

(A) the role of physics in social, cultural, and economic development; and

(B) the positive impact and contributions of physics to society; and

(5) encourages the Secretary and all people involved in physics education and research to take additional steps (including strengthening existing and emerging fields of physics research and promoting the understanding of physics) to ensure that—

(A) support for physics continues; and

(B) physics studies at all levels continue to attract an adequate number of students.

HIBBEN CENTER ACT

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 643

Resolved, That the bill from the Senate (S. 643) entitled “An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hibben Center Act”.

SEC. 2. LEASE AGREEMENT.

(a) *AUTHORIZATION*.—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) *TERM; RENT*.—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) *IMPROVEMENTS*.—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

SEC. 3. GRANT.

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

(1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and

(2) the cost of improvements, not to exceed \$2,488,000.

SEC. 4. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

NOXIOUS WEED CONTROL AND ERADICATION ACT OF 2004

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 144) to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 144

Resolved, That the bill from the Senate (S. 144) entitled “An Act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.

The Plant Protection Act (7 U.S.C. 7701 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle E—Noxious Weed Control and Eradication

“SEC. 451. SHORT TITLE.

“This subtitle may be cited as the ‘Noxious Weed Control and Eradication Act of 2004’.

“SEC. 452. DEFINITIONS.

“In this subtitle:

“(1) *INDIAN TRIBE*.—The term ‘Indian Tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) *WEED MANAGEMENT ENTITY*.—The term ‘weed management entity’ means an entity that—

“(A) is recognized by the State in which it is established;

“(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

“(C) may be multijurisdictional and multidisciplinary in nature;

“(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

“(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.

“(3) *FEDERAL LANDS*.—The term ‘Federal lands’ means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

“SEC. 453. ESTABLISHMENT OF PROGRAM.

“(a) *IN GENERAL*.—The Secretary shall establish a program to provide financial and technical assistance to control or eradicate noxious weeds.

“(b) *GRANTS*.—Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

“(c) *AGREEMENTS*.—Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

“SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.

“(a) *CONSULTATION AND CONSENT*.—In carrying out a grant under this subtitle, the weed management entity and the Secretary shall—

“(1) if the activities funded under the grant will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) *GRANT CONSIDERATIONS*.—In determining the amount of a grant to a weed management entity, the Secretary shall consider—

“(1) the severity or potential severity of the noxious weed problem;

“(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the noxious weed problem;

“(3) the extent to which the weed management entity has made progress in addressing the noxious weeds problem; and

“(4) other factors that the Secretary determines to be relevant.

“(c) *USE OF GRANT FUNDS; COST SHARES*.—

“(1) *USE OF GRANTS*.—A weed management entity that receives a grant under subsection (a) shall use the grant funds to carry out a project authorized by subsection (d) for the control or eradication of a noxious weed.

“(2) *COST SHARES*.—

“(A) *FEDERAL COST SHARE*.—The Federal share of the cost of carrying out an authorized project under this section exclusively on non-Federal land shall not exceed 50 percent.

“(B) *FORM OF NON-FEDERAL COST SHARE*.—The non-Federal share of the cost of carrying out an authorized project under this section may be provided in cash or in kind.

“(d) *AUTHORIZED PROJECTS*.—Projects funded by grants under this section include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

“(2) Other activities to control or eradicate noxious weeds or promote control or eradication of noxious weeds.

“(e) *APPLICATION*.—To be eligible to receive assistance under this section, a weed management entity shall prepare and submit to the Secretary an application containing such information as the Secretary shall by regulation require.

“(f) *SELECTION OF PROJECTS*.—Projects funded under this section shall be selected by the Secretary on a competitive basis, taking into consideration the following:

“(1) The severity of the noxious weed problem or potential problem addressed by the project.

“(2) The likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the Federal funds will leverage non-Federal funds to address the noxious weed problem addressed by the project.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the weed management entity has made progress in addressing noxious weed problems.

“(6) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds.

“(7) The extent to which the project will reduce the total population of noxious weeds.

“(8) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(9) Other factors that the Secretary determines to be relevant.

“(g) *REGIONAL, STATE, AND LOCAL INVOLVEMENT*.—In determining which projects receive

funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

“(h) **SPECIAL CONSIDERATION.**—The Secretary shall give special consideration to States with approved weed management entities established by Indian Tribes and may provide an additional allocation to a State to meet the particular needs and projects that the weed management entity plans to address.

