

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4537.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

#### **SEC. 1 . EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.**

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

**SA 4538.** Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

#### **SEC. 1 . REPORT ON ALTERNATIVE TRANSPORTATION SYSTEMS FOR UNITS OF THE NATIONAL PARK SYSTEM.**

(a) REPORT.—Not later than February 1, 2003, the Director of the National Park Serv-

ice shall submit to the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on traffic and congestion problems and alternative transportation solutions within units of the National Park System.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall—

(1) describe the need for alternative transportation solutions within units of the National Park System, including data on visitation to the units of the National Park System during calendar years 1999, 2000, and 2001 in relation to the capacity of the units;

(2) include recommendations on the best methods for implementing alternative transportation systems for units of the National Park System, which shall—

(A) be based on the findings of the Federal Lands Alternative Transportation Systems Study completed under section 3039 of Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105-178) and the National Bicycling and Walking Study completed under the FY 1991 Transportation Appropriations Act, and

(B) consider both motorized and non-motorized land transportation systems and maritime transportation systems; and

(3) develop options for implementation of the recommendations of the two reports referenced in subparagraph (2)(A), taking into account any additional needs identified since completion of those reports.

**SA 4539.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

#### **SEC. 3 . NATIONAL FOREST LAND MANAGEMENT IN THE STATE OF FLORIDA.**

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Florida Land Dispositions” and dated March 31, 2002.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) STATE.—The term “State” means the State of Florida.

(b) SALE OR EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of Federal land in the State described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of Federal land in the State referred to in paragraph (1) consist of—

(A) tract A-942a, East Bay, Santa Rosa County, consisting of approximately 61 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 31, W½ of SW¼;

(B) tract A-942b, East Bay, Santa Rosa County, consisting of approximately 40 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 38;

(C) tract A-942c, Ft. Walton, Okaloosa County, located southeast of the intersection of and adjacent to State Road 86 and Mooney Road, consisting of approximately 0.59 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26;

(D) tract A-942d, located southeast of Crestview, Okaloosa County, consisting of approximately 79.90 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 2, NW¼ NE¼ and NE¼ NW¼;

(E) tract A-943, Okaloosa County Fairgrounds, Ft. Walton, Okaloosa County, consisting of approximately 30.14 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(F) tract A-944, City Ball Park—Ft. Walton, Okaloosa County, consisting of approximately 12.43 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(G) tract A-945, Landfill-Golf Course Driving Range, located southeast of Crestview, Okaloosa County, consisting of approximately 40.85 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 4, NW¼ NE¼;

(H) tract A-959, 2 vacant lots on the north side of Micheaux Road in Bristol, Liberty County, consisting of approximately 0.5 acres, and more particularly described as T. 1 S., R. 7 W., Sec. 6;

(I) tract C-3m-d, located southwest of Astor in Lake County, consisting of approximately 15.0 acres, and more particularly described as T. 15 S., R. 28 E., Sec. 37;

(J) tract C-691, Lake County, consisting of the subsurface rights to approximately 40.76 acres of land, and more particularly described as T. 17 S., R. 29 E., Sec. 25, SE¼ NW¼;

(K) tract C-2208b, Lake County, consisting of approximately 39.99 acres, and more particularly described as T. 17 S., R. 28 E., Sec. 28, NW¼ SE¼;

(L) tract C-2209, Lake County, consisting of approximately 127.2 acres, as depicted on the map, and more particularly described as T. 17 S., R. 28 E., Sec. 21, NE¼ SW¼, SE¼ NW¼, and SE¼ NE¼;

(M) tract C-2209b, Lake County, consisting of approximately 39.41 acres, and more particularly described as T. 17 S., R. 29 E., Sec. 32, NE¼ SE¼;

(N) tract C-2209c, Lake County, consisting of approximately 40.09 acres, and more particularly described as T. 18 S., R. 28 E., Sec. 14, SE¼ SW¼;

(O) tract C-2209d, Lake County, consisting of approximately 79.58 acres, and more particularly described as T. 18 S., R. 29 E., Sec. 5, SE¼ NW¼, NE¼ SW¼;

(P) tract C-2210, government lot 1, 20 recreational residential lots, and adjacent land on Lake Kerr, Marion County, consisting of approximately 30 acres, and more particularly described as T. 13 S., R. 25 E., Sec. 22;

(Q) tract C-2213, located in the F.M. Arrendondo grant, East of Ocala, Marion County, and including a portion of the land located east of the western right-of-way of State Highway 19, consisting of approximately 15.0 acres, and more particularly described as T. 14 and 15 S., R. 26 E., Sec. 36, 38, and 40; and

(R) all improvements on the parcels described in subparagraphs (A) through (Q).

(3) MAP AND LEGAL DESCRIPTION.—

(A) AVAILABILITY.—The map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(B) MODIFICATIONS.—The Secretary may—

(i) correct minor errors in the map; and

(ii) for the purposes of soliciting offers for the sale or exchange of land under paragraph (4), modify the descriptions of land specified in paragraph (2) based on—

(I) a survey; or

(II) a determination by the Secretary that the modification would be in the best interest of the public.

