

submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 41. Mr. ROCKEFELLER (for himself, Mr. CHAFEE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 42. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 43. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 44. Mr. MCCAIN proposed an amendment to the joint resolution H.J. Res. 2, supra.

SA 45. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 46. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 47. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 48. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 49. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 3, to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); which was ordered to lie on the table.

SA 50. Mr. SARBANES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

SA 51. Mr. FITZGERALD (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. KYL, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 52. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 53. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 54. Mr. KYL (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 55. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 56. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 57. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 58. Ms. COLLINS (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 59. Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. REID, Mrs. BOXER, Mr. CORZINE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 60. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 61. Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 62. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 63. Mr. ALLARD (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 64. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 65. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 66. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 35. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, line 14, insert before the period the following: “, and \$6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2).”

On page 640, line 2, increase the amount by \$6,600,000.

SA 36. Mr. BYRD proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

Strike title VI of division N.

SA 37. Mr. BUNNING (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT.

(a) STUDY.—The General Accounting Office (in this section referred to as the “GAO”) shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the “DOE”) contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SA 38. Mr. BUNNING submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY.

(a) STUDY.—The General Accounting Office (in this section referred to as the “GAO”) shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SA 39. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, line 19, insert before the period the following: “; *Provided further*, That \$120,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay”.

SA 40. Mr. REED (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, Ms. CANTWELL, Mr. CORZINE, Mr. JEFFORDS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division G, insert the following:

#### SEC. \_\_\_\_ . ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) ENTITLEMENT TO ADDITIONAL WEEKS.—

(1) IN GENERAL.—Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 28) is amended to read as follows:

“(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual’s weekly benefit amount for the benefit year.”.

(2) REPEAL OF RESTRICTION ON AUGMENTATION DURING TRANSITIONAL PERIOD.—Section 208(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147), as amended by Public Law 108-1, is amended—

(A) in paragraph (1)—

(i) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(ii) by inserting before the period at the end the following: “, including such compensation by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) EXTENSION OF TRANSITION LIMITATION.—Section 208(b)(2) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147), as amended by Public Law 108-1 and as redesignated by paragraph (2), is amended by striking “August 30, 2003” and inserting “December 31, 2003”.

(4) CONFORMING AMENDMENT FOR AUGMENTED BENEFITS.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 28) is amended by striking “the amount originally established in such account (as determined under subsection (b)(1))” and inserting “7 times the individual’s average weekly benefit amount for the benefit year”.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) TEUC-X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendments made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an individual’s temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as “TEUC-X amounts”) prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as “TEUC amounts”).

(3) APPLICATION TO EXHAUSTEES AND CURRENT BENEFICIARIES.—

(A) EXHAUSTEES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) who exhausted such individual’s rights to such compensation (by reason of the payment of all amounts in such individual’s temporary extended unemployment compensation account) before such date, such individual’s eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(B) CURRENT BENEFICIARIES.—In the case of any individual—

(i) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this Act; and

(ii) as to whom the condition described in subparagraph (A)(ii) does not apply,

such individual shall be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by subsection (a)) with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(4) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR INDIVIDUALS FOR WHOM SUCH A DETERMINATION WAS MADE PRIOR TO THE DATE OF ENACTMENT.—Any determination of whether the individual’s State is in an extended benefit period under section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 28) made prior to the date of enactment of this Act shall be disregarded and the determination under such section shall be made as follows:

(A) INDIVIDUALS WHO EXHAUSTED 13 TEUC AND 13 TEUC-X WEEKS PRIOR TO THE DATE OF ENACTMENT.—In the case of an individual who, prior to the date of enactment of this Act, received 26 times the individual’s average weekly benefit amount through an account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 28) (by reason of augmentation under subsection (c) of such section), the determination shall be made as of the date of the enactment of this Act.

