(Mr. THOMAS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2270

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2286

At the request of Mr. VOINOVICH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 2286, a bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

S.J. RES. 30

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 72

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 326

At the request of Mr. HAGEL, his name was added as a cosponsor of S. Res. 326, a resolution condemning ethnic violence in Kosovo.

S. RES. 328

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 328, a resolution expressing the sense of the Senate regarding the continued human rights violations committed by Fidel Castro and the Government of Cuba.

S. RES. 332

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

AMENDMENT NO. 2649

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. COLLINS), the Senator from Montana (Mr. BAUCUS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 2649 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3022

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of amendment No. 3022 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3023

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 3023 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. FRIST, Mr. MILLER, Mr. DEWINE, Mr. VOINOVICH, Mr. ALLEN, Mr. CHAMBLISS, Mr. HAGEL, and Mr. DOMENICI):

S. 2290. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; read the first time.

Mr. FRIST. Mr. President, I rise today to introduce with my colleague, the chairman of the Judiciary Committee, Mr. HATCH, a bill relating to an issue I talked a lot on the floor about this morning and yesterday, and that is the issue of asbestos litigation reform.

This is an issue I have taken great pain to outline over the last several weeks because it is an issue that has been addressed in committee. It is an issue we looked at, debated, talked about, and discussed in a bipartisan way since that point in time. It is now time to take some action to continue the progress that has been made today.

It is on asbestos—an asbestos injury resolution act. Today, we introduce a substitute bill to S. 1125, which is the Fairness in Asbestos Injury Resolution Act, which was reported out of the Judiciary Committee.

I thank my colleague, Chairman HATCH, for getting S. 1125 through the Judiciary Committee last July where, among many other successes, he led a major bipartisan solution in committee on the linchpin criteria issue of the medical criteria. S. 1125, as reported out of committee, provided a solid, reasonable solution to the asbestos litigation crisis. It had numerous consensus-building changes all made at the request of people both on the committee, Democrats, and also representatives of organized labor.

Since that time, there have been continued negotiations, and there have been more agreements in improving the bill as reported.

Special thanks go to a whole number of people, including Senator SPECTER and Judge Edward Becker who have both greatly improved and addressed the many issues on the administrative side of this bill.

I thank many Members. I thank the ranking minority member, Senator LEAHY, and the efforts of my Democratic colleagues and many stakeholders who have contributed greatly to the underlying bill with discussions and negotiations since that point in time. All have been very involved in improving the legislation.

I believe it is time—indeed, we are taking this action today—to further the effort of putting forward a constructive bill which addresses many of the concerns that people are talking about but now we will have it as a bill.

To postpone this any longer, even though people keep coming forward and saying, I have another idea, I don't think will bring this to conclusion, and thus we introduce the bill today.

To push toward a solution, we are providing a substitute bill even though we will not bring this bill to the floor until after the April recess.

We, of course, welcome further discussions—myself, the chairman, and others—with regard to how we might further improve the bill.

What has emerged from the collective efforts to date is a proposal that retains the key elements of the original S. 1125 and includes some of the crucial modifications that address concerns raised since its passage in committee by stakeholders.

The goal is a bipartisan agreement. With the goal of a bipartisan agreement in mind, a couple of the additional improvements I should mention—improvements of the bill that is being introduced versus the original S. 1125.

First, we provide more compensation to the victims.

Second, we revise the funding provisions to help protect the solvency of the fund while ensuring that any risk of shortfall rests on defendants and insurers and not the claimants.

Third, we incorporated a new administrative system agreed to by various stakeholders that is easier for claimants to use and can begin processing and paying claims more quickly.

I mention these three only to highlight a few of the significant changes that we believe improve S. 1125 as reported—changes that were made in good faith to address the concerns raised by Democrats and that are aimed at ensuring the program established under S. 1125 was the most fair to the victims, the intended beneficiaries.

S. 1125 represents an important piece of legislation. We must not forget the provisions of banning asbestos proposed by Senator MURRAY, revised and adopted by the Judiciary Committee.

The ban on asbestos is necessary to ensure that the dangers associated with asbestos exposure can be eliminated.

We also have a duty to our veterans, many of whom were exposed to substantial amounts of asbestos while serving our Nation during World War II and on ships, who have limited means of obtaining compensation for asbestos-related illnesses.

The revised S. 1125—which will now be S. 2290—represents an easier and a faster avenue for the men and women of the armed services to receive fair and just compensation while still keeping intact their veterans benefits.

Residents and workers of Libby, MT, also need this legislation to obtain full and adequate compensation. We must move forward on S. 2290.

There no doubt will be constructive proposals from Senators on both sides of the aisle to further refine and improve this bill. By introducing this bill today, we encourage that process. It is my hope the process will be useful and not result in any further delays or in postponing us addressing this true crisis today.

I believe a fair and a reasonable solution in a bill that can pass this body is possible. I believe this is another major step forward to accomplish that goal.

In closing, I thank the chairman of the Judiciary Committee who has been instrumental from day 1 on this bill and who has worked closely with both sides of the aisle in developing this product we introduce today.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am grateful for the distinguished majority leader's remarks and for the tremendous work he has done in helping to bring this bill to the floor at this time, without which I don't think we would be this far. I have to say this is one of the most important bills in our country at this time. I am very grateful to him, and grateful to all of those who worked on this bill.

I rise today, along with the distinguished majority leader, to introduce S. 2290, the Fairness in Asbestos Injury Resolution Act—the FAIR Act—of 2004. This is a substitute bill that Senators FRIST, DEWINE, VOINOVICH, MILLER, ALLEN, CHAMBLISS, HAGEL, DOMENICI, and I have spent a great deal of time developing. I particularly want to commend Senator SPECTER and Judge Becker of the Third Circuit Court of Appeals for their efforts in bringing interested parties together to discuss the further development of this legislation. We are pleased to include many agreements from that mediation process in this bill.