(4) SOLICITATIONS OF OFFERS.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may solicit offers for the sale or exchange of land described in paragraph (2).

(B) REJECTION OF OFFERS.—The Secretary may reject any offer received under this section if the Secretary determines that the offer—

- (i) is not adequate; or
- (ii) is not in the public interest.

(5) METHODS OF SALE.—The Secretary may sell the land described in paragraph (2) at public or private sale (including at auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.

(6) BROKERS.—In any sale or exchange of land described in paragraph (2), the Secretary may—

- (A) use a real estate broker; and
- (B) pay the real estate broker a commission in an amount that is comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CONCURRENCE OF THE SECRETARY OF THE AIR FORCE.—A parcel of land described in subparagraphs (A) through (G) of paragraph (2) shall not be sold or exchanged by the Secretary without the concurrence of the Secretary of the Air Force.

(8) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal land for which Federal land is exchanged under this section is less than the value of the Federal land exchanged, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(9) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The net proceeds derived from any sale or exchange under this section shall be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary for expenditure, without further appropriation, for—

(i) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and

(ii) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges under this section, including the payment of real estate broker commissions under paragraph (6).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Land acquired by the United States under this section shall be—

(A) subject to the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 480 et seq.); and

(B) administered in accordance with laws (including regulations) applicable to the National Forest System.

(2) APPLICABLE LAW.—The land described in subsection (b)(2) shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the land described in subsection (b)(2) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws (including geothermal leasing laws).

**SA 4540.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. \_\_\_\_.** (a) PAYMENT TO HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using

amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of \$11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use any amounts received paid under subsection (a) for purposes of—

- (1) preserving and maintaining the Harriet Tubman Home; and
- (2) honoring the memory of Harriet Tubman.

**SA 4541.** Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following—

**SEC. . EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.**

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding the National Environmental policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) PRIORITY.—In implementing projects under this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

- (1) wildland urban interface areas;
- (2) municipal watersheds;
- (3) forested or rangeland areas affected by disease, insect activity, or wind throw; or
- (4) areas susceptible to a reburn.

(c) LIMITATIONS.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Area and shall rehabilitate any temporary access or skid trails.

(d) PROCESS.—The Secretaries of Agriculture and the Interior shall jointly develop—

- (1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) Regulations.—

(A) In general.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) JUDICIAL REVIEW.—

(1) Process review.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) Review of projects.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as determined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) RELATION TO OTHER LAWS.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision, of law, including section 706 of Public Law 107-206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

**SEC. . QUINCY LIBRARY INITIATIVE.**

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

**SA 4542.** Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 3 . ACTIONS TO REDUCE FIRE HAZARDS AND INSECT INFESTATION ON NATIONAL FOREST SYSTEM LAND.**

(a) FINDINGS.—Congress finds that—

(1) forest health conditions on National Forest System land are deteriorating, and it is in the public interest to take immediate action to treat the land;

(2) pending litigation prevents timely action by the Secretary of Agriculture to reduce the risk of wildfire on National Forest System land using existing administrative and legal processes;

(3) State and local governments, local industry users, and several environmental

groups support immediate action by the Secretary of Agriculture to address the risk of fire danger in an environmentally responsible manner; and

(4) the Forest Service and State and local fire officials should be encouraged to take any actions necessary to create a defensible fuel zone within State-owned land adjacent to National Forest System land.

(b) FIRE AND INSECT RISK REDUCTION IN EXISTING TIMBER SALE ANALYSIS AREAS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of Agriculture (referred to in this section as the “Secretary”) may, as necessary to reduce insect infestation or fire hazards on National Forest System land, treat additional timber—

(A) inside or outside of the existing cutting units for National Forest System timber sales; and

(B) in the analysis areas for those sales.

(2) TIMBER SALE CONTRACTS.—In carrying out additional timber treatments under paragraph (1), the Secretary may modify timber sale contracts currently in effect if—

(A) the purchaser agrees to the modification; or

(B) the Secretary offers additional timber sales in the timber sale analysis areas.

(3) PRIORITY.—In carrying out additional timber treatments under paragraph (1), the Secretary shall give preference (in order of priority) to—

(A) areas that are located not more than ¼ mile from private properties on which the owner has taken or is taking actions to treat the timber on the private property;

(B) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to—

(I) private land; or

(II) communities;

(C) areas that have the highest concentration of insect infestation that has the potential to spread to other areas;

(D) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to areas of high resource value in which retaining green trees is important, such as wildlife habitats, sensitive landscapes, recreation areas, and developments;

(E) stands that—

(i) are a high fire hazard or insect infested; and

(ii) are within skidding distance of existing roads;

(F) concentrations of insect-infested trees or areas that are high fire hazards; and

(G) high-density stands that—

(i) are most susceptible to insect attack; and

(ii) are in close proximity to insect-infested trees.

(c) TIMING.—Notwithstanding any other provision of law (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.)), the Secretary shall immediately carry out any actions authorized by this section.

