

S. 1400, the Ocean and Coastal Observation Systems Act of 2003. I would also like to thank several of my colleagues for co-sponsoring this bill, including Senators KERRY, MCCAIN, HOLLINGS, BREAUX, INOUE, LOTT, BOXER, and COLLINS.

Those familiar with the challenges of trying to monitor and predict ocean and marine environmental conditions—whether for marine science, resource management, and maritime transportation and safety—are aware of our tremendous need for better collection of basic ocean data. This bill, the Ocean and Coastal Observation Systems Act of 2003, would develop and formalize an integrated network of ocean observing systems around our Nation's coastlines, thereby allowing comprehensive and consistent ocean data to be gathered and fulfilling this critical information need. It would revolutionize our Nation's efforts in collecting, processing, and communicating ocean and coastal data.

Like other coastal states, Maine has an enduring connection to the ocean. We are highly dependent on the fisheries resources and other essential services provided to us by the sea, and we understand that our lives and livelihoods are firmly rooted in how well we understand and adapt to ocean conditions. This became much easier to do in 2001, when the Gulf of Maine Ocean Observing System, or GoMOOS, deployed ten observation buoys in the Gulf of Maine. This prototype system has transformed how we gather information about the ocean and track ocean conditions over time. On the surface, these buoys measure currents, temperature, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, other data can be gathered from these platforms.

What sets the GoMOOS observation system apart from the traditional data gathering approach, however, is that it takes all these ocean and surface condition measurements on an hourly basis through a network of linked buoys, and these near real-time measurements can be monitored and accessed by the general public through the internet. GoMOOS thereby provides a tremendous public service.

The need for this type of ocean data gathering and access is not limited to the Gulf of Maine. The U.S. coastline spans 95,000 miles, and all States that border our oceans and Great Lakes would benefit from this service. Ocean and coastal observing systems have been planned or developed for other coastal regions, many in conjunction with the National Oceanic and Atmospheric Administration, State coastal management agencies, universities, and other regional partners. These systems, however, use different approaches for collecting, managing, processing, and communicating data through their network, and these data are often incompatible with data from other regions. As a result, we lose a

valuable opportunity to develop a comprehensive picture of coastal and ocean conditions around the Nation.

S. 1400, the Ocean and Coastal Observation Systems Act, seeks to solve this problem. This bill would coordinate ocean and coastal observation efforts with the support of the Federal Government. It would help develop regional observation systems, link them through a nationwide network, and provide public access to the information so anyone can better understand and track ocean and coastal conditions. It would call on the National Ocean Research Leadership Council to design, operate, and improve a Nationwide observation system, as well as administer an ocean data research and development program. This Council would plan these activities through a collaborative interagency planning office and carry them out through a joint operations center.

The American public—over half of which lives along our coastlines—will be very well served through the many uses and applications of this system. Fisheries, scientists, and managers can use this information to predict ocean conditions that affect productivity and utilize this information in resource management. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who traverse the ocean can better predict safe sea conditions, and shippers can transport goods more efficiently. Ocean scientists and regulators can better understand, predict, and rapidly respond to marine pollution. Educators and students can learn more about marine science. Clearly, anyone who relies upon the ocean stands to benefit from this Nationwide observation system.

Mr. President, as Chair of the Subcommittee on Oceans, Fisheries, and Coast Guard and as a coastal State Senator, I am extremely proud to sponsor and support this bill. Considering the tremendous public good and services that these systems provide, it is imperative that we in Congress facilitate the development and funding of a national, integrated, and sustained ocean observation network. We can do this by passing the Ocean and Coastal Observation Systems Act. Following action by the Senate, I encourage the House of Representatives to take action on this bill to facilitate its passage into law. I am confident that this bill, once enacted, will serve the public well by facilitating better understanding of our Nation's oceans and coasts, and I thank my colleagues for supporting it.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions 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 amendment in the nature of a substitute was agreed to.

The bill (S. 1400), as amended, was passed.

#### AUTHORIZING APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 348, S. 1757.

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

The legislative clerk read as follows:

A bill (S. 1757) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

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

S. 1757

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

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

“(1) \$17,000,000 for fiscal year 2004; and

“(2) \$18,000,000 for each of fiscal years 2005 through 2008.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section (4)(a)(1)—

“(1) \$16,000,000 for fiscal year 2004; and

“(2) \$18,000,000 for each of fiscal years 2005 through 2008.”.]

“(1) \$16,000,000 for fiscal year 2004;

“(2) \$18,000,000 for each of fiscal years 2005 and 2006; and

“(3) \$12,000,000 for fiscal years 2007 and 2008.”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1757), as amended, was read the third time and passed, as follows:

S. 1757

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

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

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“(1) \$17,000,000 for fiscal year 2004; and  
“(2) \$18,000,000 for each of fiscal years 2005 through 2008.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

“(1) \$16,000,000 for fiscal year 2004;  
“(2) \$18,000,000 for each of fiscal years 2005 and 2006; and  
“(3) \$12,000,000 for fiscal years 2007 and 2008.”

### CAPTIVE WILDLIFE SAFETY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 269.

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

The legislative clerk read as follows:  
A bill (S. 269) to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

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

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

S. 269

*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 “Captive Wildlife Safety Act”.

#### SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

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

“(k) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means any live lion, tiger, leopard, cheetah, jaguar, or cougar.”

“(g) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means—

“(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

“(B) any live hybrid of any of those species.”

#### SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and

(iii) by adding at the end the following:

“(C) any prohibited wildlife species (subject to subsection (e));”;

(B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and

(C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”;

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

“(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

“(A) any [zoo, circus,] exhibitor or research facility licensed or registered and inspected by a Federal agency[, or aquarium];

“(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;]

“(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

“(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

“(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

“(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

“(iv) does not—

“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

“(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or]

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

“(F) (E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service and in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.”

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table en bloc, 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 bill (S. 269), as amended, was read the third time and passed, as follows:

S. 269

*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 “Captive Wildlife Safety Act”.

#### SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

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

“(g) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means—

“(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

“(B) any live hybrid of any of those species.”

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(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and

(iii) by adding at the end the following:

“(C) any prohibited wildlife species (subject to subsection (e));”;

(B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and

(C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”;

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

“(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

“(A) any exhibitor or research facility licensed or registered and inspected by a Federal agency;

“(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

“(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

“(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

“(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

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“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

“(E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.