Let me start by noting that the United States Supreme Court has sadly but appropriately characterized the asbestos litigation system in our country as ''an elephantine mass.'' The Wall Street Journal aptly called it ''a job-eating asbestos blob.''

Without question, we face a crisis of epidemic proportions.

First, our asbestos system is inequitable. In our lottery-like system, juries award enormous damages to a special few, many of whom are not impaired at all and have never suffered a day of sickness. In other words, our system makes millionaires out of people who are not sick and who may never become sick. Meanwhile, people who are truly sick from asbestos receive little or nothing.

Let me illustrate this point. In a recent Mississippi case, six plaintiffs who were not sick—not one day of sickness—were awarded a total of $150 million. The plaintiffs did not claim to have ever missed a day of work because of asbestos injury. They did not claim any medical expenses related to asbestos, and they did not have asbestos-related physical impairment. Meanwhile, truly sick asbestos victims under the Johns-Manville bankruptcy trust receive a mere 5 cents on the dollar. A jackpot justice system like the one we have is unfair, and it is unjust. That is happening all over because about 10 percent of the plaintiffs bar, the personal injury lawyers, I think to the irritation of the 90 percent, are forum shopping these bills in jurisdictions where they can get big verdicts for bad cases. Frankly, what is happening today on asbestos compensation should not take place in this great country of America.

In addition to the gross inequities with respect to who gets compensated, the system is so overwhelmed by claims that truly sick people can wait years and die before even getting their day in court.

The fact is, our courts are simply unable to handle the volume of asbestos litigation. Unless Congress acts to end the delays and the distortions caused by these voracious personal injury lawyers—as I say, only about 10 percent, maybe less than that, of the personal injury bar—our system will remain broken.

Another unacceptable feature of our current system is that most of the money that should be going to compensate the truly injured, guess where it goes? It goes into the pockets of the lawyers. One actuarial firm estimates personal injury lawyers bringing these cases will siphon more than $60 billion out of asbestos litigation before it is over, and that is a conservative estimate.

As unfair as the system is today, the future is even more grim. Excessive damage awards, along with the transaction costs associated with the lawsuits, deplete the financial resources of the defendant companies and send more and more of them into bankruptcy. Many of these businesses are union businesses. These union workers lose their jobs because we have not resolved this problem. As legal and financial resources are exhausted by those who are not sick, those who truly are afflicted with asbestos-caused diseases are less and less likely to be compensated.

According to the Rand Institute for Civil Justice, a very prestigious institute, ''about two thirds of the claims are now filed by the unimpaired, while in the past they were filed only by the manifestly ill.''

Our asbestos system does not only burden unfairness on the truly sick; it is also devastating to our economy. According to Rand, the number of claims continues to rise, with over 600,000 claims already filed. Typically, claimants filed against dozens of defendants; more than 8,500 companies have been named as defendants in asbestos litigation. With only a handful of the original asbestos manufacturing companies, the ones that are really liable, remaining today, new industries are being targeted for lawsuits.

For instance, it has been reported that the big three automakers ''are defending approximately 15,000 cases based on claims alleging injury due to exposure to asbestos in brakes and clutches.''

Even nonmanufacturers, businesses that just supply asbestos, are now facing claims. These include plumbing, heating, and automotive supply stores. As funds from asbestos companies continue to dry up, we can expect the enterprising personal injury bar to continue to target companies that have

tangential relations to the claims and little or no real culpability.

One company is one of the large insurance companies that has never insured for asbestos, never had anything to do with asbestos. Basically it has never had a claim for asbestos up until recently, but they have been dragged into 60,000 cases because they were one of the early medical teams that came to the conclusion that mesothelioma comes from asbestos exposure. They did medical evaluations that concluded and helped to make the cases for those who truly are suffering, people who now are getting five cents on a dollar. They have been dragged into 60,000 cases that they should not have been dragged into. They will win every one of those cases, no question about it. That last case they tried—and they did win it, by the way—cost $2 million just in defense fees alone. Times that by 60,000 and you get an idea of the nightmare that insurance company is going through all because of voracious—I think in some cases, dishonest, small percentage of the personal injury bar—personal injury lawyers who are bringing these cases.

Now, as funds from the asbestos companies continue to dry up, we can expect the enterprising personal injury bar to continue to target companies that have tangential relations to the claims but little or no real culpability or liability. Rest assured, without congressional action, the problem will not go away. Last year, a record 100,000 asbestos claims were filed. At least 70 companies have already gone into bankruptcy due to asbestos liability. By the way, many of those companies were union companies. Many union members lost their jobs.

Does anyone wonder why manufacturing may be going down in America? Blame those who are always on the side of the personal injury lawyers, just to mention one corruption of the law.

Of course, each bankruptcy does bring with it lost jobs, lost pensions, and weaker financial markets. The nonpartisan American Academy of Actuaries reports ''bankruptcies in corporate asbestos defendants have affected 47 states resulting in the loss of 52,000 to 60,000 jobs. With each displaced worker losing 25,000 to 50,000 in wage and 25 percent of their 401(k).'' In other words, their pensions.

Rand estimates this litigation will eventually result in a staggering 430,000 lost jobs. Where are our colleagues on the other side when it comes to jobs? Here is a way of saving 430,000 manufacturing jobs and most of them will vote against this bill. Why? I will get into that in a few minutes.

The Supreme Court repeatedly called upon Congress to take action, but years have slipped by and we have not resolved the problem. Unless we act now, three things are certain. One, there won't be enough money to compensate people who are truly sick from asbestos exposure; two, hundreds of thousands of working Americans are going to lose their jobs and their pensions as these businesses go bankrupt; and three, personal injury lawyers will continue to get richer and richer.

I am not against them getting rich when they bring honest cases. I am not against them doing well when they earn the money. But this is like rolling off the log the way the current tort system is so broken and out of whack.

