

S. 2528

At the request of Mr. DOMENICI, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2544

At the request of Mr. LEVIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2544, a bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2602

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2602, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2672

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2727

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2727, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2729

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2729, a bill to amend title XVIII of the Social Security Act to provide for a medicare voluntary prescription drug delivery program under the medicare program, to modernize the medicare program, and for other purposes.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2742

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2742, a bill to establish new nonimmigrant classes for border commuter students.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Georgia (Mr. CLELAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. SARBANES), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day".

AMENDMENT NO. 4308

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4308 intended to be proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

AMENDMENT NO. 4309

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 4309 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. HARKIN):

S.J. RES. 41. A joint resolution calling for Congress to consider and vote on a resolution for the use of force by the United States Armed Forces against Iraq before such force is deployed; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

JOINT RESOLUTION

CALLING FOR CONGRESS TO CONSIDER AND VOTE ON A RESOLUTION FOR THE USE OF FORCE BY THE UNITED STATES ARMED FORCES AGAINST IRAQ BEFORE SUCH FORCE IS DEPLOYED

Whereas Iraq has consistently breached its cease-fire agreement between Iraq and the United States, entered into on March 3, 1991, by failing to dismantle its weapons of mass destruction program, and refusing to permit monitoring and verification by United Nations inspections;

Whereas Iraq has developed weapons of mass destruction, including chemical and biological capabilities, and has made positive progress toward developing nuclear weapons capabilities;

Whereas in his January 29, 2002 "State of the Union" address the President characterized Iraq, Iran and North Korea as an "axis of evil";

Whereas the Secretary of State distinguished Iraq from Iran and North Korea in his testimony before the Senate Budget Committee on February 12, 2002, stating that "for several years now [it has been] a policy of the United States government that a regime change would be in the best interest of the region, [and] the best interest of the Iraqi people";

Whereas in his February 12, 2002 testimony, the Secretary of State specifically stated, "With respect to Iran and with respect to North Korea, there is no plan to start a war with these nations", raising the implication that the United States had a plan to start a war with Iraq;

Whereas, there have been repeated reports in the news media on U.S. plans to use force against Iraq and statements by the President and the Vice President on the intention of the United States to use force against Iraq:

(a) The *New York Times* February 16, 2002, quoting Vice President Cheney saying, "The President is determined to press on and stop Iraq . . . from continuing to develop weapons of mass destruction" and intends to use "the means at our disposal—including military, diplomatic and intelligence to address these concerns";

(b) *New York Times* on July 9, 2002 quoting President Bush on Iraq: "It's the stated policy of this government to have regime change and it hasn't changed. And we'll use all tools at our disposal to do so."

Whereas Congress has the exclusive authority to declare war under Article I, Section 8 of the United States Constitution;

Whereas, the President has authority under Article II, Section 2, of the United States Constitution as Commander-in-Chief, which authorizes him to take military action in an emergency when Congress does not have time to deliberate and decide on a declaration of war or the equivalent authorization for the use of force;

Whereas, within the past half century, Presidents have unilaterally initiated military actions in Korea, Vietnam, Grenada, Lebanon, Panama, Somalia and Kosovo;

Whereas, President George H.W. Bush, although initially stating publicly that he did not need congressional action, ultimately requested authorization from Congress, which was granted in January 1991, to use force against Iraq under circumstances similar to the present situation;

Whereas, there is adequate time for the Congress to deliberate and decide on the authorization to initiate military action against Iraq;

Whereas, if Congress takes no action in the current situation where there is adequate time to deliberate and decide, there will be a significant further, if not virtually complete, erosion of congressional authority under Article I, Section 8 of the United States Constitution.

Whereas, this resolution takes no position on whether such authorization should or should not be granted by Congress;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress consider and vote on a Resolution authorizing the use of force by the United States Armed Forces against Iraq before such force is deployed against Iraq.

By Mr. VOINOVICH:

S. 2765. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, 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. 2765

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 "Federal Law Enforcement Officers Pay Equity and Reform Act of 2002".

SEC. 2. LIMITATION ON PREMIUM PAY.

(a) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "5545a,";

(2) in subsection (c), by striking "or 5545a"; and

(3) in subsection (d), by striking the period and inserting "or a criminal investigator who is paid availability pay under section 5545a."

SEC. 3. SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this subsection, the Office of Personnel Management shall take

into account the findings and recommendations contained in the September 1993 report of the Office entitled "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers".

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—If, after completing its report under subsection (a), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in subsection (a)) would result in improved Federal personnel management.