(d) EXEMPTION FROM APPLICABLE LAW.—Any action authorized by this section shall not be subject to the notice, comment, and appeal requirements of section 322 of Public Law 102-381 (16 U.S.C. 1612 note).

(e) JUDICIAL REVIEW.—Any action determined by the Secretary to be authorized by this section and the determination by the Secretary shall not be subject to judicial review by any court of the United States.

(f) ROADLESS CHARACTER.—The actions authorized by this section shall not affect the determination of the wilderness capability, wilderness suitability, or roadless character of any National Forest System land.

(g) REPORT.—The Secretary shall submit to Congress a report on the implementation of this section not later than—

(1) November 30, 2002;

(2) June 30, 2003; and

(3) November 30, 2003.

**SA 4543.** Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike “restoration:” and insert the following: “restoration; of which \$3,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:”.

**SA 4544.** Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike “restoration:” and insert the following: “restoration; of which \$4,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:”.

**SA 4545.** Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike “restoration:” and insert the following: “restoration; of which \$3,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:”.

**SA 4546.** Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike “restoration:” and insert the following: “restoration; of which \$4,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:”.

**SA 4547.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, lines 13 and 14, strike “\$348,252,000, to remain available until expended” and insert “\$350,252,000, to remain available until expended, of which \$2,000,000 shall be made available for the rehabilitation and construction of the Wind River Irrigation Project (to be derived by transfer of that amount from the amount made available for tribally controlled community colleges under the heading ‘OPERATION OF INDIAN PROGRAMS’)”.

**SA 4548.** Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

#### SEC. 3. REPORT ON AVIAN MORTALITY AT COMMUNICATIONS TOWERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

**SA 4549.** Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 5 and 6, insert the following:

(c) PRIVACY AUDIT.—

(1) IN GENERAL.—The Privacy Officer shall conduct an audit of the Department to—

(A) evaluate the privacy practices of the Department, including compliance with provisions under section 552a of title 5, United States Code; and

(B) recommend strategies to improve the management of personal information.

(2) ISSUES TO BE STUDIED.—The audit shall include—

(A) a detailed review of the on-line and off-line privacy management policies and practices of the Department with respect to the collection, retention, use, and disclosure of personal information; and

(B) a detailed report of the privacy practices of the Department and recommendations for their improvement.

(3) COMPLETION DATE.—

(A) INITIAL AUDIT.—The initial audit under this subsection shall be completed not later than 24 months after the effective date of this division.

(B) SUBSEQUENT AUDITS.—Subsequent audits under this subsection shall be completed not later than 3 years after the submission of the previous audit report.

(4) REPORT.—Upon the completion of each audit under this subsection, the Privacy Officer shall submit a report to Congress that contains—

(A) the results of the audit; and

(B) recommendations for improvement of the management of personal information by the Department.

**SA 4540.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### CHAPTER—

#### DEPARTMENT OF TRANSPORTATION

#### FEDERAL AVIATION ADMINISTRATION (AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, \$100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**SA 4551.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the text of the provision captioned Chapter 8, strike “expended:” and insert “expended, and for an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, \$100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended:”.

**SA 4552.** Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, insert between lines 15 and 16 the following:

In this subsection, the term “key resources” includes National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, the Golden Gate Bridge, Mt. Rushmore, and memorials and monuments in Washington, D.C.

**SA 4553.** Mr. BAUCUS (for himself and Mr. Burns) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, lines 12 through 15, strike “28 contracts” and all that follows through “Region 1” and insert “30 contracts subject to the same terms and conditions as provided in this section: *Provided*, That of the additional contracts authorized by this section at least 11 shall be allocated to Region 1, of which at least 2 contracts shall be allocated to the Kootenai National Forest because of special circumstances there.”

**SA 4554.** Mr. SARBANES (for himself and Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 20 and 21, insert the following:

#### SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

##### (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

**SA 4555.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SEC. 164. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

**SA 4556.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, insert between lines 13 and 14 the following:

##### (c) ADDITIONAL DUTIES.—

(1) DEFINED TERM.—In this section, the term “geospatial information” means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena or boundaries of the earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, and services, with services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services of an architectural or engineering nature.

(2) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

(A) providing such geospatial information as may be necessary to implement the comprehensive national infrastructure plan under section 133(b)(3); and

(B) providing leadership in meeting the requirements of, and populate the databases used by, those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure and other Department functions, and to assure the interoperability of, and prevent unnecessary duplication of, geospatial information among all users.

(3) RESPONSIBILITIES.—In carrying out paragraph (2), the responsibilities of the Chief Information Officer shall include—

(A) managing the geospatial information needs and activities of the Department;

(B) establishing such standards as are necessary to assure the interoperability of geospatial information pertaining to Homeland Security among all users of such information within—

- (i) the Department;
- (ii) other agencies;
- (iii) State and local government; and
- (iv) the private sector;

(C) coordinating with and providing liaison to the Federal Geographic Data Committee and carrying out the Department's responsibilities pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906;

(D) assisting and encouraging the Undersecretary for Emergency Preparedness in providing grants—

(i) to fund the creation and procurement of geospatial information systems and data; and

(ii) to execute information sharing agreements with State, local, and tribal governments; and

(E) to the maximum extent possible, ensuring that the Department utilizes commercial geospatial data and services available by awarding contracts to entities in the private sector.