We need a comprehensive solution that is fair and we need it now. That is why we are introducing the Fairness Asbestos Injury Resolution Act of 2004, called the FAIR Act, the Hatch-Frist-Miller Act. I am pleased we have been able to make changes in this bill from the bill we reported out of the Judiciary Committee. This bill will address the concerns that have been raised. This legislation offers a fair and efficient solution. The bill provides a clear net monetary gain for legitimate victims with faster and more certain compensation. In addition, the legislation is important to our economy by providing certainty to American businesses, retirement savings, and it will preserve jobs, as well.

The Americans injured by asbestos have waited long enough for a fair system of fair compensation. Many of them would not have to wait any longer once this bill passes.

Nor can American workers afford to wait around while they lose their jobs and their pensions and while they die from mesothelioma and other asbestos-related diseases. The only people who can afford to wait are those who profit from the sick and from the hard-working Americans.

S. 1125, the Fairness and Asbestos Injury Act, the FAIR Act, as reported out of the Senate Judiciary Committee, represented an unprecedented advance on a workable solution to the complex and difficult issues that have stalled previous attempts at similar legislation. Landmark agreements were reached on asbestos injury compensation cases such as medical criteria, and over 50 consensus-building changes were adopted overall. Nonetheless, a number of issues were left open for further discussion and additional concerns were raised that were not satisfactorily addressed by the committee. We did our best but we needed to make some of these changes, so we have.

Since the bill was recorded out of committee, various State courts and members of both parties have continued working.

The Hatch-Frist-Miller substitute bill being introduced reflects agreements on some of these difficult issues reached during these negotiations and attempts to address a number of concerns that have been raised but have not yet been subject to widespread agreement. In particular, the Hatch-Frist-Miller bill raises claims values. It streamlines the administrative system to be up and running quickly. It increases liquidity and upfront funding for faster compensation of claims, and if a fund runs out of money, that risk will be on the defendants and the insurers, not on the claimants.

These are some of the highlights of the numerous changes made to make a fairer system for claimants. I fully expect that passing this legislation is going to be an uphill battle due to the strong grip of the powerful personal injury bar. Personal injury lawyers, by the way, have already been well compensated with respect to asbestos litigation having already taken an estimated $20 billion for themselves so far in legal fees.

I have faith in the fairness and common sense of Americans. I believe they can see through the self-interest of personal injury lawyers who want to maintain a system that unduly benefits them. Americans will understand that without reform true victims of asbestos exposure, as well as businesses, employees and pensioners will pay the price.

I look forward to debating and further refining this important bill when we return from the April recess. This bill, as most bills, is not perfect. No piece of legislation is without some imperfection in the eyes of someone or some special interest. But if there is ever a case for not letting the perfect become the enemy of the good—and the very good, at that—it is this asbestos bill.

I am aware some will argue strongly this bill is too big, it is too costly. I am also aware some will argue this bill is too small and does not go far enough. But the truth is, if either of these perspectives fail, we will be left with the undesirable status quo. Unless we adopt something very close to what we are proposing, the victims of asbestos and those being asked to provide a fair level of compensation will continue to suffer—probably without anybody benefiting except the personal injury bar, and then a very small percentage of them.

When we take up this bill in the next few weeks, let us strive to achieve a proper balance between the interests of those afflicted and those individuals and firms who are called upon to provide the compensation for this important program.

Some say—I think somewhat cynically—many of our colleagues on the other side are not going to vote for this bill because no amount of money is going to make them satisfied because two of their major constituencies are against the bill, and have been, so far, against any bill. Some have said they are afraid the personal injury bar will not put up at least $50 million for JOHN KERRY in this election if they vote for this bill. Others are saying without that money, they might not be able to elect JOHN KERRY President. I think that is a pretty cynical approach, of course. But if it is true, or there is any truth to it, then it is pretty pathetic that they would let these hundreds of thousands of people go down the drain without just compensation, which we have in this bill, because of politics.

By the way, the other reason is because the AFL–CIO has not signed onto this bill. That is not quite true. There are a few unions that are for this bill. They know it is important. They know they are going to lose jobs, they are going to lose pensions, they are going to lose opportunities if these companies keep going bankrupt. About 70,000 jobs, it is estimated now, have been lost.

These are two very large constituencies of the Democratic Party. I cannot blame Democrats for at least considering that they are concerned about this bill. But I think the union leaders know this is an important bill, and they know it is a good bill. Frankly, they do not want to have to make that decision during an election year.

Well, I do not care whether it is an election year or nonelection year; we cannot wait any longer. If we do not pass this bill and do the best we can do for these workers and for these companies, and for all concerned, in the way we have, these companies are going to have to come up with this whopping amount of money in this bill. They are the ones who are going to have to do it.

I saw yesterday in the Wall Street Journal they thought the Government was going to have to come up with lots of money. Well, some actually make a pretty good argument the Government should. We have made it very clear the Government is not going to. This is not going to be part of our deficit burden we have in this country. Let some make their effective arguments the Government knew asbestos was harmful, yet imposed it by regulation in our ships and in so many other ways. Be that as it may, we are not imposing this on Government. These companies are going to have to come up with this money. It has been a monumental effort by those of us who have fought this through to bring together enough money to be able—according to those who analyze the economics of this, those who are honest and decent in analyzing it—to pay the claims we have under the medical criteria in this bill. And the medical criteria happen to be fair as well.

Let me close. First of all, I hope that is not the reason why our colleagues vote against this bill. Unfortunately, I believe that probably is the reason—those two reasons. There may be others as well, but they are not justified after all the hard work that has been done by both Democrats and Republicans in bringing the bill this far.

Let me close by thanking the majority leader, Senator FRIST, for the work he has done, and especially thank Senator SPECTER for his Herculean efforts in bringing the bill to its present form, and Judge Becker, for whom I have the utmost of respect and affection. I urge my colleagues to support this fair solution to a broken system that has languished far too long.

Mr. President, I yield the floor.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2291. A bill to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''; to the Committee on Governmental Affairs.