(2) APPLICABLE PROVISIONS.—Any demonstration project under this subsection shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this subsection shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—For purposes of this section, the term "Federal law enforcement officer" means a law enforcement officer as defined by section 8331 or 8401 of title 5, United States Code.

SEC. 4. REPORT ON FEDERAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit a report to Congress on the definition of a Federal law enforcement officer for purposes of pay and benefits under the provisions of title 5, United States Code.

(b) RECOMMENDATIONS.—The report under subsection (a) shall include recommendations of applying pay and benefit provisions (including retirement under chapters 83 and 84 of title 5, United States Code, and premium pay under subchapter V of chapter 55 of that title) to Federal employees who are not defined as law enforcement officers under those provisions.

SEC. 5. EMPLOYEE EXCHANGE PROGRAM BETWEEN DEPARTMENT EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.

(a) DEFINITIONS.—In this section:

(1) EMPLOYING AGENCY.—The term "employing agency" means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program.

(2) PARTICIPATING EMPLOYEE.—The term "participating employee" means an employee who is participating in the Program.

(3) PROGRAM.—The term "Program" means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(d) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

By Mr. AKAKA:

S. 2767. A bill to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to address the threat of bioterrorist attacks on American agriculture. Agricultural activity accounts for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment.

Agriculture is vital to the health and well-being of citizens in Hawaii and every State of the Union. Hawaii generates more than \$1.9 billion in agricultural sales, and agriculture directly or indirectly employs 38,000 people who provide Hawaiian agricultural products to domestic and foreign markets, especially to our trading partners in Canada and Japan.

While Hawaii's agricultural economy was once dominated by sugarcane and pineapple, Hawaiian exports now include specialty exotic fruits, coffee macadamia nuts, vegetables, flowers, and nursery products. Virtually all of these crops are vulnerable to pests and diseases that are difficult to control when they are accidentally introduced to the islands.

I am no stranger to the need to protect American agriculture from the menace of alien pests and diseases. Throughout my tenure on the House Agriculture Appropriations Subcommittee, I was proud to support important U.S. Department of Agriculture, USDA, programs such as the Animal and Plant Health Inspection Service, APHIS. APHIS serves as an agricultural disease watchdog at our borders and around our farms and plays a vital role in preventing the introduction of agricultural pests and diseases to Hawaii. As a Member of the Senate, my appreciation of these programs continues.

A single outbreak of a highly contagious livestock illness such as foot and mouth disease, FMD, could cost the U.S. economy over \$10 billion. The 2001 FMD outbreak in Great Britain cost over \$7 billion. In 2000, the Banana Bunchy Top Virus threatened the Island of Hawaii's \$10 million banana industry. More recently, the state has

seen an outbreak of the Papaya Ringspot Virus, which threatens a commodity that earned \$16 million in 2000. An outbreak of FMD in Hawaii would threaten a \$28 million milk industry and nearly \$25 million worth of cattle and hogs.

These figures do not take into account the indirect effects on Hawaii's economy if harsh restrictions were placed on travel in rural areas. During the 2001 outbreak of FMD in the United Kingdom, such travel restrictions were imposed to stop the spread of the disease. The cost to businesses directly affected by tourism was nearly as high as the cost to agriculture and the food chain. Clearly, the potential for disruption of our food supply and our economy would be devastating.

My concerns are not unique to Hawaii. We must protect all of American agriculture, which is why I am introducing the Agriculture Security Preparedness Act of 2002. Federal agencies today are not as well prepared as they should be to respond to an agricultural disease emergency.

My bill provides the USDA with the resource and the response mechanisms to protect American farmers, ranchers, and consumers from agroterrorism. An agricultural disease outbreak, whether of natural or deliberate origin, will require coordinated efforts by the USDA, the Federal Emergency Management Agency, FEMA, the Environmental Protection Agency, EPA, and the Departments of Health and Human Services, HHS, Transportation, DOT, and Justice, DOJ. This measure would give the USDA the needed authority and resources to cooperate and coordinate efforts with other federal agencies that have a stake in a rapid and effective response to agricultural disease events.

My legislation improves the government's preparedness and response to outbreaks of foreign and emerging agricultural diseases by: Improving coordination between USDA and FEMA on preparedness and mitigation planning for agricultural disease emergencies; improving coordination between the USDA and the DOJ to review whether state and local laws might impede the rapid and effective implementation of emergency response measures; improving coordination between the USDA, and EPA, and regional and local disaster preparedness officials, to consider the potential environmental impacts of agricultural emergency response measures; establishing a public health liaison within the HHS to coordinate emergency response efforts with the USDA and the animal health and emergency management communities; and establishing clear guidelines for the DOT and USDA to enforce restrictions on interstate transportation in the event of an agricultural disease outbreak.

