

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the western United States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green county water control and improvement district No. 1 San Angelo Project, Texas, and for other purposes; and H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the upper Mississippi River Basin, and for other purposes. (Contact: Shelly Randel 202-224-7933, Erik Webb 202-224-4756 or Meghan Beal at 202-224-7556).

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Larry Kennedy, a fellow on my staff, be permitted the privilege of the floor during debate on the Interior appropriations bill.

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

UNITED STATES OLYMPIC COMMITTEE REFORM ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 237, S. 1404.

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

The legislative clerk read as follows:

A bill (S. 1404) to amend the Ted Stevens Olympic and Amateur Sports Act.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1404

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Olympic Committee Reform Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"§ 220541. Board of directors

"(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

"(b) STRUCTURE OF THE BOARD.—

"(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

"(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

"(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

"(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

"(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

"(3) EX OFFICIO MEMBERS.—The ex officio members are—

"(A) the speaker of the assembly; and

"(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

"(c) TERMS OF OFFICE.—

"(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

"(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

"(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

"(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

"(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

"(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

"(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

"(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

"(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

"(d) VOTING.—

"(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

"(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

"(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

"(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

"(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

"(f) COMMITTEES.—

"(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

"(A) The Audit Committee.

"(B) The Compensation Committee.

"(C) The Ethics Committee.

"(D) The Nominating and Governance Committee.

"(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

"(A) 3 board members described in subsection (b)(2)(A), selected by the board;

"(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

"(C) 1 board member described in subsection (b)(2)(C), selected by the board.

"(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

"(g) NOMINATION AND ELECTION.—

“(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes’ Advisory Council or the National Governing Bodies’ Council, the Athletes’ Advisory Council or the National Governing Bodies’ Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

“(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

“(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

“§ 220542. Assembly

“(a) IN GENERAL.—

“(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

“(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

“(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

“(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

“(b) STRUCTURE OF THE ASSEMBLY.—

“(1) IN GENERAL.—The assembly shall consist of—

“(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

“(B) the International Olympic Committee’s members for the United States; and

“(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

“(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

“(c) VOTING.—

“(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

“(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

“(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled

to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a non-voting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

“§ 220543. Chief executive officer

“(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

“(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

“(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

“(2) implement the mission and policies of the corporation, as determined by the Board.

“§ 220544. Whistleblower procedures and protections

“The corporation, through the board of directors, shall establish procedures for—

“(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

“(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

“§ 220545. Ethics and compliance

“(a) IN GENERAL.—The ethics committee shall be responsible for oversight of—

“(1) all matters relating to ethics policy and practices of the corporation’s employees, board members, and volunteers;

“(2) officers or directors of a member organization insofar as their activities relate to corporation business; and

“(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.

“(b) INTERNAL ETHICS OFFICER.—

“(1) IN GENERAL.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.

“(2) DUTIES.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.

“(3) LINE OF AUTHORITY.—

“(A) IN GENERAL.—The chief ethics officer shall report to the chief executive officer of the corporation.

“(B) CERTAIN PARTIES.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—

“(i) senior management or directors of the corporation;

“(ii) officers or directors of a member organization;

“(iii) a bid city; or

“(iv) the International Olympic Committee.

“(c) ETHICS POLICY.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—

“(1) a conflict of interest policy;

“(2) an anti-discrimination policy;

“(3) a workplace harassment policy;

“(4) a gift, travel reimbursement, honorarium, and outside income policy;

“(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;

“(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;

“(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;

“(8) a procedure for reporting and investigating potential ethics violations; and

“(9) procedures to assure due process for any individual accused of an ethics violation, including—

“(A) a timely hearing before the ethics committee;

“(B) the right to be represented by counsel; and

“(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.

“(d) WRITTEN STATEMENT REQUIRED.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation’s ethics policy and agree to abide by its rules.

“(e) ETHICS COMMITTEE ADJUDICATION OF VIOLATIONS.—When the ethics committee determines that an individual has violated the corporation’s ethics policy, it will report to the Board and may make recommendations for action to be taken.