Mr. CORZINE. Mr. President, I am honored to introduce a bill on behalf of Senator FRANK LAUTENBERG and myself to authorize the renaming of the main post office in Fair Lawn, NJ as the Mary Ann Collura Post Office.

Mary Ann Collura was the first female police officer in Fair Lawn, where she served the people in her community as an outstanding officer and role model for eighteen years. On April 17, 2003, Officer Collura was fatally shot while attempting to arrest three men after a car chase. She was the first Fair Lawn police officer ever killed in the line of duty.

The idea for naming the Fair Lawn post office in honor of Officer Collura came from a Fair Lawn high school student, which is indicative of the admiration the people of Fair Lawn have for her. She was known for her courage, kindness, and genuine caring for others. Officer Collura was also a pioneer in Fair Lawn. She started a program to protect trick-or-treaters on Halloween by giving them glow sticks, which has expanded and is now a countywide program.

Senator LAUTENBERG and I are proud to be joining Representative STEVEN ROTHMAN and the entire New Jersey congressional delegation in the effort to rename the Fair Lawn post office in honor of Mary Ann Collura. By naming the main post office in town after such a brave woman, we pay her the respect she earned, and memorialize her in a way befitting a person of her stature. She is a true hero and will be missed.

I ask by 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:

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, and known as the Fair Lawn Main Post Office, shall be known and designated as the ''Mary Ann Collura Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Mary Ann Collura Post Office Building''.

By Mr. VOINOVICH:

S. 2292. A bill to require a report on acts of anti-Semitism around the world; to the Committee on Foreign Relations.

Mr. VOINOVICH. Madam President, during the last several years, I have been deeply concerned with the rise of antisemitism in countries throughout the world, including countries that have traditionally been among the world's strongest democracies.

Today, as Jewish people across the world celebrate Passover, a festival of freedom and redemption, I rise to again call attention to growing antisemitism and to urge a renewed effort to combat this serious problem, both at home and abroad.

Although some of my colleagues might not be aware, I have had the opportunity to visit the State of Israel seven times, as mayor of Cleveland, Governor of Ohio, and as a Member of the Senate. I will always remember visiting Yad Vashem on my first visit in 1980, and again on several other visits, and the Diaspora Museum in Tel Aviv in 1982. That experience truly brought home to me the horrors of the Holocaust and the role antisemitism played in leading to the Holocaust.

I vowed I would do everything in my power to make sure it would not happen again. Frankly, I never thought during my lifetime I would have to try to keep that vow. Unfortunately, antisemitism's deadly, ugly head is rising again. Working with other groups, I am determined to do everything I can do to stop it. There must be zero tolerance of antisemitism.

In May of 2002, following a disturbing number of antisemitic incidents in Europe, I joined members of the Helsinki Commission in a hearing to examine the rise of antisemitic violence in Europe. I was shocked by the reports I heard. Now, nearly 2 years later, the news is not much better. The first 3 months of 2004 have seen numerous acts of antisemitism abroad.

For example, in Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire. In St. Petersburg, Russia, on February 15, 2004, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting them with swastikas and antisemitic graffiti.

Antisemitic incidents are not unique to Europe. In Australia, on January 5 of this year, antisemitic slogans and symbols were burned into the lawns of Tasmania's Parliament House.

In Toronto, Canada, over the weekend of March 19, 2004, vandals attacked a Jewish school, cemetery, and area synagogues, painting swastikas and antisemitic slogans on the walls of the synagogue and on residential property in a predominantly Jewish neighborhood nearby.

This alarming trend has not gone unnoticed. The high number of antisemitic incidents in Europe and other parts of the world has caused the United States, working with our allies and international organizations such as the Organization for Security and Cooperation in Europe, to take action.

Efforts to highlight growing antisemitism began in earnest following the Helsinki Commission hearing in May 2002, to which I have just referred. During that hearing, I called on the

OSCE to conduct a separate session on antisemitism during the annual meeting of the OSCE parliamentary assembly in Berlin in July 2002. I was pleased this did in fact take place. Delegates to this meeting also unanimously passed a resolution calling attention to the dangers of antisemitism, which I cosponsored. I was honored to be in Berlin for the meeting, joining Representative CHRIS SMITH, who serves as chairman of the Helsinki Commission and continues to be a great leader on this issue. We are very fortunate to have CHRIS SMITH heading the Helsinki Commission in the House of Representatives. He is doing a wonderful job. Work continued upon our return with letters to the President and Secretary of State, underscoring the importance of a strong U.S. commitment to the fight against global antisemitism.

Last June, former New York City Mayor Rudy Giuliani led the U.S. delegation to the first conference of the OSCE dedicated solely to the issue of antisemitism.

The conference took place in Vienna, bringing together parliamentarians, officials, and private citizens from all 55 OSCE participating states. This conference was the product of much hard work and would not have been a reality without the strong support of Secretary of State Colin Powell, Under Secretary of State for Political Affairs Mark Grossman, and our Ambassador to the OSCE, Stephan Minikes. Stephan Minikes, by the way, I think is the most outstanding ambassador the United States has sent to the OSCE in a very long time.

The Vienna conference was a step in the right direction. I believe Mayor Giuliani best captured the significance of the event when he remarked:

> The conference represents a critical first step for Europeans who have too frequently dismissed anti-Semitic violence as routine assaults and vandalism. Antisemitism is anything but routine. When people attack Jews, vandalize their graves, characterize them in inhumane ways, and make salacious statements in parliaments or to the press, they are attacking the defining values of our societies and our international institutions.

While the Vienna conference provided a solid foundation, followup to the meeting is absolutely essential. As such, the OSCE will convene a second conference on antisemitism in Berlin later this month. I believe this meeting is urgently needed, and I am pleased Secretary Powell has asked me to serve as a member of the U.S. delegation to this critical gathering.

Again, this meeting in Vienna would not have happened without the strong support of our Secretary of State and his team at the State Department.