The National Research Council report "Making the Nation Safer: the Role of Science and Technology in Countering Terrorism," released in June, mirrors several other key provisions in my legislation. It calls for:

Stronger ties to the intelligence community to identify specific threats to American agriculture; increased laboratory capacity for rapidly processing large volumes of clinical samples; development of rapid and sensitive disease diagnostic tools; development of improved livestock vaccines; the use of statisticians and computer models to understand the transmission of agricultural diseases during outbreaks; addressing environmental concerns for the disposal of contaminated crops and livestock; methods and standards for decontaminating areas where agricultural disease outbreaks occur; and communication and public awareness campaigns about the importance of research for protecting American agriculture.

My legislation complements P.L. 107-188, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which was signed into law on June 12, by increasing the USDA's ability to develop the resources and response mechanisms to contain and eradicate agricultural diseases when they are discovered on U.S. soil.

By enacting this bill, we can help safeguard American consumers and American agriculture against threats to our food supply and economy. The money and effort spent on protection from agroterrorism should be viewed as a general investment against the routine threats of disease agents and pests that infest crops and livestock. I urge my colleagues to support this important legislation.

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. 2767

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 "Agriculture Security Preparedness Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PREVENTION

Sec. 101. Inclusion of agroterrorism in terrorist acts involving weapons of mass destruction.
Sec. 102. Legal framework for agroterrorism.
Sec. 103. Study on feasibility of establishing a national agroterrorism and ecoterrorism incident clearinghouse.
Sec. 104. International agricultural disease surveillance.
Sec. 105. Agricultural inspections.
Sec. 106. On-farm and on-ranch biosecurity.

TITLE II—PREPAREDNESS AND MITIGATION

Sec. 201. Interagency coordination.
Sec. 202. Planning.
Sec. 203. Exercises and training.
Sec. 204. Communication with the public.

Sec. 205. Vaccine development and disease research.

Sec. 206. Diagnostic and laboratory capacity.

TITLE III—RESPONSE AND RECOVERY

Sec. 301. Implementation of Federal, State, and local response plans.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGRICULTURAL DISEASE EMERGENCY.—The term "agricultural disease emergency" means a plant or animal disease outbreak that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment, as determined by the Secretary pursuant to section 415 of the Plant Protection Act (7 U.S.C. 7715) or section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).

(3) AGRICULTURE.—The term "agriculture" includes the science and practice of activity relating to food, feed, and fiber production, processing, marketing, distribution, use, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resource sciences.

(4) AGROTERRORISM.—The term "agroterrorism" means the commission of an agroterrorist act.

(5) AGROTERRORIST ACT.—The term "agroterrorist act" means a criminal act to cause or attempt to cause damage to or destruction or contamination of a crop, livestock, farm or ranch equipment, material, or other property, or a person engaged in agricultural activity, committed with the intent to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion.

(6) BIOSECURITY.—The term "biosecurity" means protection from the risks posed by biological, chemical, or radiological agents to plant and animal health, the agricultural economy, the environment, and human health, including the exclusion, eradication, and control of biological agents that cause agricultural diseases.

(7) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(8) ECOTERRORISM.—The term "ecoterrorism" means the use of force or violence against a person or property to intimidate or coerce all or part of a government or the civilian population, in furtherance of a social goal in the name of an environmental cause.

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(10) ZOONOTIC AGENT.—The term "zoonotic agent" means any bacterium, virus, parasite, or other biological entity that is naturally transmissible from animals to humans.

TITLE I—PREVENTION

SEC. 101. INCLUSION OF AGROTERRORISM IN TERRORIST ACTS INVOLVING WEAPONS OF MASS DESTRUCTION.

It is the sense of Congress that, to formulate and encourage international consensus regarding intentional acts against agriculture and to facilitate disarmament negotiations and international sanctions against weapons of mass destruction, the United Nations Security Council should include agroterrorism in the definition of a terrorist act involving a weapon of mass destruction.

SEC. 102. LEGAL FRAMEWORK FOR AGROTERRORISM.

Section 2332a(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) against private property, including property used for agricultural or livestock operations.”.

SEC. 103. STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL AGROTERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

Not later than 240 days after the date of enactment of this Act, the Attorney General, in conjunction with the Secretary, shall submit to Congress a report on the feasibility and estimated cost of establishing and maintaining a national agroterrorism incident clearinghouse to gather information for use in coordinating and assisting investigations on incidents of—

(1) agroterrorism committed against or directed at—

(A) any animal or plant enterprise; or

(B) any person, because of any actual or perceived connection of the person with, or support by the person of, agriculture; and

(2) ecoterrorism.