(B) ALL OTHER INDIVIDUALS.—In the case of an individual who is not described in subparagraph (A), the determination shall be made at the time that the individual’s account established under such section 203, as amended by subsection (a), is exhausted.

**SA 41. Mr. ROCKEFELLER** (for himself, Mr. CHAFEE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking “fiscal year 2002” and inserting “fiscal year 2004”.

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking “AND 1999” and inserting “THROUGH 2000”; and

(ii) by adding at the end of subparagraph (A) the following:

“(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.”.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting “or for fiscal year 2000 by the end of fiscal year 2002,” after “fiscal year 2001.”;

(ii) in subparagraph (A), by striking “1998 or 1999” and inserting “1998, 1999, or 2000”;

(iii) in subparagraph (A)(i)—

(I) by striking “or” at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting “; or”; and

(III) by adding at the end the following new subclause:

“(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).”;

(iv) in subparagraph (A)(ii), by striking “or 1999” and inserting “, 1999, or 2000”;

(v) in subparagraph (B), by striking “with respect to fiscal year 1998 or 1999”;

(vi) in subparagraph (B)(ii)—

(I) by inserting “with respect to fiscal year 1998, 1999, or 2000,” after “subsection (e).”; and

(II) by striking “2002” and inserting “2004”; and

(vii) by adding at the end the following new subparagraph:

“(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State’s allotment for fiscal year 2000 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (i).”.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 1999” and inserting “, 1999, AND 2000”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 1999” and inserting “, fiscal year 1999, or fiscal year 2000”; and

(II) by striking “or November 30, 2001” and inserting “November 30, 2001, or November 30, 2002”, respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking “2000” and inserting “2001”; and

(ii) by adding at the end of subparagraph (A) the following:

“(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.”.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting “or for fiscal year 2001 by the end of fiscal year 2003,” after “fiscal year 2002.”;

(ii) in subparagraph (A), by striking “1999, or 2000” and inserting “1999, 2000, or 2001”;

(iii) in subparagraph (A)(i)—

(I) by striking “or” at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting “; or”; and

(III) by adding at the end the following new subclause:

“(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).”;

(iv) in subparagraph (A)(ii), by striking “or 2000” and inserting “2000, or 2001”;

(v) in subparagraph (B)—

(I) by striking “and” at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

“(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and”; and

(vi) by adding at the end the following new subparagraph:

“(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State’s allotment for fiscal year 2001 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).”.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 2000” and inserting “2000, AND 2001”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 2000” and inserting “fiscal year 2000, or fiscal year 2001”; and

(II) by striking “or November 30, 2002,” and inserting “November 30, 2002, or November 30, 2003,” respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

“(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

“(1) STATE OPTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 10 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

“(B) PAYMENTS TO STATES.—

“(i) IN GENERAL.—In the case of a qualifying State that has elected the option de-

scribed in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

“(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

“(2) QUALIFYING STATE.—In this subsection, the term ‘qualifying State’ means a State that—

“(A) as of March 31, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is at least 185 percent of the poverty line; and

“(B) satisfies the requirements described in paragraph (3).

“(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

“(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

“(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child’s lack of health insurance;

“(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

“(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

“(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

“(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under title XIX and this title):

“(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

“(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

“(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

“(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeter-

minations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

“(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(1)(2)(B) consistent with section 1902(a)(55).”.

**SA 42.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1027, line 17, strike “August 1, 2002” and insert “December 31, 2004”.

On Page 1032, at the end of line 8, insert the following new section:

**“SEC. 210. CIVIL PENALTIES.**

“(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

“(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“‘d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties made under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.’.

“(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.”

**SA 43.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SECTION 1. SHORT TITLE.**

This section may be cited as the “Tuf Shur Bien Preservation Trust Area Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

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

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

### SEC. 3. DEFINITIONS.

In this Act:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

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

- (i) the subdivisions;
- (ii) Pueblo-owned land;
- (iii) the crest facilities; or
- (iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6-5-1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

### SEC. 4. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 5(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this Act affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 5(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 6(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this Act, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this Act, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 9 or subsection (b) or (c) of section 13 shall be made; and

(C) to the extent that the map and the language of this Act conflict, the language of this Act shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 5(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under Section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the "Mining Law of 1872").