In Berlin, our goal is to ensure we move beyond rhetoric and move forward to institutionalize the fight against antisemitism in the OSCE. We hope to put in place an action plan to formalize a process to identify, monitor, and measure efforts to combat antisemitism in each of the 55 OSCE participating states, including the United States.

Too often, as the Presiding Officer knows, there is a lot of talk at these meetings but no action. If we are to be successful in our effort, we must establish a commitment to action—action that can be monitored. This is the message I have continued to stress.

Last July, I wrote to those individuals who joined Mayor Giuliani as members of the U.S. delegation to the Vienna conference, including Abraham Foxman of the Anti-Defamation League, Mike Levin of the National Conference on Soviet Jewry, David Harris of the American Jewish Committee, and Dave Mariaschin of B'nai B'rith, asking them for recommendations for action, things that can be done to encourage tangible steps rather than just dialog. They came back to me with recommendations for the Berlin conference which I then sent to Secretary of State Colin Powell.

Madam President, I ask unanimous consent that my letter to Secretary Powell, including the proposed agenda for the Berlin conference, be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, February 6, 2004.

Hon. COLIN L. POWELL,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY POWELL: I would like to take this opportunity to thank you for your continued leadership on efforts to combat anti-Semitism abroad. The United States has played an important role in highlighting the need to take action on this issue, both through our bilateral relationships and interaction with international organizations such as the Organization for Security and Cooperation in Europe (OSCE).

Significant progress has been made during the last year on efforts to raise awareness of the rise in anti-Semitic violence in Europe and other parts of the world. The Vienna Conference on Anti-Semitism convened by the OSCE last June was an important step in the right direction; however, I believe that the follow-up to this meeting is critical. As such, I was pleased that you, and others, expressed support for a second meeting on anti-Semitism during the OSCE Ministerial in Maastricht.

As the United States prepares for this follow-up meeting, scheduled to take place in Berlin this April, I believe that we should work together to establish clear objectives and outline a solid agenda. It is in this spirit that I would like to share with you the attached recommendations for action items that have been outlined by a number of non-governmental organizations with a long-standing interest in the issue of anti-Semitism. I hope that you find them useful as planning for the Berlin conference continues.

Again, thank you for ongoing work to raise awareness of this serious problem. I look forward to working with you in the months leading to this important event.

Sincerely,

GEORGE V. VOINOVICH,
United States Senator.

JANUARY 21, 2004.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of our organizations, we commend you for your leadership in the domestic and global fight against anti-Semitism, particularly your role in gaining the attention and commitment of European governments. We are writing to respond to your request for actionable steps the United States can take to facilitate concrete responses to anti-Semitism in the OSCE region.

In anticipation of the upcoming April 2004 OSCE anti-Semitism conference in Berlin, we have compiled the following points for your consideration. We also take this opportunity to reiterate the important role that you and other Senators are playing in this process, and the indispensable diplomatic campaign by the U.S. Government.

BERLIN OSCE CONFERENCE

1. Program should include plenary speeches and workshops in the areas of:

Governmental/Parliamentary action;

Law Enforcement: monitoring, hate crimes response, anti-bias education;

Education: Making anti-bias education a component of education from an early age;

The role of the media in setting a tone for tolerance in the public debate.

Following the opening plenary, multiple concurrent workshops would enable the program to cover more ground and make the two days as productive as possible for delegation members from law enforcement, educational and other areas.

2. Governments should be encouraged to:

Reflect the seriousness and sense of urgency with which the OSCE views the problem by appointing high-level government delegations;

Appoint delegations which also include officials from agencies outside the foreign ministry who are poised to play a role in implementing relevant programs against anti-Semitism (e.g., interior, education, justice, police, parliament), which should also be a consideration in assembling the U.S. delegation;

Include non-governmental leaders in their national delegations, reflecting interdenominational, human rights and Jewish community perspectives;

Utilize the conference as a forum to bring to light best practices from their country where relevant, including governmental as well as community examples;

Report on progress toward implementing Holocaust-related and other tolerance education, with reference to the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research;

Publicly repudiate incitement and other efforts to turn political grievances into appeals to ethnic hatred, anti-Semitism and the denial of Holocaust history;

Counter Middle Eastern sources of anti-Semitic and other hate material.

3. Preparation and Follow-Up:

In Berlin, announce the establishment of ministerial working groups or task forces in the areas such as education, monitoring, and law enforcement. These tracks would work together to monitor implementation of recommendations and convene follow-up meetings of experts to assess progress on implementation and exchange strategies. The United States, Germany and the Bulgarian OSCE Chairmanship should communicate now with counterparts to interest key players and recruit ministers in advance who would be willing in Berlin to announce their involvement and assume specific responsibilities (e.g., German Interior Minister Otto Schily, French Minister of Interior Nicolas Sarkozy and Education Minister Luc Ferry).

Craft an agenda for the working groups, and establish ongoing interface with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), including the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw.

4. A joint declaration and program of action against anti-Semitism should be developed in advance consultations and unveiled in Berlin by the consenting governments.

OSCE MONITORING OF ANTI-SEMITISM

ODIHR should craft a data collection model. A visit to the United States and other relevant OSCE countries by Ambassador Strohal and his team would enable vital consultations with hate-crime monitoring experts in and out of government.

In addition to collecting and analyzing data, ODIHR needs to implement its new mandate by working with OSCE member states to promote in-country programs and legislation. ODIHR should also begin evaluating and developing recommended standards for reporting and classifying of incidents.

OSCE law-enforcement programs should include an anti-bias unit where possible.

A session in the October HDIM should be devoted to a status report on this and related initiatives.

As you know, Senator, our organizations are in close coordination with the United States Government, with each other and with other governments and interested parties to maximize the possibilities for Berlin and beyond. We appreciate your initiative in soliciting our input on this timely and vital matter, and look forward to continuing our work with you and your Senate colleagues.