SEC. 104. INTERNATIONAL AGRICULTURAL DISEASE SURVEILLANCE.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress a report on measures taken by the Secretary to—

(1) streamline the process of notification by the Secretary to Federal agencies in the event of outbreaks of agricultural diseases in foreign countries; and

(2) cooperate with representatives of foreign countries, international organizations, and industry to devise and implement methods of sharing information on international plant and animal disease outbreaks and unusual agricultural activities.

SEC. 105. AGRICULTURAL INSPECTIONS.

The Secretary shall—

(1) cooperate with appropriate Federal intelligence officials to improve the ability of the Department to identify agricultural products, livestock, and other goods imported from suspect locations recognized by the intelligence community as having—

(A) experienced agricultural terrorist activities or unusual agricultural disease outbreaks; or

(B) harbored agroterrorists;

(2) use the information collected under paragraph (1) to establish inspection priorities;

(3) not later than 240 days after the date of enactment of this Act, develop a plan to increase the laboratory capacity of the Department and the effectiveness of the Department in detecting the presence of pathogens and disease in agricultural products; and

(4) not later than 1 year after the date of enactment of this Act, submit to the appropriate committees of Congress a report that provides a description, and an estimate of the costs, of the plan developed under paragraph (3).

SEC. 106. ON-FARM AND ON-RANCH BIOSECURITY.

(a) BIOSECURITY GUIDELINES.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, in consultation with associations of agricultural producers and taking into consideration the research conducted under subtitle N of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351 et seq.), the Secretary shall—

(A) develop guidelines—

(i) to improve monitoring of vehicles and materials entering or departing farm or ranch operations; and

(ii) to control human traffic onto farm or ranch operations; and

(B) disseminate the guidelines to agricultural producers through agricultural educational seminars and biosecurity training sessions.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) \$5,000,000 for fiscal year 2003; and

(ii) such sums as are necessary for each fiscal year thereafter.

(B) EDUCATION PROGRAM.—Of the amounts made available under subparagraph (A), the Secretary may use such sums as are necessary to establish in each State an education program to distribute the biosecurity guidelines developed under paragraph (1).

(b) BIOSECURITY GRANT PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary shall develop a pilot program to provide incentives, in the form of grants or low-interest loans, in an amount not to exceed \$10,000, for agricultural producers to restructure farm and ranch operations (based on the biosecurity guidelines developed under subsection (a)(1)) to—

(A) control access to farms or ranch property by persons intending to commit an agroterrorist act;

(B) prevent the introduction and spread of agricultural diseases; and

(C) take other measures to ensure biosecurity.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes the implementation of the program; and

(B) makes recommendations on expansion of the program.

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

(A) \$5,000,000 for fiscal year 2003; and

(B) such sums as are necessary for each of fiscal years 2004 through 2007.

TITLE II—PREPAREDNESS AND MITIGATION

SEC. 201. INTERAGENCY COORDINATION.

(a) AGRICULTURAL DISEASE EMERGENCY MANAGEMENT LIAISON.—The Director of the Federal Emergency Management Agency shall establish a senior level position to serve, as a primary responsibility, as a liaison for agricultural disease emergency management between—

(1) the Federal Emergency Management Agency;

(2) the Department;

(3) the emergency management community; and

(4) the affected industries.

(b) TRANSPORTATION.—The Secretary of Transportation, in consultation with the Secretary of Agriculture and the Director of the Federal Emergency Management Agency, shall—

(1) publish in the Federal Register proposed guidelines for restrictions on interstate transportation of an agricultural commodity or product in response to an agricultural disease emergency created by a foreign or emerging disease affecting the agricultural commodity or product;

(2) provide for a comment period for the proposed guidelines of not less than 90 days;

(3) establish the final guidelines, taking into consideration any comments received under paragraph (2); and

(4) provide the guidelines to officers and employees of—

(A) the Department;

(B) the Department of Transportation; and

(C) the Federal Emergency Management Agency.

(c) ANIMAL HEALTH CARE LIAISON.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services a senior level position to serve, as a primary responsibility, as a liaison between the Department of Health and Human Services, the Department of Agriculture, the animal health community, the emergency management community, and industry.

(d) REGIONAL, STATE, AND COUNTY PREPARATION.—The Administrator, in consultation with the Secretary, shall cooperate with regional, State, and local disaster preparedness officials to include consideration of potential environmental impacts of response activities when planning responses to agricultural disease emergencies.

SEC. 202. PLANNING.

(a) FEDERAL RESPONSE PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall examine, and revise as necessary, the Emergency Support Functions of the Federal Response Plan, to include the economic, environmental, and medical impacts of naturally-occurring agricultural disease outbreaks and agroterrorist acts in emergency response planning activities.