“(f) INVESTIGATION, REPORTING, AND REVIEW PROCEDURES.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations, and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.

“(g) OUTSIDE COUNSEL.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.

“(h) BID CITY DEFINED.—In this section, the term ‘bid city’ means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.”

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete’s Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies’ Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking “representation of—” and inserting “representation on its board of directors and in its assembly of—”; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

“(B) ensure that—

“(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

“(ii) the voting power held by members of the board of directors who were nominated by the Athlete’s Advisory Council is not less than 20 percent of the total voting power held in the board of directors.”

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking “bylaws.” and inserting “bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.”;

(B) by inserting “the board of directors proposes and approves by majority vote such an amendment and” after “only if”; and

(C) by striking “publication,” in paragraph (1) and inserting “publication and on its website.”

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting “the board of directors and” in paragraph (1)(C) after “report to”;

(B) by striking “corporation’s executive director” in paragraph (2)(A)(i) and inserting “board of directors”;

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

“(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete’s Advisory Council.”;

(D) by striking “corporation” the first place it appears in paragraph (2)(B) and inserting “board of directors”;

(E) by striking “to the corporation’s executive committee by either the corporation’s executive director” in paragraph (2)(B)(ii) and inserting “by 1 or more members of the board of directors”; and

(F) by striking “corporation’s executive committee” in paragraph (2)(B)(iii) and inserting “board of directors”.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking “corporation’s executive committee” and inserting “board of directors”.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 [of title 36, United States Code.] is amended by adding at the end the following:

“SUBCHAPTER III. GOVERNANCE
“220541. Board of directors

“220542. Assembly

“220543. Chief executive officer

“220544. Whistleblower procedures and protections

“220545. Ethics and compliance”.

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

“(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

“(1) annual financial statements—

“(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

“(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;”;

(2) by striking “4-year period;” in subsection (a)(2) and inserting “2-year period;”;

(3) by inserting “free of charge on its website (or via a similar medium that is widely available to the public), and otherwise” in subsection (b) after “persons”.

SEC. 6. SENIOR OLYMPICS.

Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words “Senior Olympics” to promote national athletic competition among senior citizens.

Mr. MCCAIN. The amendment to the United States Olympic Committee Reform Act of 2003, S. 1404, being offered by Senator CAMPBELL permits the new USOC board, together with the new USOC assembly, to determine the location of the organization’s headquarters. This amendment is consistent with what is already in the USOC’s Federal charter, which currently allows the USOC to determine where in the United States the organization’s headquarters should be maintained.

To move the headquarters, the newly constituted board would first determine whether it is in the best interest of the USOC to relocate the headquarters. A unanimous vote by the board would be required to refer the matter to the assembly for consideration, and then, only by a three-fifths majority of the assembly could the USOC headquarters be relocated.

Mr. STEVENS. Mr. President, I thank Senators MCCAIN and CAMPBELL for their work on this important issue. My work on the Olympic Sports Act began in the 1970s. I believe the reforms in our bill today are necessary adjustments that will return the focus of the United States Olympic Committee to our original intent—our American athletes!

The USOC Internal Taskforce and the Senate appointed Independent Commission did excellent jobs in reviewing the problems and offering solutions to the recent problems that have plagued the USOC. I thank the USOC Taskforce and the Independent Commission on the United States Olympic Committee for their hard work. S. 1404 includes many of the suggested changes from both groups.

This is a good bill and I support all but one aspect of it. I cannot support and will work to remove the section that gives special consideration to the Senior Olympics. The only fundraising tool that Congress gave the USOC was the exclusive rights to the name, seals, emblems and badges of the USOC. The language that allows the Senior Olympics to use the Olympic symbols without the USOC permission will lead to the destruction of the fundraising ability of the USOC. Above all, the use of these symbols should not be subject to being “licensed out” by any entity but the USOC. I would have opposed this language in committee but unfortunately I was chairing a Defense Appropriations hearing when the language was offered. I will not hold up the passage of this important legislation but will work to remove the language creating a death knell to the USOC’s ability to raise the funds necessary to meet the objectives of our Nation ion international competitions.