(4) PRECAUTIONS.—The Secretary shall ensure that the proper precautions are observed regarding public access to data which may be of critical importance regarding national or homeland security.

On page 72, after line 8, insert the following:

(15) With the assistance of the Chief Information Officer and, where appropriate, in consultation with the Under Secretary for Critical Infrastructure Protection, providing grants regarding geospatial information, as described in section 108(c)(1)—

(A) to fund creation and procurement of geospatial information systems and data; and

(B) to execute information sharing agreements with State, local, and tribal governments.

**SA 4557.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, strike lines 10 and 11, and insert the following:

#### **TITLE VI—IDENTITY THEFT**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the "Identity Theft Victims Assistance Act of 2002".

##### **SEC. 602. TREATMENT OF IDENTITY THEFT MITIGATION.**

(a) IN GENERAL.—Chapter 47 title 18, United States Code, is amended by adding after section 1028 the following:

##### **"§ 1028A. Treatment of identity theft mitigation**

"(a) DEFINITIONS.—As used in this section—

"(1) the term 'business entity' means any corporation, trust, partnership, sole proprietorship, or unincorporated association, including any financial service provider, financial information repository, creditor (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), telecommunications, utilities, or other service provider;

"(2) the term 'consumer' means an individual;

"(3) the term 'financial information' means information identifiable as relating to an individual consumer that concerns the amount and conditions of the assets, liabilities, or credit of the consumer, including—

"(A) account numbers and balances;

"(B) nonpublic personal information, as that term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(C) codes, passwords, social security numbers, tax identification numbers, State identifier numbers issued by a State department of licensing, and other information used for the purpose of account access or transaction initiation;

"(4) the term 'financial information repository' means a person engaged in the business of providing services to consumers who have a credit, deposit, trust, stock, or other financial services account or relationship with that person;

"(5) the term 'identity theft' means an actual or potential violation of section 1028 or any other similar provision of Federal or State law;

"(6) the term 'means of identification' has the same meaning given the term in section 1028; and

"(7) the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer with the intent to commit, or to aid or abet, identity theft or any other violation of law.

"(b) INFORMATION AVAILABLE TO VICTIMS.—

"(1) IN GENERAL.—A business entity that possesses information relating to an alleged identity theft, or that has entered into a commercial transaction, provided credit, provided, for consideration, products, goods, or services, accepted payment, or otherwise done business for consideration with a person that has made unauthorized use of the means of identification of the victim, shall, not later than 20 days after the receipt of a written request by the victim, meeting the requirements of subsection (c), and in compliance with subsection (d), provide, without charge, a copy of all application and business transaction information related to the transaction being alleged as an identity theft to—

"(A) the victim;

"(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim; or

"(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

"(2) RULE OF CONSTRUCTION.—

"(A) IN GENERAL.—No provision of Federal or State law prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this section.

"(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this section requires a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other provision of Federal or State law.

"(c) VERIFICATION OF IDENTITY AND CLAIM.—Unless a business entity, at its discretion, is otherwise able to verify the identity of a victim making a request under subsection (b)(1), the victim shall provide to the business entity—

"(1) as proof of positive identification, at the election of the business entity—

"(A) the presentation of a government-issued identification card;

"(B) if providing proof by mail, a copy of a government-issued identification card;

"(C) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

"(D) personally identifying information that the business entity typically requests from new applicants or for new transactions at the time of the victim's request for information; and

"(2) as proof of a claim of identity theft, at the election of the business entity—

"(A) a copy of a police report evidencing the claim of the victim of identity theft;

"(B) a copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

"(C) any affidavit of fact that is acceptable to the business entity for that purpose.

"(d) VERIFICATION STANDARD.—Prior to releasing records pursuant to subsection (b), a business entity shall take reasonable steps to verify the identity of the victim requesting such records.

"(e) LIMITATION ON LIABILITY.—No business entity may be held liable for a disclosure, made in good faith and reasonable judgment, to provide information under this section with respect to an individual in connection with an identity theft to other business entities, law enforcement authorities, victims, or any person alleging to be a victim, if—

"(1) the business entity complies with subsection (c); and

"(2) such disclosure was made—

"(A) for the purpose of detection, investigation, or prosecution of identity theft; or

"(B) to assist a victim in recovery of fines, restitution, rehabilitation of the credit of the victim, or such other relief as may be appropriate.