(b) LOCAL RESPONSE PLANNING.—The Secretary shall cooperate with State agriculture officials, State and local emergency managers, representatives from State land grant colleges, research universities, agricultural producers, and agricultural trade associations to establish local response plans for foreign or emerging agricultural disease emergencies.

(c) ANIMAL CARE.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall establish a program to provide grants to small communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 2003.

(d) MODELING AND STATISTICAL ANALYSES.—

(1) IN GENERAL.—In consultation with the Steering Committee of the National Animal Health Emergency Management Systems and other stakeholders, the Secretary shall conduct a study—

(A) to determine the best use of epidemiologists, computer modelers, and statisticians as members of the emergency response task forces that handle foreign or emerging agricultural disease emergencies; and

(B) to identify the types of data that are not collected but that would be necessary for proper modeling and analysis of agricultural disease emergencies.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report that describes the results of the study to—

(A) the Director of the Federal Emergency Management Agency; and

(B) the heads of other appropriate governmental agencies involved in agricultural disease emergency response planning.

(e) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

(1) IN GENERAL.—The Secretary shall establish a program to provide grants to States to

develop capabilities to use geographic information systems and statistical models for epidemiological assessments in the event of agricultural disease emergencies.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection—

- (A) \$2,500,000 for fiscal year 2003; and
- (B) such sums as are necessary for each fiscal year thereafter.

SEC. 203. EXERCISES AND TRAINING.

(a) **BEST PRACTICES.**—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall—

- (1) establish a task force, consisting of agricultural producers and State and local emergency response officials, to identify best practices for State regional agricultural disaster exercise programs; and

- (2) distribute to States and localities a report that describes the best practices.

(b) **EXERCISES.**—On the basis of the identified best practices, the Secretary shall design and distribute packages of exercises for training, in the form of printed materials and electronic media, for distribution to State and local emergency managers and State agriculture officials.

SEC. 204. COMMUNICATION WITH THE PUBLIC.

(a) **EDUCATION.**—The Secretary, in consultation with agricultural producers and trade associations, shall develop a national education campaign—

- (1) to demonstrate the contribution of agriculture to the well-being of people and economic prosperity of the United States;

- (2) to improve the public image of agriculture in the United States;

- (3) to increase public awareness about the potential for negative economic and social effects that could result from foreign or emerging agricultural diseases; and

- (4) to increase public awareness of the benefits of animal and plant health research for preventing and responding to agroterrorism.

(b) **OUTREACH.**—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and the Secretary of Health and Human Services, shall establish, as part of agroterrorism preparedness efforts, a program to encourage regional emergency management planners to—

- (1) develop cooperative relationships with agricultural producers, trade associations, and local groups that promote plant and animal health issues to explain to the public the nature of potential agroterrorist threats and the reasons why certain response measures need to be taken; and

- (2) prepare information in the form of brochures, pamphlets, literature packets, CD ROMs, or other similar forms, for distribution to the public in the event of a foreign or emerging agricultural disease emergency.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary for fiscal year 2004 and each fiscal year thereafter to carry out this section.

SEC. 205. VACCINE DEVELOPMENT AND DISEASE RESEARCH.

(a) **IN GENERAL.**—In carrying out the foreign or emerging diseases and pests program of the Department, the Secretary shall establish a program to provide grants to colleges and universities to identify and develop—

- (1) rapid diagnostic tests to identify plant and animal diseases;

- (2) improved vaccines for animal diseases;

- (3) new diagnostic techniques to be used in distinguishing between animals that test positive for exposure to an infectious foreign or emerging animal disease as a result of vaccination and those that test positive as a result of having contracted the disease; and

- (4) techniques to disinfect areas where outbreaks of plant or animal diseases occur.

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

- (1) \$20,000,000 for fiscal year 2003; and
- (2) such sums as are necessary for each fiscal year thereafter.

SEC. 206. DIAGNOSTIC AND LABORATORY CAPACITY.

(a) **RESEARCH ON DISEASE DIAGNOSTIC KITS.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and representatives of foreign countries, shall seek collaborative agricultural research opportunities in foreign countries in which foreign or emerging agricultural diseases are endemic, to test the performance of disease diagnostic kits and disinfection techniques that, because of low or no known incidence of those agricultural diseases in the United States, have not been adequately tested.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to expand overseas research collaboration activities of the Department, including research on foreign and emerging plant and animal diseases—

- (A) \$25,000,000 for fiscal year 2003; and
- (B) such sums as are necessary for each fiscal year thereafter.

