

their lands. The legislation sets minimum criteria for non-Federal land to be eligible for compensation.

Our Federal land management agencies need to take responsibility for the fatal impacts that occur on non-Federal land as a result of a lack of management on Federal land. As a society, we have come to expect that our neighbors take responsibility for their actions and I feel the Federal land management agencies should not escape this responsibility either.

In the next few weeks, the weather will continue to heat up, the drought ridden West will become drier, wildfire will continue to plague throughout, and the number of reports regarding the loss of property will continue to escalate. At the same time, the forest health debate will also heat up as the Senate considers the President's Healthy Forest Initiative.

I know this legislation may not be the answer to solving our Federal land management problems and I am willing to discuss other options, but I know that until we address the heart of this issue, homes, private land, and communities will continue to be at risk because of poor Federal land management. Being a good neighbor means being responsible for your actions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1315

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

#### SECTION 1. SHORT TITLE.

This Act maybe cited as the "Enhanced Safety from Wildfire Act of 2003".

#### SEC. 2. UNITED STATES LIABILITY FOR DAMAGES RESULTING FROM THE SPREAD OF WILDFIRE FROM FORESTED PUBLIC LANDS.

(a) IMPOSITION OF LIABILITY FOR SPREAD OF WILDFIRE.—Title III of the Federal Land Policy and Management Act of 1976 is amended by inserting after section 318 (43 U.S.C. 1748) the following new section:

"Sec. 319. Liability for Damages Resulting From Spread of Wildfire From Public Lands or National Forest System Lands.

"(a) LIABILITY AS RULE OF LAW.—Except as provided in subsections (b), (c), and (d), and subject to the delayed effective date specified in subsection (h), any injury to or loss of property that occurs on non-Federal lands as a direct result of a fire that spread from forested Federal lands onto the non-Federal lands, either directly or by first spreading to other non-Federal lands, shall be deemed to be an injury or loss of property caused by the negligent or wrongful act or omission of an employee of the United States while acting within the scope of the employee's office or employment for purposes of section 1346 and chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').

"(b) ADDITIONAL REQUIREMENT FOR CERTAIN NON-FEDERAL LANDS.—The owner or leasee of non Federal lands damaged by the spread of wildfire from forested Federal lands may not utilize the rule of law specified in subsection (a) when the non-Federal lands ex-

ceed 6400 acres and are used for the commercial production of timber, unless the owner or leasee proves that the damaged non-Federal lands were being managed to achieve or maintain the forest health status known as condition class 1 immediately before the fire. In the event of a dispute between the owner or leasee and the Secretary concerned regarding the status of the non-Federal lands before the fire, the determination of the State Forester of the State in which the lands are located shall control and any expenses associated with State Foresters determination shall be equally divided between the disputing parties.

"(c) EXCLUSION OF CONDITION CLASS 1 LANDS.—The rule of law specified in subsection (a) shall not apply if the forested Federal lands within the buffer zone adjacent to the Federal land boundary from which the fire spread to non-Federal lands were managed as condition class 1 immediately before the fire.

"(d) EXCLUSION OF OTHER FEDERAL LANDS.—The rule of law specified in subsection (a) shall not apply to the following Federal lands, even though wildfire may originate on such lands and spread to adjacent non-Federal lands:

"(1) A component of the National Wilderness Preservation System.

"(2) Federal lands where, by Act of Congress, Presidential proclamation, or land and resource management plan, the removal of vegetation is prohibited.

"(3) Areas of Federal lands that comprise less than 6,400 acres and are not contiguous to other Federal lands.

"(e) EXCEPTION FOR O&C LANDS.—The rule of law specified in subsection (a) shall apply to National Forest System lands and Bureau of Land Management lands administered under the authorities of the O&C Sustained Yield Act of 1937 and that do not meet the acreage limitation set forth in subsection (d) (3).

"(f) REPORT REGARDING STATUS OF BUFFER LANDS.—Not later than two years after the date of the enactment of this section, the Secretary concerned shall submit to Congress a report describing the forest health status of all buffer zones with non-Federal lands and the extent to which the buffer zones are in, or are being managed to achieve, the forest health status known as condition class 1.

"(g) DEFINITIONS.—In this section:

"(1) The term 'buffer zone' refers to those forested Federal lands that are within a prescribed distance of a Federal land boundary with non-Federal lands and comprise, or are part of a larger area of Federal lands comprising, 6,400 acres or more. The Secretary shall prescribe the actual buffer zone for a particular area of forested Federal lands based on the geography, topography, and forest cover of the lands.