"(f) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under subsection (b) if, in the exercise of good faith and reasonable judgment, the business entity believes that—

"(1) this section does not require disclosure of the information;

"(2) the request for the information is based on a misrepresentation of fact by the victim relevant to the request for information; or

"(3) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

"(g) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

"(h) ENFORCEMENT.—

"(1) CIVIL ACTIONS.—

"(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section by any business entity, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

"(i) enjoin that practice;

"(ii) enforce compliance of this section;

"(iii) obtain damages—

"(I) in the sum of actual damages, restitution, and other compensation on behalf of the residents of the State; and

"(II) punitive damages, if the violation is willful or intentional; and

"(iv) obtain such other equitable relief as the court may consider to be appropriate.

"(B) NOTICE.—Before bringing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General of the United States—

“(i) written notice of the action; and

“(ii) a copy of the complaint for the action.

“(C) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this section, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

“(i) the business entity has made a reasonably diligent search of its available business records; and

“(ii) the records requested under this section do not exist or are not available.

“(D) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to provide a private right of action or claim for relief.

“(2) INTERVENTION.—

“(A) IN GENERAL.—On receiving notice of an action under paragraph (1)(B), the Attorney General of the United States shall have the right to intervene in that action.

“(B) EFFECT OF INTERVENTION.—If the Attorney General of the United States intervenes in an action under this subsection, the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

“(C) SERVICE OF PROCESS.—Upon request of the Attorney General of the United States, the attorney general of a State that has filed an action under this subsection shall, pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, serve the Government with—

“(i) a copy of the complaint; and

“(ii) written disclosure of substantially all material evidence and information in the possession of the attorney general of the State.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under this subsection, nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State—

“(A) to conduct investigations;

“(B) to administer oaths or affirmations; or

“(C) to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General of the United States for a violation of this section, no State may, during the pendency of that action, institute an action under this subsection against any defendant named in the complaint in that action for violation of that practice.

“(5) VENUE; SERVICE OF PROCESS.—

“(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States—

“(i) where the defendant resides;

“(ii) where the defendant is doing business;

or

“(iii) that meets applicable requirements relating to venue under section 1391 of title 28.

“(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

“(i) resides;

“(ii) is doing business; or

“(iii) may be found.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

“1028A. Treatment of identity theft mitigation.”.

#### SEC. 603. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT.

(a) CONSUMER REPORTING AGENCY BLOCKING OF INFORMATION RESULTING FROM IDENTITY

THEFT.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following:

“(e) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

“(1) BLOCK.—Except as provided in paragraphs (4) and (5) and not later than 30 days after the date of receipt of proof of the identity of a consumer and an official copy of a police report evidencing the claim of the consumer of identity theft, a consumer reporting agency shall block the reporting of any information identified by the consumer in the file of the consumer resulting from the identity theft, so that the information cannot be reported.

“(2) REINVESTIGATION.—A consumer reporting agency shall reinvestigate any information that a consumer has requested to be blocked under paragraph (1) in accordance with the requirements of subsections (a) through (d).

“(3) NOTIFICATION.—A consumer reporting agency shall, within the time period specified in subsection (a)(2)(A)—

“(A) provide the furnisher of the information identified by the consumer under paragraph (1) with the information described in subsection (a)(2); and

“(B) notify the furnisher—

“(i) that the information may be a result of identity theft;

“(ii) that a police report has been filed;

“(iii) that a block has been requested under this subsection; and

“(iv) of the effective date of the block.

“(4) AUTHORITY TO DECLINE OR RESCIND.—

“(A) IN GENERAL.—A consumer reporting agency may at any time decline to block, or may rescind any block, of consumer information under this subsection if—

“(i) in the exercise of good faith and reasonable judgment, the consumer reporting agency finds that—

“(I) the block was issued, or the request for a block was made, based on a misrepresentation of fact by the consumer relevant to the request to block; or

“(II) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions;

“(ii) the consumer agrees that the blocked information or portions of the blocked information were blocked in error; or

“(iii) the consumer reporting agency determines—

“(I) that the consumer's dispute is frivolous or irrelevant in accordance with subsection (a)(3); or

“(II) after completion of its reinvestigation under subsection (a)(1), that the information disputed by the consumer is accurate, complete, and verifiable in accordance with subsection (a)(5).

“(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified, in the same manner and within the same time period as consumers are notified of the reinsertion of information under subsection (a)(5)(B).

“(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

“(5) EXCEPTIONS.—

“(A) NEGATIVE INFORMATION DATA.—A consumer reporting agency shall not be required to comply with this subsection when such

agency is issuing information for authorizations, for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment, based solely on negative information, including—

“(i) dishonored checks;

“(ii) accounts closed for cause;

“(iii) substantial overdrafts;

“(iv) abuse of automated teller machines;

or

“(v) other information which indicates a risk of fraud occurring.

“(B) RESELLERS.—The provisions of this subsection do not apply to a consumer reporting agency if the consumer reporting agency—

“(i) does not maintain a file on the consumer from which consumer reports are produced;

“(ii) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

“(iii) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.”.

(b) FALSE CLAIMS.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

“(j) Any person who knowingly falsely claims to be a victim of identity theft for the purpose of obtaining the blocking of information by a consumer reporting agency under section 611(e)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681i(e)(1)) shall be fined under this title, imprisoned not more than 3 years, or both.”.