(b) **ANIMAL DISEASE DIAGNOSTIC LABORATORIES.**—The Secretary of Health and Human Services shall include animal disease diagnostic laboratories in the Laboratory Response Network of the Centers for Disease Control and Prevention.

(c) **CLINICAL SAMPLE SCREENING.**—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall jointly—

- (1) conduct a study to identify means of expanding laboratory capabilities to screen and handle large quantities of veterinary and human clinical samples for foreign or emerging zoonotic agents in the event of an agricultural emergency; and

- (2) submit to the appropriate committees of Congress a report on the results of the study.

(d) **STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL PLANT DISEASE LABORATORY.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the feasibility of establishing a national plant disease laboratory, based on the model of the Centers for Disease Control and Prevention, with the primary task of—

- (1) integrating and coordinating a nationwide system of independent plant disease diagnostic laboratories, including existing plant clinics maintained by land grant colleges and universities; and

- (2) increasing the capacity, technical infrastructure, and information sharing capabilities of laboratories described in paragraph (1).

TITLE III—RESPONSE AND RECOVERY

SEC. 301. IMPLEMENTATION OF FEDERAL, STATE, AND LOCAL RESPONSE PLANS.

(a) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall establish a grant program to facilitate the establishment of regional agricultural emergency response networks.

(2) **DUTIES.**—The regional networks established under paragraph (1) shall serve as the basis for coordination by Federal, State, and local officials and industry representatives in the event of a foreign or emerging agricultural disease emergency.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection—

- (A) \$50,000,000 for fiscal year 2003; and
- (B) such sums as are necessary for each fiscal year thereafter.

(b) **REVIEW OF LEGAL AUTHORITY.**—

(1) **IN GENERAL.**—The Attorney General, in consultation with the Secretary, shall conduct a review of State and local laws relating to agroterrorism and biosecurity to determine—

- (A) the extent to which those laws facilitate or impede the implementation of current or proposed response plans with respect to agricultural emergencies;

- (B) whether an injunction issued by a State court could—

- (i) delay the implementation of a Federal response plan; or

- (ii) affect the extent to which an infectious plant or animal disease spreads; and

- (C) the types and extent of legal evidence that may be required by State courts before a response plan may be implemented.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report that describes the results of the review conducted under paragraph (1) (including any recommendations of the Attorney General).

By Mr. HAGEL (for himself and Mr. ENZI):

S. 2788. A bill to provide to agricultural producers emergency livestock assistance and assistance for control of grasshoppers and Mormon crickets, with offsets; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HAGEL. Mr. President, 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. 2768

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 “Emergency Livestock Assistance Act of 2002”.

SEC. 2. ASSISTANCE FOR LIVESTOCK PRODUCERS.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in an amount equal to \$620,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary in calendar year 2001 or 2002.

(b) **PREVENTION OF DOUBLE PAYMENTS.**—If a producer is on a farm located in a county that received an emergency designation described in subsection (a) in each of calendar years 2001 and 2002, the producer may receive payments under this section for losses associated with the declaration in either calendar year 2001 or calendar year 2002, but not both.

SEC. 3. CONTROL OF GRASSHOPPERS AND MORMON CRICKETS.

(a) **IN GENERAL.**—The Secretary shall use \$14,000,000 of the funds of the Commodity Credit Corporation to control grasshoppers and Mormon crickets on Federal, State, and private land during fiscal years 2002 and 2003,

in accordance with section 417 of the Plant Protection Act (7 U.S.C. 7717).

(b) **FEDERAL COST SHARE OF TREATMENT.**—Section 417(d) of the Plant Protection Act (7 U.S.C. 7717(d)) is amended—

(1) in paragraph (2), by inserting “(or, in the case of costs incurred during fiscal years 2002 and 2003, 66.67 percent)” after “50 percent”; and

(2) in paragraph (3), by inserting “(or, in the case of costs incurred during fiscal years 2002 and 2003, 66.67 percent)” after “33.3 percent”.

SEC. 4. OFFSETS.

(a) **LOAN RATES.**—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking “2002 AND 2003 CROP YEARS.—For purposes of the 2002 and 2003 crop years,” and inserting “2002 CROP YEAR.—For purposes of the 2002 crop year,”; and

(2) in subsection (b), by striking “2004 THROUGH 2007 CROP YEARS.—For purposes of the 2004 through 2007 crop years,” and inserting “2003 THROUGH 2007 CROP YEARS.—For purposes of the 2003 through 2007 crop years.”.

(b) **ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**—

(1) **ALLOCATION OF FUNDING.**—Section 1240B(g) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(g)) is amended by striking “For each of fiscal years 2002 through 2007, 60 percent” and inserting “For fiscal year 2002 and each of fiscal years 2004 through 2007, 60 percent, and for fiscal year 2003, 100 percent.”.