This is an important agreement on the location of the USOC headquarters. Now this bill can go to conference, after which, with the President’s approval, it will become law and our American athletes can focus all of their efforts on the 2004 Olympic Games.

I thank Senator MCCAIN’s Commerce staff for their hard work on this issue. Especially Ken Nahigian and also Brian Feintech of Senator CAMPBELL’s staff. Their hard work along with that of George Lowe on my staff have insured that this important legislation is ready to move forward.

Mr. CAMPBELL. Mr. President, I thank Senator MCCAIN for his patience and understanding in this matter and ask to be an original cosponsor of this legislation.

The USOC was crying out for reform. There was the mismanagement of funds, poor judgments, and frequent turnover of management. I would like to recognize the USOC’s internal efforts for reform. Reform has been long overdue.

My opposition to this legislation was to protect not only my constituents, but the USOC employees and athletes training in Colorado Springs, CO, as well. Again and again, I have heard rumblings about moving the headquarters of the USOC to another city, possibly New York City. This would be a terrible mistake and I cannot and will not allow this to happen.

The moving expenses would far outweigh the benefits of moving the headquarters and I do not want another dime wasted on the governance and management of the USOC. I cannot, and I do not think that we can make it clear enough: the money raised is first and foremost for the benefit and training of athletes, not for extra cushions on the chairs of those sitting in offices with pretty views of skylines.

The costs to the State of Colorado must be recognized too. The presence

of the USOC in Colorado Springs generates over \$300 million per year in revenue. My State cannot afford taking a hit like that now. To be exact, the USOC generates \$315.9 million a year for the Pikes Peak Region; employs over 500 fund-raising staff; is home to 250 Olympic hopefuls, resident athletes in various sports; provides about 4,800 jobs in the Colorado Springs area, directly and indirectly; and serves about 38,000 tourists each year.

I would like to point out Colorado's own commitment to the United States Olympic Committee. The Colorado State legislature passed law allowing out-of-State doctors to practice medicine at the center without having to pass a Colorado test for a medical license; passed a law allowing out-of-State athletes at the training center to pay instate college tuition so they could continue their education while training; and created a check-off box on State income tax returns allowing taxpayers to donate \$1, which initially raised about \$200,000 a year.

The argument that moving to a major metropolitan area to have better access to marketing and mass media is completely invalid. NBC agreed to pay \$2.2 billion for U.S. television rights to the 2010 Winter Olympic Games and the 2012 Summer Olympic Games. That deal includes a sponsorship by NBC parent company, General Electric, which is based in Connecticut. San Francisco-based VISA continues to support the Olympic movement as does Bank of America, based in Charlotte, NC. Obviously, the USOC is not having any problem securing media coverage or sponsorships.

Lastly, I would like to point out Section 834 of Public Law 99-167, passed during the 1st Session of the 99th Congress, in 1985. The current home of the USOC used to be part of Ent Air Force Base in Colorado Springs. Section 834 conveyed land that the USOC had been leasing from the U.S. Air Force to the USOC under the conditions that the property be used by the USOC solely for USOC activities and if it is not used for that purpose, the property shall be repossessed by the Government. This did not imply that the USOC could use it for a while or use it only in part. If the USOC is not going to use it, then the property should be given back to us.

Mr. BURNS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the Campbell amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 1767) was agreed to, as follows:

On page 22, between lines 18 and 19, insert the following:

SEC. 6. RELOCATION OF HEADQUARTERS.

Section 220508 is amended—
 (1) by inserting “(a) IN GENERAL.—” before “The corporation shall”; and
 (2) by adding at the end the following:
 “(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—
 “(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;
 “(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and
 “(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.”.

The bill (S. 1404), as amended, was read the third time and passed, as follows:

S. 1404

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Olympic Committee Reform Act”.

SEC. 2. FINDINGS.

The Congress finds the following:
 (1) There is a widespread loss of confidence in the United States Olympic Committee.
 (2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.
 (3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.
 (4) The current governance structure of the United States Olympic Committee is dysfunctional.
 (5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.
 (6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.
 (7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

“SUBCHAPTER III. GOVERNANCE

“§ 220541. Board of directors

“(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

“(b) STRUCTURE OF THE BOARD.—

“(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

“(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

“(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

“(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

“(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

“(3) EX OFFICIO MEMBERS.—The ex officio members are—

“(A) the speaker of the assembly; and

“(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

“(c) TERMS OF OFFICE.—

“(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

“(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

“(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

“(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

“(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

“(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

“(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

“(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

“(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

“(d) VOTING.—

“(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

“(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

“(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

“(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

“(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

“(f) COMMITTEES.—

“(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

“(A) The Audit Committee.

“(B) The Compensation Committee.

“(C) The Ethics Committee.

“(D) The Nominating and Governance Committee.

“(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

“(A) 3 board members described in subsection (b)(2)(A), selected by the board;

“(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

“(C) 1 board member described in subsection (b)(2)(C), selected by the board.

“(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

“(g) NOMINATION AND ELECTION.—

“(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes’ Advisory Council or the National Governing Bodies’ Council, the Athletes’ Advisory Council or the National Governing Bodies’ Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

“(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

“(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

“§ 220542. Assembly

“(a) IN GENERAL.—

“(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

“(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

“(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

“(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the

assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

“(b) STRUCTURE OF THE ASSEMBLY.—

“(1) IN GENERAL.—The assembly shall consist of—

“(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

“(B) the International Olympic Committee’s members for the United States; and

“(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

“(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

“(c) VOTING.—

“(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

“(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

“(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a non-voting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

“§ 220543. Chief executive officer

“(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

“(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

“(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

“(2) implement the mission and policies of the corporation, as determined by the Board.

“§ 220544. Whistleblower procedures and protections

“The corporation, through the board of directors, shall establish procedures for—

“(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

“(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

“§ 220545. Ethics and compliance

“(a) IN GENERAL.—The ethics committee shall be responsible for oversight of—

“(1) all matters relating to ethics policy and practices of the corporation’s employees, board members, and volunteers;

“(2) officers or directors of a member organization insofar as their activities relate to corporation business; and

“(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.

“(b) INTERNAL ETHICS OFFICER.—

“(1) IN GENERAL.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.

“(2) DUTIES.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.

“(3) LINE OF AUTHORITY.—

“(A) IN GENERAL.—The chief ethics officer shall report to the chief executive officer of the corporation.

“(B) CERTAIN PARTIES.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—

“(i) senior management or directors of the corporation;

“(ii) officers or directors of a member organization;

“(iii) a bid city; or

“(iv) the International Olympic Committee.

“(c) ETHICS POLICY.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—

“(1) a conflict of interest policy;

“(2) an anti-discrimination policy;

“(3) a workplace harassment policy;

“(4) a gift, travel reimbursement, honorarium, and outside income policy;

“(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;

“(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;

“(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;

“(8) a procedure for reporting and investigating potential ethics violations; and

“(9) procedures to assure due process for any individual accused of an ethics violation, including—

“(A) a timely hearing before the ethics committee;

“(B) the right to be represented by counsel; and

“(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.

“(d) WRITTEN STATEMENT REQUIRED.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation’s ethics policy and agree to abide by its rules.

“(e) ETHICS COMMITTEE ADJUDICATION OF VIOLATIONS.—When the ethics committee determines that an individual has violated the corporation’s ethics policy, it will report to the Board and may make recommendations for action to be taken.

“(f) INVESTIGATION, REPORTING, AND REVIEW PROCEDURES.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations,

and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.

“(g) OUTSIDE COUNSEL.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.

“(h) BID CITY DEFINED.—In this section, the term ‘bid city’ means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.”.

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete’s Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies’ Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking “representation of—” and inserting “representation on its board of directors and in its assembly of—”; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

“(B) ensure that—

“(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

“(ii) the voting power held by members of the board of directors who were nominated by the Athlete’s Advisory Council is not less than 20 percent of the total voting power held in the board of directors;”.

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking “bylaws.” and inserting “bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.”;

(B) by inserting “the board of directors proposes and approves by majority vote such an amendment and” after “only if”; and

(C) by striking “publication,” in paragraph (1) and inserting “publication and on its website.”.

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting “the board of directors and” in paragraph (1)(C) after “report to”;

(B) by striking “corporation’s executive director” in paragraph (2)(A)(i) and inserting “board of directors”;

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

“(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete’s Advisory Council.”;

(D) by striking “corporation” the first place it appears in paragraph (2)(B) and inserting “board of directors”;

(E) by striking “to the corporation’s executive committee by either the corporation’s executive director” in paragraph (2)(B)(ii) and inserting “by 1 or more members of the board of directors”; and

(F) by striking “corporation’s executive committee” in paragraph (2)(B)(iii) and inserting “board of directors”.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking “corporation’s executive committee” and inserting “board of directors”.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 is amended by adding at the end the following:

“SUBCHAPTER III. GOVERNANCE

“220541. Board of directors

“220542. Assembly

“220543. Chief executive officer

“220544. Whistleblower procedures and protections

“220545. Ethics and compliance”.

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

“(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

“(1) annual financial statements—

“(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

“(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;”;

(2) by striking “4-year period;” in subsection (a)(2) and inserting “2-year period;”;

(3) by inserting “free of charge on its website (or via a similar medium that is widely available to the public), and otherwise” in subsection (b) after “persons”.

SEC. 6. RELOCATION OF HEADQUARTERS.

Section 220508 is amended—

(1) by inserting “(a) IN GENERAL.—” before “The corporation shall”; and

(2) by adding at the end the following:

“(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

“(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

“(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national head-

quarters to the assembly for its concurrence; and

“(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.”.

SEC. 7. SENIOR OLYMPICS.

Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words “Senior Olympics” to promote national athletic competition among senior citizens.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has passed S. 1404, the United States Olympic Committee Reform Act of 2003. I thank the cosponsors of this important legislation, Senators STEVENS and CAMPBELL, for their passion for the Olympic movement and their contribution to the reform of the United States Olympic Committee, USOC. S. 1404 is intended to make significant improvements to the governance structure of the USOC by vastly reducing the size of the current board of directors and by creating an assembly of USOC stakeholders. The bill is intended to allow the USOC to operate more effectively within a more streamlined and transparent structure.

S. 1404 is the product of three Commerce Committee hearings held this year in response to a series of embarrassing leadership and ethics scandals that have plagued the USOC and distracted the organization from its mission. The new board of directors, which would be the primary governing body of the organization, would appoint a chief executive officer to carry out the board’s policies and run the organization’s day-to-day business operations. The board would defer to the judgment of the assembly on matters relating specifically to the Olympic Games.

While maintaining the representation and voting authority of athletes and national governing bodies, this legislation also would provide increased financial transparency to the USOC and establish whistle-blower protection for its employees. The bill is designed to streamline the USOC to allow a larger percentage of the revenue generated by the organization to be allocated to support amateur athletes.

In addition, we have worked to make this bill comply with the charter of the International Olympic Committee, IOC, and will continue to do this. It is important to note that corporate governance in the United States has changed dramatically over the past year, and these changes are leading this country’s private and public sectors to adopt higher standards of responsibility and accountability. These same standards should be applied to the USOC to ensure that the narrow agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization. To accomplish this objective, we propose that the USOC adhere to best corporate governance practices, such as requiring that the newly constituted USOC board have at least a majority of independent directors. In the end, the

newly reformed board would govern the day-to-day operations of the USOC, and would be able to work with the IOC to address any concerns that it might have regarding the USOC's operations.

The fast-approaching Olympic Games in Athens next summer, as well as the ongoing bid by New York City to host the games in 2012, lend urgency to this legislation, and I look forward quickly to resolving any differences between the Senate and House measures. I urge my colleagues to support this very important legislation.