(c) STATUTE OF LIMITATIONS.—Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

#### “SEC. 618. JURISDICTION OF COURTS; LIMITATION ON ACTIONS.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), an action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years from the date of the defendant's violation of any requirement under this title.

“(b) WILLFUL MISREPRESENTATION.—In any case in which the defendant has materially and willfully misrepresented any information required to be disclosed to an individual under this title, and the information misrepresented is material to the establishment of the liability of the defendant to that individual under this title, an action to enforce a liability created under this title may be brought at any time within 2 years after the date of discovery by the individual of the misrepresentation.

“(c) IDENTITY THEFT.—An action to enforce a liability created under this title may be brought not later than 4 years from the date of the defendant's violation if—

“(1) the plaintiff is the victim of an identity theft; or

“(2) the plaintiff—

“(A) has reasonable grounds to believe that the plaintiff is the victim of an identity theft; and

“(B) has not materially and willfully misrepresented such a claim.”.

#### SEC. 604. COORDINATING COMMITTEE STUDY OF COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL AUTHORITIES IN ENFORCING IDENTITY THEFT LAWS.

(a) MEMBERSHIP; TERM.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) in subsection (b), by striking “and the Commissioner of Immigration and Naturalization” and inserting “the Commissioner



of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service," and

(2) in subsection (c), by striking "2 years after the effective date of this Act." and inserting "on December 28, 2004."

(b) CONSULTATION.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

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

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

"(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 603 of the Identity Theft Victims Assistance Act of 2002), including telecommunications and utility companies, and organizations representing consumers."

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the coordinating committee, shall report on the activities of the coordinating committee to—

"(A) the Committee on the Judiciary of the Senate;

"(B) the Committee on the Judiciary of the House of Representatives;

"(C) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(D) the Committee on Financial Services of the House of Representatives."

(2) in subparagraph (E), by striking "and" at the end; and

(3) by striking subparagraph (F) and inserting the following:

"(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

"(G) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft;

"(H) a comprehensive description of how the Federal Government can best provide State and local law enforcement agencies with timely and current information regarding terrorists or terrorist activity where such information specifically relates to identity theft; and

"(I) recommendations in the discretion of the President, if any, for legislative or administrative changes that would—

"(i) facilitate more effective investigation and prosecution of cases involving—

"(I) identity theft; and

"(II) the creation and distribution of false identification documents;

"(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

"(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person."

#### TITLE VII—EFFECTIVE DATE

##### SEC. 701. EFFECTIVE DATE.

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to es-

tablish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, lines 14–15

Strike "not later than 4 years" and insert "not later than 5 years".

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

##### SEC. . LEWIS AND CLARK BICENTENNIAL CORPS OF DISCOVERY II TRAVELING EDUCATION CENTER.

The National Park Service, using funds made available by this act, shall provide \$2 million toward equipping and operating the Lewis and Clark Bicentennial Corps of Discovery II Traveling Education Center.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. . MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44919(d) of title 49, United States Code, is amended—

(1) by striking "not more than 1 airport from each of the 5 airport security risk categories" and inserting "up to 40 airports equally distributed among the 5 airport security risk categories"; and

(2) by adding at the end the following: "The Under Secretary shall encourage large and medium hub airports to participate in the program".

(b) EXTENSION OF DEADLINE.—Section 110(c)(2) of the Aviation and Transportation Security Act is amended by striking "1 year after the date of enactment of this Act" and inserting "December 31, 2002".

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

##### TITLE . VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE SMITHSONIAN INSTITUTION

##### SECTION .01. SHORT TITLE.

This title may be cited as the "Smithsonian Personnel Flexibility Act of 2002".

##### SEC. .02. DEFINITIONS.

In this title:

(1) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means a civil service employee of the Institution who—

(i) is serving under an appointment without time limitation; and

(ii) has been employed by the Institution as a civil service employee for a continuous period of at least 3 years.

(B) EXCLUSIONS.—The term "employee" does not include—

(i) a reemployed annuitant under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(ii) an employee with a disability for which the employee is or would be eligible for disability retirement under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(iii) an employee who has received a decision notice of involuntary separation for misconduct or unacceptable performance;

(iv) an employee who has previously received an incentive payment from the Federal Government under this title or any other authority;

(v) an employee who—

(I) is covered by statutory reemployment rights; and

(II) is on transfer employment with another organization; or

(vi) an employee who—

(I) during the 24-month period preceding the date of separation of the employee, received and did not repay a recruitment or relocation bonus under section 5753 of title 5, United States Code;

(II) during the 12-month period preceding the date of separation of the employee, received and did not repay a retention allowance under section 5754 of title 5, United States Code; or

(III) during the 36-month period preceding the date of separation of the employee, did not repay funds provided for student loan repayment under section 5379 of title 5, United States Code, unless the paying agency has waived the right to recover those funds.

(2) EXECUTIVE BRANCH EMPLOYEE.—The term "executive branch employee" means an employee of an Executive agency (as defined in section 105 of title 5, United States Code), other than the United States Postal Service or the Postal Rate Commission, who is employed under section .05.

(3) INCENTIVE PAYMENT.—The term "incentive payment" means a voluntary separation incentive payment authorized under section .04(a).

(4) INSTITUTION.—The term "Institution" means the Smithsonian Institution.

(5) JUDICIAL BRANCH EMPLOYEE.—The term "judicial branch employee" means an employee of the judicial branch of the Federal Government employed under section .05.

(6) PLAN.—The term "plan" means the voluntary separation incentive plan for the Institution completed under section .03(a).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

##### SEC. .03. VOLUNTARY SEPARATION INCENTIVE PAYMENT PLAN.

(a) IN GENERAL.—Before obligating any funds of the Institution for incentive payments, the Secretary shall complete a voluntary separation incentive payment plan for the Institution that—

(1) describes the intended use of the incentive payments; and

(2) provides a proposed organizational chart for the Institution describing the organization of the Institution after the incentive payments have been completed.

(b) CONTENTS.—The plan shall include—

(1) the specific positions and functions to be reduced or eliminated;

(2) a description of which categories of employees will be offered incentive payments;

(3) the time period during which incentive payments shall be paid;

(4) the number and amounts of incentive payments to be offered; and

(5) a description of how the Institution will operate without the eliminated positions and functions.

(c) **IMPLEMENTATION.**—Before implementing the plan, the Secretary shall consult with the Director of the Office of Management and Budget.

**SEC. 4. AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

(a) **IN GENERAL.**—The Secretary may make an incentive payment to any employee who voluntarily separates within the 3-year period beginning on the date of enactment of this Act in accordance with this title and the plan.

(b) **REQUIREMENTS.**—An incentive payment—

(1) shall be offered to employees on the basis of—

- (A) organizational unit;
- (B) occupational series or level;
- (C) geographic location;

(D) specific periods during which employees may elect an incentive payment;

(E) factors, knowledge, or other job-related factors; or

(F) a combination of the factors described in subparagraphs (A) through (E);

(2) shall be paid in a lump sum after the separation of the employee;

(3) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payment made); or

(B) an amount determined by the Secretary, not to exceed \$25,000;

(4) may be made only in the case of an employee who voluntarily separates, by retirement or resignation, under this title;

(5) shall not be a basis for payment, or included in the computation, of any other type of benefit of the Federal Government;

(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, from any other separation; and

(7) shall be paid from funds available for the payment of the basic pay of the employee.

**SEC. 5. EFFECT OF SUBSEQUENT EMPLOYMENT BY THE FEDERAL GOVERNMENT.**

(a) **IN GENERAL.**—Except as provided in subsection (b), if, within the 5-year period beginning on the date of separation of the employee under this title, an employee who has received a voluntary separation incentive payment under this title accepts employment for compensation with the Federal Government (other than the legislative branch) (including, with respect to any employee other than an executive branch employee or a judicial branch employee, employment under a personal services contract), the employee shall, before the first day of employment with the Federal Government, pay to the Institution the entire amount of the incentive payment.

(b) **EXCEPTIONS.**—

(1) **EXECUTIVE BRANCH EMPLOYEE.**—If an employee described in subsection (a) is an executive branch employee, the Director of the Office of Personnel Management may, at the request of the head of the employing agency, waive repayment under subsection (a) if—

(A) the executive branch employee possesses unique abilities; or

(B) in the case of an emergency involving a direct threat to life or property, the executive branch employee—

(i) has skills directly related to resolving the emergency; and

(ii) shall be employed only until such time as the emergency is resolved.

(2) **JUDICIAL BRANCH EMPLOYEE.**—If an employee described in subsection (a) is a judicial branch employee, the Director of the Administrative Office of the United States Courts may waive repayment under subsection (a) if the employee—

(A) possesses unique abilities; and

(B) is the only qualified applicant available for the position.

**SA 4562.** Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**“SEC.**

**“(a) FINDINGS.**—Congress finds that:

“(1) In 2002 approximately six and one half million acres of forest lands in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed. The Forest Service and the Bureau of Land Management have spent more than \$1 billion fighting these fires.

“(2) 73 million acres of public lands are classified as class 3 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

“(3) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and non-native species that creates fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

“(4) The Forest Service and the Department of the Interior should immediately undertake an emergency forest grooming program to reduce the risk of catastrophic fire.

“(b) **IN GENERAL.**—The Secretary of Agriculture and the Secretary of the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106-646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

“(c) **PRIORITY.**—In implementing projects under this section, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to—

“(1) wild and urban interface areas;

“(2) municipal watersheds; or

“(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic return.

“(d) **ACREAGE LIMITATION.**—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall treat an aggregate area of not more than 2.5 million acres of federal land. This amount is in addition to the existing hazardous fuels reduction program that treats approximately 2.5 million acres each year.

“(e) **PROCESS.**—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process

with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b). Such collaborative process may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act, Public Law 106-393.

**“(f) ADMINISTRATIVE PROCESS.**—

**“(1) REVIEW.**—Projects implemented pursuant to subsection (g) shall not be subject to the appeal requirements of the Appeals Reform Act (section 322 of Public Law 102-381) or review by the Department of the Interior Board of Land Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

**“(2) REGULATIONS.**—The Secretary of Agriculture and the Secretary of the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

**“(g) CONCLUSIVE PRESUMPTION.**—Within one-half mile of any community, unless there are extraordinary circumstances, hazardous fuels reduction actions authorized by subsection (g) are conclusively determined to be categorically excluded from further analysis under the National Environmental Policy Act, and the Secretary of Agriculture or the Secretary of the Interior, as appropriate, need not make any findings as to whether the projects individually or cumulatively have a significant effect on the human environment. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

**“(h) CATEGORICAL EXCLUSIONS.**—(1) Subject to paragraph (2), until September 30, 2003, the Secretary of Agriculture and the Secretary of the Interior may categorically exclude a proposed hazardous fuels reduction action, including prescribed fire, from documentation in an environmental impact statement or environmental assessment if the proposed hazardous fuels reduction action is located on lands identified as condition class 3 as determined by the Secretary of Agriculture and the Secretary of the Interior and pursuant to scientific mapping surveys and removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas.

**“(2) Scoping is required on all actions proposed pursuant to this subsection.**

**“(i) EXTRAORDINARY CIRCUMSTANCES.**—For all projects implemented pursuant to this section, if there are extraordinary circumstances, the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

**“(j) REDUCE FIRE RISK.**—In order to ensure that the agencies are implementing projects that reduce the risk of unnaturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior—

**“(1) shall not construct new roads in any inventoried roadless areas part of any project implemented pursuant to this section;**

**“(2) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem type and shall focus on thinning from below for all projects implemented pursuant to this section;**

**“(3) for projects involving key municipal watersheds, must protect or enhance water quality or water quantity available in the area; and**

**“(4) must deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this section.**



“(k) HAZARDOUS FUELS REDUCTION FUNDING FOCUS.—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within key municipal watersheds identified in forest plans, the Secretary of Agriculture and the Secretary of the Interior shall expend all of the hazardous fuels operations funds provided in this Act only on projects in areas identified as condition class 3 as defined in subsection (g) and at least seventy percent of the hazardous fuels operations funds provided in this Act only on projects within one-half mile of any community or within key municipal watersheds identified in forest plans. Nothing in this subsection will affect projects for which scoping has begun prior to enactment of this Act.

“(l) COMMUNITIES.—At least ten percent of the hazardous fuels operations funds provided in this Act shall be spent on projects that benefit small businesses that uses hazardous fuels and are located in small, economically disadvantaged communities.

“(m) MONITORING.—(1) The Secretary of Agriculture and the Secretary of the Interior shall establish a multiparty monitoring process in order to assess a representative sampling of the projects implemented pursuant to this section.

“(2) Funds to implement this subsection shall be derived from hazardous fuels reduction funds.”

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 18, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on H.R. 2880, a bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate at 10:00 a.m., on Tuesday, September 17, 2002. The purpose of this hearing will be to discuss implementation of the 2002 farm bill.

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

### COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m., in closed session to receive testimony on Iraq.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 10:30 a.m., to conduct an oversight hearing on “The Tennessee Valley Authority and Financial Disclosure.”

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m. in SD-106. The purpose of the hearing is to receive testimony on the Federal Energy Regulatory Commission’s Notice of Proposed Rulemaking, “Remedying Under Discrimination through Open Access Transmission Service and Standard Electricity Market Design,” issued July 31.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Losing Momentum: Are Childhood Vaccine Supplies Adequate? during the session of the Senate on Tuesday, September 17, 2002, at 2:30 p.m. in SD-430.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 17, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1392, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1393, a bill to provide grants to ensure full and fair participation in certain decision-making process at the Bureau of Indian Affairs.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 17, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

### SUBCOMMITTEE ON AVIATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, September 17,

2002, at 10:30 a.m. on Aviation Cargo Security. This will be a closed hearing.

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

### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, September 17, 2002, at 2:30 p.m. on Nanotechnology.

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

## NATIVE AMERICAN COMMERCIAL DRIVING TRAINING AND TECHNICAL ASSISTANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 557, S. 1344.

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

The legislative clerk read as follows:

A bill (S. 1344) to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following: [Strike the part shown in black brackets and insert the part shown in italic.]

*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 Commercial Driving Training and Technical Assistance Act”].

### [SEC. 2. FINDINGS AND PURPOSES.

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

[(1) Despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States.

[(2) The United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions.

[(3) The economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals.

[(4) Two tribally controlled community colleges, D-Q University in the State of California and Fort Peck Community College in the State of Montana, currently offer commercial vehicle driving programs.

[(5) The American Trucking Association reports that at least until the year 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill empty positions.

[(6) According to the Federal Government Occupational Handbook the commercial driving industry is expected to increase about as fast as the average for all occupations through the year 2008 as the economy grows and the amount of freight carried by trucks increases.