(2) **FISCAL YEAR 2003 FUNDING.**—Section 1241(a)(6)(B) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(B)) is amended by striking “\$700,000,000” and inserting “\$420,000,000”.

(c) **DESERT TERMINAL LAKES.**—

(1) **IN GENERAL.**—Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is repealed.

(2) **RESCISSION.**—Funds transferred under that section (as in effect before the amendment made by paragraph (1)) are rescinded.

SEC. 5. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. DODD (for himself, Mr. WARNER, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BIDEN, Mr. TORRICELLI, Mr. GRASSLEY, Mr. DAYTON, Mr. DURBIN, and Mrs. CLINTON):

S. 2770. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforce-

ment officers in certain high-cost areas; to the Committee on Governmental Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation that is important to Federal law enforcement officers and the people they protect across America. I am joined today by Senator WARNER, Senator LIEBERMAN, Senator SCHUMER, Senator BIDEN, Senator TORRICELLI, Senator GRASSLEY, Senator DAYTON, Senator DURBIN, and Senator CLINTON.

The legislation that we are offering will amend the Federal Law Enforcement Pay Reform Act of 1990 to ensure that the government treats Federal law enforcement officers fairly. This bill will partially increase the locality pay adjustments paid to Federal agents in certain high cost areas. These areas have pay disparities so high they are negatively affecting our Federal law enforcement officers, since locality pay adjustments have either not been increased since 1990, or have been increased negligibly.

All over America, Federal law enforcement personnel are enduring tremendous stress associated with our Nation's effort to protect citizens from the threat of terrorism. Unfortunately, that stress has been compounded by ongoing pressing concerns among many such personnel about their pay. I have heard from officers who have described long commutes, high personal debts, and in some cases, almost all-consuming concerns about financial insecurity. Many of these problems occur when agents or officers are transferred from low-cost parts of the country to high-cost areas. I have been told that some federal officers are forced to separate from their families and rent rooms in the cities to which they have been transferred because they cannot afford to rent or buy homes large enough for a family.

An agent in the San Francisco area recently wrote to me to explain how hard it is to live on the wages currently paid to federal officers in that area. This agent, a military veteran who continues to serve the public, wrote: “I have been with the federal government for 15 years now and never thought that I would be forced to live in a trailer park.” This agent further explained that she and her husband, who is still in the military, cannot afford to buy even a small condominium on their government salaries. They can only barely afford to pay the mortgage on the trailer they purchased for \$255,000.

Unfortunately, the raise in the cost of living in many cities across America has outstripped our Federal pay system. I recognize that this is a problem for other Federal employees and I am prepared to work with my colleagues to address this larger issue. The cost of living has also had a very negative impact on non-federal employees as well and I have consistently worked to ensure that all working Americans enjoy a truly livable wage. The legislation

that we are introducing today in no way suggests that the needs of other workers should be ignored, but it acknowledges that as we continue to ask federal law enforcement personnel to put in long hours and remain on heightened alert, we must provide them with a salary sufficient to allow them to focus on their vital work without nagging worries about how to provide their families with the essentials of food, clothing, and shelter.

The Federal Law Enforcement Officers Association, representing more than 19,000 Federal agents, along with the Fraternal Order of Police, National Association of Police Organizations, National Troopers Coalition, National Organization of Black Law Enforcement Executives, International Brotherhood of Police Organization, and the Police Executive Research Forum have endorsed this legislative proposal. The proposed legislation will increase the pay of federal law enforcement personnel in the following metropolitan areas by the following percentages:

| | Percentage |
|--------------------------------------|------------|
| San Francisco—Oakland—San Jose | 14.02 |
| San Diego, CA | 9.58 |
| Houston—Galveston—Brazoria | 12.94 |
| Miami—Ft. Lauderdale | 9.34 |
| LA—Riverside—Orange Cty | 11.14 |
| Cincinnati—NO KY—IN | 8.76 |
| NYC—NO NJ—SO CT | 10.44 |
| Seattle—Tacoma—Bremerton | 8.90 |
| Chicago—Gary—Kenosha | 10.76 |
| Philadelphia—Wilmington—SO NJ | 9.03 |
| Detroit—Ann Arbor—Flint | 10.57 |
| Portland—Salem | 9.26 |
| Hartford, CT | 9.67 |
| Minneapolis—St. Paul | 8.65 |
| Boston (MA—NJ—ME—CT—RI) | 8.43 |
| Sacramento—Yolo | 8.42 |
| Denver—Boulder—Greeley | 9.74 |
| Washington—Baltimore | 8.53 |

In these difficult time we must remain committed to recruiting, hiring, and retaining law enforcement officers of the highest caliber. However, we must also recognize that the federal government is in competition with State and local police departments that often pay more and provide better standards of living.