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

**SEC. 5. PUEBLO RIGHTS AND INTERESTS IN THE AREA.**

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 6(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this Act.

(3) Rights in the management of the Area as specified in section 7, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 4, 5(c), 7, 8, and 9.

(b) ACCESS.—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 4(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 4(e) and 6(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 10.

**SEC. 6. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.**

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this Act do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 4(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 5(a)(4) may be prosecuted for

a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

**SEC. 7. MANAGEMENT OF THE AREA.**

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection

(a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

**SEC. 8. JURISDICTION OVER THE AREA.**

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 5(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this Act; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 5(a)(4).

#### SEC. 9. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this Act.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this Act.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 6(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this Act as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this Act.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 6(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other

leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this Act.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

#### SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 4, 5, 7, 8, and 9, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related

boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) **SUBDIVISIONS.**—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) **SPECIAL USE AND CREST FACILITIES AREAS.**—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) **PUEBLO AGREEMENT.**—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) **CONSIDERATION.**—The recognition of the Pueblo's rights and interests in this Act constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 9, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this Act.

#### SEC. 11. CONSTRUCTION.

(a) **STRICT CONSTRUCTION.**—This Act recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) **EXISTING RIGHTS.**—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this Act, such rights are not modified or otherwise affected by this Act, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 5(a)(3)(A).

(c) **NOT PRECEDENT.**—The provisions of this Act creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) **FISH AND WILDLIFE.**—Except as provided in section 8(b)(2)(B), nothing in this Act shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) **FEDERAL LAND POLICY AND MANAGEMENT ACT.**—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

#### SEC. 12. JUDICIAL REVIEW.

(a) **ENFORCEMENT.**—A civil action to enforce the provisions of this Act may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative

record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) **WAIVER.**—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this Act, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) **VENUE.**—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this Act, shall lie only in the United States District Court for the District of New Mexico.

#### SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) **CONTRIBUTIONS.**—

(1) **IN GENERAL.**—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this Act.

(2) **DEADLINE.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding Wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) **ACCEPTANCE OF PAYMENT.**—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) **FUNDS RECEIVED.**—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) **TREATMENT OF LAND EXCHANGED OR CONVEYED.**—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this Act.

(5) **FAILURE TO MAKE OFFER.**—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) **LAND ACQUISITION AND OTHER COMPENSATION.**—

(1) **IN GENERAL.**—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) **PIEDRA LISA TRACT.**—The Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 9(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 9(b)(2).

(d) **REIMBURSEMENT OF CERTAIN COSTS.**—

(1) **IN GENERAL.**—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) **TREATMENT OF REIMBURSEMENT.**—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) **PAYMENTS.**—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) **APPLICATIONS.**—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) **MAXIMUM REIMBURSEMENT.**—In no event shall any 1 party be compensated in excess of \$750,000 and the total amount reimbursed pursuant to this section shall not exceed \$3,000,000.

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as are necessary for the Forest Service, in accordance with section 13(c), to acquire ownership of, or other interests in or to, land within the external boundaries of the Area.

#### SEC. 15. EFFECTIVE DATE.

The provisions of this Act shall take effect immediately on enactment of this Act.

**SA 44.** Mr. McCAIN proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

Beginning with line 12 on page 138, strike through line 14 on page 141.

**SA 45.** Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, line 10, after "committees" insert "": *Provided further*, That funds made

available under the preceding proviso may only be available for wind-up costs of KEDO”.