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 229, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 229) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

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

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

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

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas chronic obstructive pulmonary disease ("COPD") is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or second-hand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot

catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated \$32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

EXPRESSING THE CONDOLENCES OF THE SENATE UPON THE DEATH OF GENERAL RAYMOND G. DAVIS, UNITED STATES MARINE CORPS, RETIRED

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 232, submitted earlier today by Senators MILLER, BURNS, CHAMBLISS, and CORZINE.

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

The legislative clerk read as follows:

A resolution (S. Res. 232) expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

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

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas General Raymond Gilbert Davis (United States Marine Corps, retired) of Stockbridge, Georgia, an American hero who represented the supreme ideals of an American and a Marine, died on Wednesday, September 3, 2003, at the age of 88;

Whereas Raymond Gilbert Davis, born on January 13, 1915, in Fitzgerald, Georgia, was commissioned as a second lieutenant in the United States Marine Corps in 1938 following graduation from the Georgia School of Technology;

Whereas during World War II, he participated in the Guadalcanal Tulagi landings, the capture and defense of Guadalcanal, the Eastern New Guinea and Cape Gloucester campaigns, and the Peleliu operation;

Whereas during the fighting on Peleliu, although wounded during the first hour of the landing, he refused evacuation to remain with his men and, on one occasion, when heavy Marine casualties and the enemy's point-blank cannon fire had enabled the Japanese to break through, he personally rallied and led his men in fighting to reestablish defense positions;

Whereas his actions while commanding the 1st Battalion of the 1st Marines at Peleliu in September 1944 earned him the Navy Cross and the Purple Heart and a promotion to lieutenant colonel;

Whereas returning to the United States in November 1944, Lieutenant Colonel Davis was assigned to the Quantico Marine Barracks, Quantico, Virginia, as Tactical Inspector, Marine Corps Schools, and was named chief of the Infantry Section, Marine Air-Infantry School, Quantico, in May 1945, and served in that post for two years before returning to the Pacific area in July 1947 to serve with the 1st Provisional Marine Brigade on Guam;

Whereas following other peace-time duties, in August 1950 he embarked for Korea to command the 1st Battalion, 7th Marines, 1st Marine Division, in the Korean conflict and, in that capacity, heroically enabled the historic breakout of the 1st Marine Division from an entrapment by overwhelming numbers of Chinese soldiers at the Chosin Reservoir in North Korea;

Whereas on the night before the breakout then Lieutenant Colonel Davis led his battalion in an epic across-country fight against vastly superior numbers of entrenched enemy soldiers, across ice- and snow-covered terrain, in subzero temperatures to save a beleaguered rifle company and seize a critical mountain pass that enabled the escape of two Marine regiments, arriving three days later at the port of Hagaru-ri with every one of his wounded Marines;

Whereas as a result of his actions in Korea, Lieutenant Colonel Davis was awarded the Medal of Honor for his actions in the Chosin Reservoir, twice earned the Silver Star Medal by exposing himself to heavy enemy fire while leading and encouraging his men in the face of strong enemy opposition, received the Legion of Merit with Combat "V" for exceptionally meritorious conduct and professional skill in welding the 1st Battalion into a highly effective combat team, and earned the Bronze Star Medal with Combat "V" for his part in rebuilding the regiment after the Chosin Reservoir campaign;

Whereas following service in the Korean conflict, Lieutenant Colonel Davis served in a series of increasingly responsible staff and training positions, while being promoted to colonel in October 1953 and brigadier general in July 1963;

Whereas his first assignment as a general officer was in the Far East where he served as Assistant Division Commander, 3d Marine Division, on Okinawa, from October 1963 to November 1964;

Whereas he was assigned to Headquarters, Marine Corps, from December 1964 until March 1968 and during that service was awarded a second Legion of Merit and was promoted to major general;

Whereas when ordered to the Republic of Vietnam in March 1968, Major General Davis served briefly as Deputy Commanding General, Provisional Corps, and then became Commanding General, 3d Marine Division where he was awarded the Distinguished Service Medal and three personal decorations by the Vietnamese Government for