I urge all of my colleagues to join us in this effort. I hope that we can quickly pass this important legislation because it will improve the lives of the men and women who are dedicated to protecting and in so doing it will improve the nation's domestic security.

By Mr. JEFFORDS:

S. 2771. A bill to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, 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. 2771

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 “John F. Kennedy Center Plaza Authorization Act of 2002”.

SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

“SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

“(a) DEFINITIONS.—In this section:

“(1) AIR RIGHT.—The term ‘air right’ means a real property interest conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

“(2) CENTER.—The term ‘Center’ means the John F. Kennedy Center for the Performing Arts.

“(3) GREEN SPACE.—The term ‘green space’ means an area within the boundaries of the Project or affected by the Project that is covered by grass, trees, or other vegetation.

“(4) PLAZA.—The term ‘Plaza’ means improvements to the area surrounding the John F. Kennedy Center building that are—

“(A) carried out under the Project; and

“(B) comprised of—

“(i) transportation elements (including roadways, sidewalks, and bicycle lanes); and

“(ii) nontransportation elements (including landscaping, green space, open public space, and water, sewer, and utility connections).

“(5) PROJECT.—

“(A) IN GENERAL.—The term ‘Project’ means the Plaza project, as described in the TEA-21 report, providing for—

“(i) construction of the Plaza; and

“(ii) improved bicycle, pedestrian, and vehicular access to and around the Center.

“(B) INCLUSIONS.—The term ‘Project’—

“(i) includes—

“(I) planning, design, engineering, and construction of the Plaza;

“(II) buildings to be constructed on the Plaza; and

“(III) related transportation improvements; and

“(ii) may include any other element of the Project identified in the TEA-21 report.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(7) TEA-21 REPORT.—The term ‘TEA-21 report’ means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

“(b) RESPONSIBILITIES OF THE SECRETARY.—

“(1) IN GENERAL.—The Secretary shall be responsible for the Project and may carry out such activities as are necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA-21 report.

“(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

“(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

“(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and exe-

cuting the Project, including the construction of any buildings on the Plaza.

“(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center relating to the planning, design, engineering, and construction of the Project.

“(c) RESPONSIBILITIES OF THE BOARD.—

“(1) IN GENERAL.—The Board may carry out such activities as are necessary to construct buildings on the Plaza for the Project.

“(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as are necessary for the planning, design, engineering, and construction of the Project.

“(3) CONSTRUCTION OF BUILDINGS.—The Board—

“(A) may construct, with nonappropriated funds, buildings on the Plaza for the Project; and

“(B) shall be responsible for the planning, design, engineering, and construction of the buildings.

“(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

“(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

“(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgement of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

“(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

“(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to amend or modify the permanent system of highways of the District of Columbia.

“(2) CONVEYANCES.—

“(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to convey or dispose of any interests in real estate (including air rights and air space (as that term is defined by District of Columbia law)) owned or controlled by the District of Columbia.

“(B) CONVEYANCE TO THE BOARD.—Not later than 90 days after the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board, without compensation, interests in real estate described in subparagraph (A).

“(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

“(e) OWNERSHIP.—

“(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

“(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

“(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the

buildings and green spaces established on the Plaza for the Project.

“(f) NATIONAL HIGHWAY BOUNDARIES.—

“(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the North and South Interchanges and the E Street approach recommended in the TEA-21 report in order to facilitate the flow of traffic in the vicinity of the Center.

“(2) ACCESS TO CENTER FROM I-66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including the garages of the Center.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (as redesignated by section 2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) \$400,000,000 for the period of fiscal years 2003 through 2010, to remain available until expended.”.

SEC. 4. CONFORMING AMENDMENTS.

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(2)) is amended by striking subparagraph (D) and inserting the following:

“(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may—

“(i) negotiate, with selected contractors, any contract—

“(I) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

“(II) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts; and

“(ii) award the contract on the basis of contractor qualifications as well as price.”.

(b) ADMINISTRATION.—Section 6(d) of the John F. Kennedy Center Act (20 U.S.C. 76l(d)) is amended in the first sentence by striking “section 12” and inserting “section 14”.

(c) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2) is amended by adding at the end the following: “Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.”.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 129—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF THE MONTH OF NOVEMBER EACH YEAR AS “CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH”

Mr. CRAPO submitted the following concurrent resolution; which was referred to the Committee on the Judiciary: