloan Canyon National Conservation Area. The NCA and wilderness will provide critical protection for the Sloan petroglyphs, preserve open space near Henderson's rapidly growing neighborhoods and together represent a legacy of cultural and natural resource conservation our grandchildren will value dearly.

The sheer number of public lands bill requests Senator ENSIGN and I receive is daunting. If we introduced separate legislation to address each legitimate issue that constituents bring to our attention, we would create an awkward patchwork of new federal laws. The Clark County Conservation PLAN provides a comprehensive vision and framework for conservation and development in southern Nevada that balances competing interests.

The final title of our bill includes a select few of the many important public interest land conveyances. For example, we include two land grants to further the higher education mission of Nevada's university system.

Our bill conveys a small active shooting range to the Las Vegas Metropolitan Police Department for training purposes. We grant a modest parcel of land to the City of Las Vegas for the development of affordable housing. These small but important actions will help our communities, law enforcement, and educational system better serve southern Nevada.

I would like to address some concerns regarding provisions in the House version of the Clark County Conservation PLAN raised by a number of Nevadans some of which may be shared by the Chairman of the Senate Energy and Natural Resources Committee, Senator BINGAMAN. The title in question involves a Bureau of Reclamation title transfer and confusion over whether this provision would be subject to existing laws and how the final maps will be drawn. I want to emphasize to my colleagues that this legislation transferring right, title and interest in the Humboldt Project specifically contemplates in section 808 that the Secretary of the Interior will comply with the National Environmental Policy

Act, the Endangered Species Act, and all other applicable laws, such as the National Historic Preservation Act, prior to any conveyance of title. In passing this legislation, Congress intends that a thorough environmental analysis of the transfer be undertaken prior to transfer so that decision-makers are fully informed of any environmental impacts associated with the transfer. In fact, section 804(e) addresses the issue of the costs associated with complying with NEPA, again underscoring Congress's anticipation that a thorough NEPA review will be undertaken. In addition, it is our intent that an analysis of any species listed as endangered or threatened under the Endangered Species Act take place prior to the transfer. Congress recognizes that these environmental reviews are necessary prior to conveyance to ensure that any appropriate conditions to mitigate impacts of the transfer can be implemented. I think the language of the bill is straightforward but appreciate the concerns that have been raised in this regard and hope that my statement clarifies this point.

In addition, section 803(a) references a map dated July 3, 2002, which depicts the lands and features of the Humboldt project. Subsection (b) of section 803 directs the Secretary to submit a map of the Humboldt Project Conveyance as soon as practicable after the date of enactment of the legislation. In case of a conflict between the map referred to in subsection (a) and the map submitted by the Secretary under subsection (b), the map referred to in subsection (b) is to control. This provision is included to allow only for clarifying clerical and technical modifications to the map. We anticipate that any discrepancy between the maps referred to in subsections (a) and (b) will be minimal.

Senator ENSIGN and I are proud of the progress we have made and believe that this bill could serve as a model for bipartisan cooperation and constructive compromise. We are grateful for the work done in the House of Representatives by Congressman GIBBONS and Congresswoman BERKLEY to convince their colleagues of the importance of this bill which led to a unanimous favorable vote on October 16.

I also appreciate the assistance we received from Senator BINGAMAN and Senator WYDEN, as chairmen of the full and subcommittees with jurisdiction over this bill, they played critical roles in improving the bill. In addition Senate Energy and Natural Resources Committee staff worked very hard, particularly over the past month to perfect this legislation. The long hours and expertise of these professionals, including David Brooks, Kira Finkler, Patty Beneke, Bob Simon, Shelley Brown, Sam Fowler, Dick Bouts, and Jim Bierne and House staff including Robert Uithoven, Rick Healy, Jim Zoia, Tim Stewart, Rob Howarth, Lisa Pittman, Lisa Daley and Dayne Barron, made passage of this bill possible but more importantly made our bill better. Often overlooked in the development of a bill such as this one is the

work done by federal employees who work for the public land management agencies. In the development of this bill, however, such oversight would be inexcusable because Bob Abbey, Mark Morse, Laurie Sedlmayr, Donn Siebert, Robert Taylor, Demetrius Purdie-Williams and Jeremy Noble, Bill Dickinson, Dick Birger, and many others provided valuable insights and assistance without which this bill would not have been possible. John Lopez of Senator ENSIGN's staff and my staff met with hundreds of Nevadans to ensure that this bill is a Nevada bill that is good for America. Among these individuals, Clint Bentley, John Wallin, Jeremy Garnicarz, Blake Monk, John and Hermi Hiatt, Larry Johnson, Roger Scholl, Elise McAllister, Terry Crawforth, John Moran, Jr., Kevin Mack, Chuck Musser, Jane Feldman, Doug Hunt, Pam Wilcox, Kelly Jensen, Cal Baird, George Reyling, Toni Worley, Mike Carey, as well as representatives of the many municipalities in Clark County played particularly important roles. Countless others provided constructive suggestions and support that led to this point.

Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 5200) was read the third time and passed.

AUTHORIZING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY TO WORK WITH MAJOR MANUFACTURING INDUSTRIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 736, H.R. 2733.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 2733) was read the third time and passed.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1998 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1998) to amend the Higher Education Act of 1965 with respect to the qualification of foreign schools.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, Senators ENSIGN, ALLARD, and ALLEN have a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider be laid upon the table; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4895) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

“(i) in the case of a graduate medical school located outside the United States—

“(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

“(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

“(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

“(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section

101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.”.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

The bill (S. 1998), as amended, was read the third time and passed.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF THE BILL H.R. 2215

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 503.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 503) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 503) was agreed to.

TO AMEND THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 688, H.R. 3656.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3656) to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 3656) was read the third time and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to consideration of the following bills en bloc: S. 963, S. 1366, S. 453, S. 1950, S. 1468, S. 209, and H.R. 2245; further, I ask unanimous consent that the bills be