**SA 46.** Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following new section:

**SEC. . WEST COAST GROUND FISH FISHERY CAPACITY REDUCTION.**

(1) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of P.L. 107-206 and 16 U.S.C. 1861a(b)-(e) except that: the program may apply to multiple fisheries, except that: Within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section; except that: Section 144(1)(K)(3) of Title I, Division B of P.L. 106-554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section, except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness Crab and Pink Shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary; for each bid from a qualified bidder that meets the bidding requirements in the public notice or

the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term "total annual revenue" means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and may Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each such product pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term "fee-share fishery" means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term "reduction fishery" means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

**SA 47.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by

her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, line 9, insert the following:

Sec. . Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by five years.

**SA 48.** Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 787, after line 25, add the following:

**SEC. 3 . SUSQUEHANNA GREENWAY, MARYLAND.**

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

**SA 49.** Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 3, to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); which was ordered to lie on the table; as follows:

At the appropriate place in the division relating to energy and water, insert the following:

**SEC. . HERRING CREEK-TALL TIMBERS, MARYLAND.**

(a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, shall provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, shall include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

**SA 50.** Mr. SARBANES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . 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 communication 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 51.** Mr. FITZGERALD (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. KYL, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI of division J, insert the following:

**SEC. \_\_\_\_ .** (a) PROHIBITION.—No funds appropriated by this Act shall be made available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

(b) APPLICATION OF PROVISION.—The provisions of subsection (a) shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

**SA 52.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1043, strike line 19 and all that follows through page 1044, line 3, and insert the following:

**TITLE IV—TANF AND MEDICARE**

**SEC. 401.** Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking “the date specified in section 107(c) of this joint resolution” and inserting “September 30, 2003”; and

(2) by striking “: *Provided further*, That notwithstanding” and all that follows through the period and inserting a period.

**SA 53.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division M, add the following:

**SEC. 111.** (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—

Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended by the Department of Defense, or by any contractor of the Department, for the purpose of research, development, test, or evaluation on any technology or component of the information collection program known as the Total Information Awareness program, or any program whose purpose is the collection of information on United States citizens in the United States, regardless of whether or not such program is to be transferred to another department, agency, or element of the Federal Government only if—

(1) such technology or component is to be used, and is used, only for foreign intelligence purposes; and

(2) such technology or component is not to be used, and is not used, for domestic intelligence or law enforcement purposes.

(b) PROVISION IN CONTRACTS AND GRANTS.—Any contract or grant instrument applicable to the Total Information Awareness program or other program referred to in subsection (a) shall include appropriate controls to facilitate the limitations in that subsection.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall jointly submit to Congress a report on the Total Information Awareness program. The report shall set forth the following:

(1) A detailed explanation (including an expenditure plan) of the actual and intended use of the funds for all projects and activities of the Total Information Awareness program.

(2) A list of the departments and agencies of the Federal Government that have, or would have, an interest in utilizing the Total Information Awareness program, and for what purposes.

(3) A description of the ways information collected by the Total Information Awareness program may be used by law enforcement, intelligence, and other agencies of the Federal Government.

(4) A list of the current laws and regulations governing the information to be collected by the Total Information Awareness program, and a description of any modifications in such laws that are required to use such information in the manner proposed under the program.

(5) Recommendations for additional research, technology development, or other measures necessary to ensure the protection of privacy and civil liberties of United States citizens during the operation of the Total Information Awareness program.

**SA 54.** Mr. KYL (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 7, strike “\$3,076,509,000” and insert the following: “\$3,241,787,000: *Provided*, That of the amount appropriated under this heading \$80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That, of the amounts made available in the preceding proviso, \$42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: *Provided further*, That \$25,500,000 shall only be available for an

entry-exit system pilot, including demonstration projects on the southern and northern border, and \$12,300,000 shall only be available for system development: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service’s Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: *Provided further*, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.”.

**SA 55.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

**SEC. 111.** Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1562 note) is amended by striking “April 24, 2003” and inserting “April 24, 2005”.

**SA 56.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 721, line 4, before the colon, insert the following:

“, of which \$8,000,000 shall be used to develop increased power capability for engines

used in HH-65 helicopters in order to meet new Coast Guard requirements, and \$3,000,000 shall be used to demonstrate and test the upgraded control system for such engines”

**SA 57.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, North Korea committed to—

(A) freeze and eventually dismantle its graphite-moderated reactors and related facilities;

(B) implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, which prohibits the production, testing, or possession of nuclear weapons; and

(C) allow implementation of its IAEA safeguards agreement under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for nuclear facilities designated under the Agreed Framework and any other North Korean nuclear facilities.

(2) The General Accounting Office has reported that North Korea has diverted heavy oil received from the United States-led Korean Peninsula Energy Development Organization for unauthorized purposes in violation of the Agreed Framework.

(3) On April 1, 2002, President George W. Bush stated that he would not certify North Korea's compliance with all provisions of the Agreed Framework.

(4) North Korea has violated the basic terms of the Agreed Framework and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by “nuclearizing” the Korean peninsula.

(5) North Korea has admitted to having a covert nuclear weapons program and declared the Agreed Framework nullified.

(6) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the IAEA personnel monitoring the freeze.

(7) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483).

(b) SENSE OF THE SENATE REGARDING THE AGREED FRAMEWORK AND THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.—It is the sense of the Senate that—

(1) the Agreed Framework is, as a result of North Korea's own illicit and deceitful actions over several years and recent declaration, null and void;

(2) North Korea's pursuit and development of nuclear weapons—

(A) is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(B) is a clear and present danger to United States forces and personnel in the region and the United States homeland; and

(C) seriously undermines the security and stability of Northeast Asia; and

(3) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nu-

clear Weapons and other commitments to the international community by—

(A) renouncing its nuclear weapons and materials production ambitions;

(B) dismantling its nuclear infrastructure and facilities;

(C) transferring all sensitive nuclear materials, technologies, and equipment (including nuclear devices in any stage of development) to the IAEA forthwith; and

(D) allowing immediate, full, and unfettered access by IAEA inspectors to ensure that subparagraphs (A), (B), and (C) have been fully and verifiably achieved; and

(4) any diplomatic solution to the North Korean crisis—

(A) should take into account that North Korea is not a trustworthy negotiating partner;

(B) must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability; and

(C) must include highly intrusive verification requirements, including on-site monitoring and free access for the investigation of all sites of concern, that are no less stringent than those imposed on Iraq pursuant to United Nations Security Council Resolution 1441 (2002) and previous corresponding resolutions.

(c) SENSE OF THE SENATE.—It is further the sense of the Senate that the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures, including military reinforcements, enhanced defense exercises and other steps as appropriate, to ensure—

(1) the highest possible level of deterrence against the multiple threats that North Korea poses; and

(2) the highest level of readiness of United States and allied forces should military action become necessary.

(d) FURTHER SENSE OF THE SENATE.—It is further the sense of the Senate that the Broadcasting Board of Governors should ensure that Radio Free Asia will increase its broadcasting with respect to North Korea to 24 hours each day.

(e) DEFINITIONS.—In this section:

(1) AGREED FRAMEWORK.—The term “Agreed Framework” means the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994, and the Confidential Minute to that agreement.

(2) IAEA.—The term “IAEA” means the International Atomic Energy Agency.

(3) NORTH KOREA.—The term “North Korea” means the Democratic People's Republic of Korea.

(4) NPT.—The term “NPT” means the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow, July 1, 1968 (22 UST 483).

**SA 58.** Ms. COLLINS (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.**

(a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-533), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended—

(1) by striking “24-MONTH INCREASE BEGINNING APRIL 1, 2001” and inserting “IN GENERAL”;

(2) by striking “April 1, 2003” and inserting “October 1, 2003”;

(3) by inserting before the period at the end the following: “(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)”.

(b) CONFORMING AMENDMENT.—Section 547(e)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-553), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended by striking “the period beginning on April 1, 2001, and ending on September 30, 2002,” and inserting “a period under such section”.

**SA 59.** Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. REID, Mrs. BOXER, Mr. CORZINE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division M, add the following:

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(C) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term “Total Information Awareness program” —

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term “non-United States person” means any person other than a United States person.

(3) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

**SA 60.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 14, strike “basis.” and insert “basic; *Provided further*, That, notwithstanding any other provision of law, any person other than the owner (or a related person with respect to the owner) of the ships originally contracted under section 8109 of Public Law 105-56, may document not more than 3 cruise ships constructed to completion in a shipyard located outside of the United States under the authority of this section if the owner meets the requirements of clause (1) of the third proviso of this section and the vessel meets the requirements of clauses (2), (3), (5) and (6) of that proviso.”.

**SA 61.** Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other Administrative regulation, directive, or policy.

**SA 62.** Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, strike everything after “the” on line 3, through “Agency” on line 4 and insert in lieu thereof:

headings “Trade and Development Agency”, “International Military Education and Training”, “Foreign Military Financing Program”, “Migration and Refugee Assistance”, and funds appropriated under the heading “Nonproliferation, Anti-Terrorism, Demin-

ing and Related Programs” to carry out the provisions of chapters 8 and 9 of part II of the Foreign Assistance Act of 1961.

**SA 63.** Mr. ALLARD (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ COST-SHARING REQUIREMENT FOR THE ARKANSAS VALLEY CONDUIT IN THE STATE OF COLORADO.

(a) IN GENERAL.—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7.” and inserting the following: “SEC. 7. AUTHORIZATION OF APPROPRIATIONS.”;

(2) in the first sentence, by striking “There is hereby authorized” and inserting the following:

“(a) CONSTRUCTION.—There is authorized”;

(3) in the second sentence, by striking “There are also” and inserting the following:

“(b) OPERATIONS AND MAINTENANCE.—There are”;

(4) by adding at the end the following:

“(c) ARKANSAS VALLEY CONDUIT.—

“(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to pay the Federal share of the costs of constructing the Arkansas Valley Conduit in accordance with subsection (a) of the first section.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the total costs of construction (including design and engineering costs) of the Arkansas Valley Conduit shall be not more than 25 percent.

“(B) FORM.—The non-Federal share may be in the form of in-kind contributions.”.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to any costs of constructing the Arkansas Valley Conduit incurred during fiscal year 2002 or any subsequent fiscal year.

**SA 64.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike “projects:” and insert “projects; and of which \$55,000,000 shall be available for the Southeast Louisiana project (of which \$15,000,000 shall be derived by transfer from amounts made available under the heading ‘DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT)’:”.

**SA 65.** Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

WILDLAND FIRE MANAGEMENT

On page 488, line 10, strike “1,349,291,000” and insert “\$1,351,791,000.”

On page 489, line 9, strike “\$3,624,000,” and insert “\$6,124,000.”

On page 489, line 10, following “restoration,” insert “of which \$2,500,000 shall be for rehabilitation and restoration on the Apache-Sitgreaves National Forest.”

## LAND ACQUISITION

On page 493, line 17, strike "\$148,263,000", and insert "\$145,763,000."

**SA 66.** Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

**SEC. 7. EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.**

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(M) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area of any handler's own farm production exceeds the lesser of—

"(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or  
 "(ii) 5,000,000 pounds."

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, January 17, 2003 at 9 a.m. to consider the nomination of the Honorable Tom Ridge to be Secretary of the Department of Homeland Security.

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

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, January 17, 2003 at approximately 12:30 p.m. for a business meeting to consider the nomination of the Honorable Tom Ridge to be Secretary of the Department of Homeland Security.

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

**ORDERS FOR TUESDAY, JANUARY 21, 2003**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, January 21; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning

business not to extend beyond the hour of 10:30 a.m., with the time equally divided in the usual form; further, I ask that at 10:30 a.m., the Senate then resume consideration of H.J. Res. 2, the appropriations bill.