"(2) The term 'condition class 1', with respect to an area of forested Federal lands or non-Federal lands, means that the lands are managed so that

"(A) fire regimes on the lands are within historical ranges;

"(B) vegetation composition and structure are intact; and

"(C) the risk of losing key ecosystem components from the occurrence of fire remains relatively low.

"(3) The term 'forested Federal lands' means public lands and National Forest System lands that contain trees as a significant component of the lands.

"(4) The term 'Secretary concerned' means the Secretary of the Interior (or the designee of that Secretary) with respect to public lands and the Secretary of Agriculture (or the designee of that Secretary) with respect to National Forest System lands.

"(h) DELAYED EFFECTIVE DATE.—The rule of law specified in subsection (a) shall take effect at the end of the eight-year period beginning on the date of the enactment of this section and apply with respect to fires that spread from Federal lands onto non-Federal lands after the end of such period."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Federal Land Policy and Management Act of 1976 is amended by inserting after the item relating to section 318 the following new item:

"Sec. 319. Liability for damages resulting from spread of wildfire from public lands or National Forest System lands."

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 179—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. DONALD JOHNSON

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas, in the case of State of New Hampshire v. Donald Johnson, pending in Concord District Court for the State of New Hampshire, testimony has been requested from Carol Carpenter, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it Resolved That Carol Carpenter is authorized to provide testimony in the case of State of New Hampshire v. Donald Johnson, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter in connection with any testimony authorized in section one of this resolution.

#### SENATE RESOLUTION 180—TO SET STANDARDS FOR THE NAMING OF ANY PART OF THE SENATE WING OF THE CAPITOL BUILDING COMPLEX

Mr. DODD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 180

#### Resolved, SECTION 1. STANDARDS FOR NAMING PORTIONS OF THE SENATE WING OF THE CAPITOL.

(a) RESTRICTION.—The Senate shall not name any portion of the Senate wing of the

Capitol Building Complex after any person unless not less than 5 years have passed since the death of that person.

(b) DURATION.—

(1) IN GENERAL.—Except as provided under paragraph (2), the naming, by the Senate, of any portion of the Senate wing of the Capitol Building Complex shall remain in force for a period not to exceed 25 years beginning on the date of enactment of the Act or resolution that established such name.

(2) EXISTING NAMED AREAS.—Any portion of the Senate wing of the Capitol Building Complex that is named as of the date of adoption of this resolution shall no longer be so named after the date that is 25 years after the date of adoption of this resolution.

(c) DEFINITION.—In this resolution, the term “Senate wing of the Capitol Building Complex” includes—

- (1) the Senate wing of the United States Capitol Building;
- (2) the Russell Senate Office Building;
- (3) the Dirksen Senate Office Building;
- (4) the Hart Senate Office Building; and
- (5) spaces designated under the control of the Senate in the Capitol Visitor Center.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 975. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, and Mrs. CLINTON) proposed an amendment to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

SA 976. Mr. ROCKEFELLER (for himself, Mr. CARPER, Mr. GRAHAM, of Florida, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DODD) proposed an amendment to the bill S. 1, supra.

SA 977. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1, supra.

SA 978. Mr. JEFFORDS (for himself, Mr. KERRY, Mr. REID, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 979. Mr. AKAKA (for himself, Mr. SARBANES, and Ms. MIKULSKI) proposed an amendment to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

SA 980. Mr. AKAKA proposed an amendment to the bill S. 1, supra.

SA 981. Mr. PRYOR proposed an amendment to the bill S. 1, supra.

SA 982. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 983. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 984. Mr. BINGAMAN proposed an amendment to the bill S. 1, supra.

SA 985. Mr. BAUCUS (for Mr. EDWARDS (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 1, supra.

SA 986. Mr. BAUCUS (for Mr. LAUTENBERG (for himself, Mr. REED, Mrs. CLINTON, and Mr. CORZINE)) proposed an amendment to the bill S. 1, supra.

SA 987. Mrs. HUTCHISON (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mr. TALENT, Mr. REED, Mrs. MURRAY, Mr. SPECTER, Mrs. FEINSTEIN, Mr. CORZINE, Mr. BIDEN, Mr. BOND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 988. Mr. THOMAS (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 989. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 990. Mrs. MURRAY proposed an amendment to the bill S. 1, supra.

SA 991. Mr. HARKIN proposed an amendment to the bill S. 1, supra.

SA 992. Mr. BAUCUS (for Ms. STABENOW (for himself and Ms. SNOWE)) proposed an amendment to the bill S. 1, supra.

SA 993. Mr. BAUCUS (for Mr. DORGAN) proposed an amendment to the bill S. 1, supra.