Sincerely,

MARK B. LEVIN,
Executive Director, NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States & Eurasia
DANIEL S. MARIASCHIN,
Executive Vice President, B'nai B'rith International
MALCOLM HOENLEIN,
Executive Vice Chairman, Conference of Presidents of Major American Jewish Organizations
ABRAHAM H. FOXMAN,
National Director, Anti-Defamation League
HANNAH ROSENTHAL,
Executive Director, Jewish Council for Public Affairs
DAVID A. HARRIS,
Executive Director, American Jewish Committee.

Mr. VOINOVICH. Madam President, I am pleased the State Department has taken these suggestions into consideration in working to prepare the agenda for the Berlin conference. There has been a great deal of effort to ensure this conference meets my expectations and others', and it is my sincere hope this meeting will help move toward the goal of zero tolerance for antisemitism in the world today. While I believe we must do all we can to encourage our allies and partners abroad, as well as our international organizations, such as the OSCE, the United Nations, and the EU to combat antisemitism, it is important we redouble our efforts at home to call attention to this problem.

Tomorrow the Senate Foreign Relations Committee will conduct a hearing to examine antisemitism in Europe. This continues discussion on the issue following a hearing that took place last October. While this is significant, we can and we ought to do more.

Today I introduce legislation calling attention to the growing problem of antisemitism abroad. This bill, called the Global Antisemitism Review Act of 2004, urges the United States to continue to strongly support efforts to highlight antisemitism through bilateral relationships and interaction with international organizations, such as the Organization for Security and Cooperation in Europe.

Further, the legislation requires the Secretary of State to submit to Congress an annual report on acts of antisemitism worldwide. The report will include a description of the following for each foreign country; in other words, we are going to have a report on each one of the 55 members of the OSCE.

First, a description of physical violence against or harassment of Jewish people or community institutions, such as schools, synagogues, or cemeteries, that occurred in that country; second, the response of the government of that country to such attacks; third, actions by the government of that country to enact and enforce laws relating to the protection of the rights to religious freedom with respect to Jewish people; and finally, the efforts made by that government to promote antibias and tolerance education.

The last point I think is so important. If we are truly to be successful, it is imperative we work to promote tolerance and bring about a change in the hearts and minds of those people responsible for acts of antisemitism and other hate crimes. We can do something about their mouths, their hands, and their feet, but the real challenge for us is to change their minds and their hearts.

Last year, both the Senate and the House of Representatives passed resolutions calling on the State Department to thoroughly document acts of antisemitism worldwide. This bill would take it one step further. I believe it is essential, and I urge my colleagues to join me in supporting swift passage of this legislation which will underscore the high priority Congress and the U.S. Government have given to zero tolerance of global antisemitism.

Mr. VOINOVICH. Mr. President, 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. 2292

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 ''Global Anti-Semitism Review Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years.

(2) During the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world, including the following incidents:

(A) In Australia on January 5, 2004, poison was used to ignite, and burn anti-Semitic slogans into, the lawns of the Parliament House in the state of Tasmania.

(B) In St. Petersburg, Russia, on February 15, 2004, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti.

(C) In Toronto, Canada, over the weekend of March 19 through March 21, 2004, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

(D) In Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire.

(3) Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses in Egypt and other Arab countries.

(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled ''Horseman Without a Horse,'' which is based upon the fictitious conspiracy theory know as the Protocols of the Elders of Zion. The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

(5) In November 2003, Arab television featured an anti-Semitic series, entitled ''Ash-Shatat'' (or ''The Diaspora''), which depicts Jewish people hatching a plot for Jewish control of the world.

(6) The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism.

(7) The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

(8) The United States Government has strongly supported efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations.

(9) Congress has consistently supported efforts to address the rise in anti-Semitic violence. During the 107th Congress, both the Senate and the House of Representatives passed resolutions expressing strong concern with the sharp escalation of anti-Semitic violence in Europe and calling on the Department of State to thoroughly document the phenomenon.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to strongly support efforts to combat anti-Semitism worldwide through bilateral relationships and interaction with international organizations such as the OSCE; and

(2) the Department of State should thoroughly document acts of anti-Semitism that occur around the world.

SEC. 4. REPORT.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on acts of anti-Semitism around the world, including a description of—

(1) acts of physical violence against, or harassment of, Jewish people, and acts of violence against, or vandalism of, Jewish community institutions, such as schools, synagogues, or cemeteries, that occurred in each country;

(2) the responses of the governments of those countries to such actions;

(3) the actions taken by such governments to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(4) the efforts by such governments to promote anti-bias and tolerance education.

By Mr. DOMENICI:

S. 2294. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great diversity of unique plant and animal species. The ecosystem makes up an indispensable part of southwest's treasured ecological diversity. As such, it is important that we teach our young ones an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a non-profit institution that has spent the past six years providing hands-on science education to K–12th graders. To achieve this mission, the Nature Park provides classroom presentation, field trips, schoolyard ecology projects and teacher work shops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA–Agriculture Research Service (USDA–ARS) property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA–ARS has approved the land transfer, noting the critically important mission of the Desert Park. I have no doubt that senators on both sides of the aisle will recognize the importance of this land transfer.

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:

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 ''Jornada Experimental Range Transfer Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. DORGAN, Mr. SCHUMER, Mrs. CLINTON, and Mrs.BOXER):

S. 2295. A bill to authorize appropriations for the Homeland Security Department's Directorate of Science and Technology, establish a program for the use of advanced technology to meet homeland security needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by a number of my colleagues representing southern and northern border States, including Senators KYL, DORGAN, SCHUMER, CLINTON, and BOXER in introducing the Border Security and Technology Integration Act of 2004. This bill was developed together with my fellow Arizonan, Congressman KOLBE, who has introduced the House companion to this bill. It is designed to identify and address gaps in border infrastructure and enforcement and promote our Nation's security efforts.

As estimated one million people enter this country illegally every year. Last year, more than 300 people died illegally crossing the border separating the United States and Mexico—and over 200 of those deaths occurred in the Arizona desert. Although the vast majority of these individuals do not intend to harm our Nation, we must recognize our vulnerability to security threats and take action to address identified safety and security lapses. Improving enforcement along our porous borders, as proposed in this legislation, would be one very important step in our efforts to promote national security.

While I commend the Department of Homeland Security (DHS) for its many actions taken over the past year, much remains to be done to secure our Nation. We do not have sufficient control of our Nation's borders, and that fact represents a serious threat to our Nation's security. The solution is two part. We must couple comprehensive immigration reform with improvements in infrastructure and enforcement in the border region—one without the other will never solve this problem. Last summer I introduced comprehensive immigration reform legislation to address our broken immigration system. The Border Security and Technology Integration Act of 2004 would address the other half of the border security equation—improving technology, infrastructure, and coordination in the border region.

The Border Security and Technology Integration Act is intended to improve security along the vast expanses of land between ports of entry along our Nation's northern and southern borders. It would direct the Department of Homeland Security (DHS) to conduct comprehensive vulnerability and threat assessments throughout Bureau of Customs and Border Protection field offices to determine what technology and equipment are needed to improve security. The bill would establish two

new border technology pilot programs, one to address aerial surveillance and another to address ground surveillance, that together, will comprehensively evaluate technologies that can improve security along the borders.

With jurisdiction along the border divided among a number of Federal, State, local, and tribal government agencies, coordination and communication between entities too often falls short. To address this problem, this bill would direct DHS to develop plans to improve coordination, communications integration, and information sharing among the various governmental agencies.

The bill also would provide additional direction to the Science and Technology (S&T) Directorate within the DHS. The S&T Directorate is responsible for coordinating research, development, testing, and evaluation activities for all elements of DHS. It also has distinct program areas dedicated to addressing each major category of weapons of mass destruction, such as chemical, biological, radiological, nuclear, and high-explosives. In fiscal year 2004, DHS received $1.04 billion in research and development (R&D) funding, with $874 million appropriated to the S&T Directorate.

The Border Security and Technology Integration Act is intended to improve the coordination and integration of R&D needs and priorities managed by the S&T Directorate. Although most of Department's R&D activities are within the S&T Directorate, other directorates within DHS also include an R&D component. The lack of consolidatoin of R&D activities raises concern about the potential for duplication and misuse of R&D funds. The FY 2005 budget request recognizes the need to consolidate research funds, and to assist with this effort, this bill would direct DHS to identify all R&D activities outside of the S&T Directorate and consolidate these activities within the Directorate to minimize waste and duplication of efforts.

Technology transfer, which is defined as ''a process by which technology developed in one organization, in one area, or for one purpose is applied in another organization, in another area, or for another purpose'' is an essential component of the new S&T Directorate. This legislation will direct the Undersecretary of the S&T Directorate to establish a Technology Transfer and Licensing Office to facilitate the transfer of technologies into and out of the S&T Directorate and to handle licensing activities for the S&T Directorate. It also would direct DHS to conduct a study to determine the feasibility of establishing a nonprofit government-sponsored enterprise for investing in private sector enterprises that develop new technologies that show promise for homeland security applications.

Again, border security and immigration reform represent national security issues for all Americans and matters of life and death for many living along the border. Since January, over 2,000 suspected smugglers and well over 155,000 undocumented immigrants have been apprehended across Arizona.

The Federal Government's inability to adequately secure our borders perpetuates a state of lawlessness, shifting substantial financial and social burdens to residents of the border region. Violent crimes in Phoenix, alone, have risen 400 percent over the past year, largely due to human smugglers. Across the Nation, hospitals spend well over $200 million a year providing uncompensated care to undocumented immigrants, forcing many hospitals along the border to close their doors or dramatically reduce services. Cash-strapped local law enforcement officials spend millions of dollars covering the cost of incarcerating undocumented immigrants. Frustrated by this situation, some residents have taken the law into their own hands, forming vigilante groups to patrol the border.

While DHS has recently launched several initiatives, including Operation ICE Storm and the Arizona Border Control Initiative, which I hope will substantially improve security in the Arizona border region, we must do more. Manpower alone can never secure the border. We need a comprehensive border-wide security approach that involves people, infrastructure, and technology.

I urge may colleagues to support our efforts to address border security in a reasoned and responsible manner. 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. 2295

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 ''Border Infrastructure and Technology Integration Act of 2004''.

TITLE I—BORDER SECURITY

SEC. 101. VULNERABILITY AND THREAT ASSESSMENT.

(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico, including an assessment of the optimal Border Patrol strength for those borders. The Under Secretary shall conduct follow-up studies at least once every 5 years.

(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Directorate of Border and Transportation Security such sums as may be necessary for fiscal years 2005 through 2010 to carry out any such recommendations from the first study conducted under subsection (a).

SEC. 102. DISCRETIONARY ACCOUNTS FOR FIELD OFFICES.

(a) IN GENERAL.—The Secretary of Homeland Security may provide up to $15,000 per fiscal year to any field office of the Bureau of Customs and Border Protection to be used by that office in developing innovative techniques and technologies to carry out its duties with respect to the inspection of articles and individuals entering the United States. Financial assistance provided to a field office under this subsection shall be in addition to any amounts made available to that office under any other provision of law.

(b) APPLICATIONS.—To receive funding provided under subsection (a) a field office shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, describing the purpose for which the additional funding is requested in sufficient detail to permit the Secretary to determine whether the additional funding is necessary and appropriate.

(c) REPORTS.—

(1) INFORMATION-SHARING.—Not later than 30 days after the head of a field office implements a new technique or technology developed in whole or in part with funding provided under subsection (a), the head of the field office shall submit a report to the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security, the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Science and Technology, and the heads of the other field offices regarding the technique or technology in order for successful techniques and technologies to be replicated by other offices.