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

**UNANIMOUS CONSENT AGREEMENT—S. 121**

Mr. FRIST. Mr. President, I ask unanimous consent that at the hour of 5:05 p.m. on Tuesday, the Judiciary Committee be discharged from further consideration of S. 121, the Amber alert bill, and the Senate proceed to the consideration of the bill, and that Senators HUTCHISON and LEAHY be recognized for 5 minutes each to debate the measure; that following the use or yielding back of all time, the bill be read the third time and the Senate proceed to a vote on passage, without any intervening action or debate.

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

**PROGRAM**

Mr. FRIST. For the information of all Senators, the Senate will return for business on Tuesday. On Tuesday, we will resume consideration of the appropriations measure. I understand there are several Members on the other side of the aisle who have agreed to offer their amendments during Tuesday's session. Under the previous order, the Senate will vote on passage of the Amber alert bill at 5:15 on Tuesday. Therefore, Senators can expect the first vote of next week to occur at 5:15. Additional votes will occur during Tuesday's session.

In addition to considering further amendments to the appropriations measure, it is my hope that on Tuesday the Senate will consider the nomination of Tom Ridge to be Secretary of Homeland Security. I believe some Members have indicated their desire to speak in regard to that nomination, and a rollcall vote is anticipated. I hope that on Tuesday we will be able to reach an agreement to allow for that debate and a rollcall vote Tuesday evening.

Finally, I wish to announce to Members that they should expect busy sessions and late nights next week. We have no choice but to press on and complete this matter. I hope Members will cooperate and offer their amendments in a timely manner so we can complete these appropriations next week. I thank Members for their cooperation in advance.

**ORDER FOR ADJOURNMENT**

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the re-

marks of Senator HARKIN for up to 15 minutes.

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

The Senator from Iowa is recognized.

**DISASTER AID**

Mr. HARKIN. Mr. President, I thank the leader for his kindness in letting me speak for up to 15 minutes before the Senate goes out for the long weekend before we come back in on Tuesday. I take this time to draw attention to the provision in the pending bill regarding disaster aid to our farmers.

We have been fighting here for almost 3 years to get disaster relief for farmers all over America. We had it basically in our budget a couple years ago. We had it in the farm bill, but it was taken out. We had assurances from the administration that it would come later. It never did. We have farmers who were promised disaster aid over 2 years ago, and they still have not received it.

A number of us on both sides of the aisle have been trying for some time now to fill in that hole and get aid to the farmers who have really suffered a lot from disasters. In the Presiding Officer's home State, livestock producers and grain farmers have had disasters in the last couple of years for which they have not been adequately compensated. That is true in the Midwest—some in my State, and much of it further west, and a lot along the eastern seaboard. But we have had some serious crop disasters.

Now the bill before us has some money in there for, as they say, disaster assistance. But upon reading the fine print, it turns out that it is not really disaster assistance, it is just putting money in a bushel basket and throwing it out to farmers. It just doesn't make any sense. In the Des Moines Register this morning, Philip Brasher had an article about it. Here is the headline: Bountiful Crop Could Still Draw Disaster Aid. My quote is this:

"This is just nonsense," said Iowa Senator Tom Harkin.

Basically, the article shows that a grain farmer in Iowa—we had really great crops in Iowa—the soybean and corn crops this year. In one part of Iowa, we had a drought. In many parts of the State, we had bumper crops and we had significantly higher prices. Under the provision in the bill before us, those farmers will get disaster assistance. What sense does that make?

Please, someone explain to me why we are taking an across-the-board cut—we are cutting education, veterans, medical research, and all this other stuff; and we are going to take some of this money and give it to farmers who have had no losses. In fact, some farmers made a lot of money because they had good crops. God bless them. I wish every farmer could have a good crop and have high prices to go with it. But this doesn't make sense in