SA 994. Mr. DURBIN (for himself, Mr. CORZINE, Mr. HARKIN, Mrs. BOXER, Ms. STABENOW, Mr. DAYTON, and Mr. BYRD) proposed an amendment to the bill S. 1, supra.

SA 995. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 996. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 997. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 998. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 999. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 1000. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 975. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, and Mrs. CLINTON) proposed an amendment to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes; as follows:

On page 10, lines 12 and 13, strike “(other than a dual eligible individual, as defined in section 1860D–19(a)(4)(E))”.

On page 21, strike lines 22 through 25, and insert “title XIX through a waiver under 1115 where covered outpatient drugs are the sole medical assistance benefit.”

On page 107, line 3, strike “30 percent” and insert “27.5 percent”.

On page 116, line 10, insert “and” after the semi-colon.

On page 116, line 12, strike “; and” and insert a period.

On page 116, strike lines 13 through 17.

On page 116, line 24, insert “and” after the semi-colon.

On page 117, line 2, strike “; and” and insert a period.

On page 117, strike lines 3 through 7.

On page 117, line 13, insert “and” after the semicolon.

On page 117, line 17, strike “; and” and insert a period.

On page 117, strike lines 18 through 23.

On page 118, line 6, insert “and” after the semicolon.

On page 118, in line 13, insert “or” after the semi-colon.

On page 118, line 14, strike “; or” and insert a period.

On page 118, strike line 15.

Beginning on page 118, strike line 16 and all that follows through page 119, line 9.

On page 119, line 10, strike “(F)” and insert “(E)”.

On page 119, line 15, strike “(G)” and insert “(F)”.

On page 119, line 19, strike “(C), (D), or (E)” and insert “(C), or (D)”.

On page 120, line 3, strike “(H)” and insert “(G)”.

On page 120, lines 5 and 6, strike “who is a dual eligible individual or an individual”.

Beginning on page 121, line 24, strike “dual eligible” and all that follows through “and” on page 122, line 1.

On page 146, line 6, insert before the period “and to the design, development, acquisition or installation of improved data systems necessary to track prescription drug spending for purposes of implementing section 1935(c)”.

Beginning on page 146, strike line 23 and all that follows through page 149, line 21, and insert the following:

“(C) FEDERAL ASSUMPTION OF MEDICAID PRESCRIPTION DRUG COSTS FOR DUALY ELIGIBLE BENEFICIARIES.—

“(1) IN GENERAL.—For purpose of section 1903(a)(1) for a State for a calendar quarter in a year (beginning with 2006) the amount computed under this subsection is equal to the product of the following:

“(A) STANDARD PRESCRIPTION DRUG COVERAGE UNDER MEDICARE.—With respect to individuals who are residents of the State, who are entitled to, or enrolled for, benefits under part A of title XVIII, or are enrolled under part B of title XVIII and are receiving medical assistance under subparagraph (A)(i), (A)(ii), or (C) of section 1902(a)(10) (or as the result of the application of section 1902(f) that includes covered outpatient drugs (as defined for purposes of section 1927) under the State plan under this title (including such a plan operated under a waiver under section 1115)—

“(i) the total amounts attributable to such individuals in the quarter under section 1860D–19 (relating to premium and cost-sharing subsidies for low-income medicare beneficiaries); and

“(ii) the actuarial value of standard prescription drug coverage (as determined under section 1860D–6(f)) provided to such individuals in the quarter.

“(B) STATE MATCHING RATE.—A proportion computed by subtracting from 100 percent the Federal medical assistance percentage (as defined in section 1905(b)) applicable to the State and the quarter.

“(C) PHASE-OUT PROPORTION.—Subject to subparagraph (D), the phase-out proportion for a quarter in—

“(i) 2006 is 95 percent;

“(ii) 2007 is 90 percent;

“(iii) 2008 is 85 percent;

“(iv) 2009 is 80 percent;

“(v) 2010 is 75 percent; or

“(vi) 2011, 2012 and 2013 is 70 percent.

“(d) MEDICAID AS SECONDARY PAYOR.—In the case of an individual who is entitled to a Medicare Prescription Drug plan under part D or drug coverage under a MedicareAdvantage plan, and medical assistance including covered outpatient drugs under this title, medical assistance shall continue to be provided under this title for covered outpatient drugs to the extent payment is not made under the Medicare Prescription Drug plan or a MedicareAdvantage plan.

Beginning on page 152, strike line 3 and all that follows through page 153, line 15, and insert the following:

“(f) DEFINITION.—For purposes of this section, the term ‘subsidy-eligible individual’ has the meaning given that term in subparagraph (D) of section 1860D–19(a)(4).”.