“SEC. 455. AGREEMENTS.

“(a) **CONSULTATION AND CONSENT.**—In carrying out an agreement under this section, the Secretary shall—

“(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) **APPLICATION OF OTHER LAWS.**—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United States Code, and other laws relating to the procurement of goods and services for the Federal Government.

“(c) **ELIGIBLE ACTIVITIES.**—Activities carried out under an agreement under this section may include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

“(2) Other activities to control or eradicate noxious weeds.

“(d) **SELECTION OF ACTIVITIES.**—Activities funded under this section shall be selected by the Secretary taking into consideration the following:

“(1) The severity of the noxious weeds problem or potential problem addressed by the activities.

“(2) The likelihood that the activity will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(6) Other factors that the Secretary determines to be relevant.

“(e) **REGIONAL, STATE, AND LOCAL INVOLVEMENT.**—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

“(f) **RAPID RESPONSE PROGRAM.**—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

“(1) there is a demonstrated need for the assistance;

“(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

“(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

“(4) the proposed response to such threat—

“(A) is technically feasible;

“(B) economically responsible; and

“(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

“SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.

“Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code.

“SEC. 457. AUTHORIZATION OF APPROPRIATIONS.

“(a) **GRANTS.**—To carry out section 454, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

“(b) **AGREEMENTS.**—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.”.

SEC. 2. TECHNICAL AMENDMENT.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting after the item relating to section 442 the following:

“Subtitle E—Noxious Weed Control and Eradication

“Sec. 451. Short title.

“Sec. 452. Definitions.

“Sec. 453. Establishment of program.

“Sec. 454. Grants to weed management entities.

“Sec. 455. Agreements.

“Sec. 456. Relationship to other programs.

“Sec. 457. Authorization of Appropriations.”.

Amend the title so as to read “An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.”

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to both bills, and the motions to reconsider be laid upon the table, en bloc, and that any statements be printed in the RECORD.

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

ORDERS FOR MONDAY, OCTOBER 11, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Monday, October 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be

reserved, and the Senate resume consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill; and the time until 12 be divided as follows: Senator BOXER, 15 minutes; Senator LANDRIEU, 30 minutes; Senator BAUCUS or his designee, 15 minutes; Senator GRASSLEY or his designee, 60 minutes.

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

Mr. TALENT. I was busy making notes. If I could ask the majority leader, would that include a few minutes for me to do morning business?

Mr. FRIST. Through the Chair, that would be for tonight?

Mr. TALENT. Yes.

Mr. FRIST. I will do that shortly.

PROGRAM

Mr. FRIST. Tomorrow, the Senate will resume consideration of the FSC/ETI JOBS conference report. Under the previous order, at 12 we will proceed to a vote on adoption of that conference report. That will be a rollcall vote. Following that vote, the order provides for us to dispose of the Military Construction appropriations bill and the Homeland Security appropriations bill and a number of other housekeeping measures.

As we indicated earlier, those will be completed without rollcall votes. Therefore, for scheduling purposes we will have one rollcall vote at 12, and that should conclude our voting. Again, I thank Members for their participation over this weekend.

We had a very full day yesterday and a very, very full day today. I do appreciate the cooperation of everyone. It was a real inconvenience to people's schedules, but it has allowed us to reach conclusion at a much earlier time than we would otherwise.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I mentioned off the microphones today to the two leaders, an hour or so ago, we are here on a Sunday and our dear friend, the senior Senator from West Virginia, Mr. BYRD, talked about the Sabbath and we were all so impressed with his remarks, but I say that if there ever were a time legislatively when the ox was in the mire, it was this weekend. But for our being here as a result of the work of the two leaders, Senator FRIST and Senator DASCHLE, we would not have completed the people's business.

We basically have done that tonight. Tomorrow we come in for some formalities: the FSC bill; cloture was invoked today and it will pass tomorrow and that is our only recorded vote. So I want the RECORD to reflect that Senators DASCHLE and FRIST are the two leaders for a good reason. It is very hard to get where we are, and we all have apologized on a number of occasions for having to come in on Sunday. It is a rare occasion we do that. But I repeat, the ox was in the mire. We had to do that. The ox is out of the mire,