(2) CONTENTS.—The report shall include—

(A) a description of the technique or technology developed or implemented with funds provided under subsection (a); and

(B) information on—

(i) how the technique or technology was employed to enhance border security;

(ii) the effectiveness of the technique or technology for enhancing border security; and

(iii) the need for future development or implementation of additional techniques or technology;

(C) accounting for expenditures of funds received under subsection (a);

(D) requesting more funding under subsection (a) if the head of the field office believes it necessary to improve or further develop the technique or technology, or to develop additional techniques or technologies; and

(E) providing an explanation of the need for such additional funding and a justification for the amount requested.

SEC. 103. USE OF AERIAL SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Secretary of Defense, and the Administrator of the Federal Aviation Administration shall develop a pilot program to utilize, or increase the utilization of, aerial surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

(1) consider current and proposed aerial surveillance technologies that could be utilized to enhance the border security of the United States;

(2) assess the threats to the border security of the United States that can be addressed by the utilization of such technologies; and

(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

(B) the cost, utility, and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(2) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the pilot program shall include unmanned aerial vehicles.

(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 104. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

(B) the cost, utility, and effectiveness of such technologies for border security; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

(A) Video camera technology.

(B) Sensor technology.

(C) Motion detection technology.

(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 105. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security.

SEC. 106. BORDER SECURITY COORDINATION.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall work with Federal, State, local, and tribal agencies on law enforcement, emergency response, or security-related responsibilities for areas on or adjacent to the United States borders with Canada and Mexico to develop and implement a plan to ensure that border security is not compromised—

(1) when jurisdiction over an area or facility passes from one agency to another;

(2) in areas of shared jurisdiction; or

(3) when one Federal agency relinquishes jurisdiction to another pursuant to a memorandum of understanding.

(b) KEY ELEMENTS OF PLAN.—In developing the plan, the Under Secretary shall focus particularly on—

(1) the coordination of emergency responses to border security events;

(2) improved data-sharing and communications among the responsible agencies; and

(3) research and development relating to technology and systems for improved coordination among the responsible agencies.

(c) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Under Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Select Committee on Homeland Security, and other appropriate committees of Congress on the development and implementation of the plan. The report shall include information on Federal agency response times to calls for assistance on immigration-related matters from State and local government agencies.

SEC. 107. MONITORING FOR BORDER AREA BIOTERRORISM ATTACKS.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Health and Human Services shall execute a memorandum of understanding between the Department of Homeland Security and the Department of Health and Human Services establishing a system—

(1) to monitor hospitals along the United States borders with Canada and Mexico for signs of potential health threats or bioterror attacks; and

(2) to ensure cooperation and information-sharing between the departments with respect to such threats or attacks.

(b) REPORT.—Not later than 1 year after the memorandum of understanding is executed and annually thereafter, the Secretaries shall transmit a joint report to the Congress on the system established under subsection (a) during the preceding calendar year. The report shall include a description of measures taken to deal with any problems reported, proposals for improving the system, and recommendations (including legislative recommendations if appropriate), to improve or expand the system.

TITLE II—DEPARTMENT OF HOMELAND SECURITY DIRECTORATE OF SCIENCE AND TECHNOLOGY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2005.—There are authorized to be appropriated to the Secretary of Homeland Security for the Directorate of Science and Technology $1,039,350,000 for fiscal year 2005 to carry out title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), of which—

(1) $129,300,000 shall be for radiological/nuclear countermeasures;

(2) $407,000,000 shall be for biological countermeasures;

(3) $62,700,000 shall be for chemical and high explosives countermeasures;

(4) $39,700,000 shall be for the standards and State and local program;

(5) $34,000,000 shall be for the Conventional Missions/Components Program;

(6) $30,000,000 shall be for university programs;
(7) $21,000,000 shall be for emerging threats;
(8) $76,000,000 shall be for the Rapid Prototyping Program;
(9) $101,900,000 shall be for threat and vulnerability testing and assessment;
(10) $61,000,000 shall be for Counter MANPADS/Critical Infrastructure Protection;
(11) $52,600,000 shall be for salary and expenses; and
(12) $24,150,000 shall be for Research and Development Consolidation transferred funds.

(b) FISCAL YEAR 2006.—There are authorized to be appropriated to the Secretary of Homeland Security for the Directorate of Science and Technology $1,045,656,000 for fiscal year 2006 to carry out title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), of which—
(1) $133,179,000 shall be for radiological/nuclear countermeasures;
(2) $419,210,000 shall be for biological countermeasures;
(3) $64,581,000 shall be for chemical and high explosives countermeasures;
(4) $40,891,000 shall be for the standards and State and local program;
(5) $35,020,000 shall be for the Conventional Missions/Components Program;
(6) $30,900,000 shall be for university programs;
(7) $21,630,000 shall be for emerging threats;
(8) $78,280,000 shall be for the Rapid Prototyping Program;
(9) $104,957,000 shall be for threat and vulnerability testing and assessment;
(10) $62,830,000 shall be for Counter MANPADS/Critical Infrastructure Protection; and
(11) $54,178,000 shall be for salary and expenses.

(c) FISCAL YEAR 2007.—There are authorized to be appropriated to the Secretary of Homeland Security for the Directorate of Science and Technology $1,077,025,680 for fiscal year 2007 to carry out title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), of which—
(1) $137,174,370 shall be for radiological/nuclear countermeasures;
(2) $431,786,300 shall be for biological countermeasures;
(3) $66,518,430 shall be for chemical and high explosives countermeasures;
(4) $42,117,730 shall be for the standards and State and local program;
(5) $36,070,600 shall be for the Conventional Missions/Components Program;
(6) $31,827,000 shall be for university programs;
(7) $22,278,900 shall be for emerging threats;
(8) $80,628,400 shall be for the Rapid Prototyping Program;
(9) $108,105,710 shall be for threat and vulnerability testing and assessment;
(10) $64,714,900 shall be for Counter MANPADS/Critical Infrastructure Protection; and
(11) $55,803,340 shall be for salary and expenses.

(d) FISCAL YEAR 2008.—There are authorized to be appropriated to the Secretary of Homeland Security for the Directorate of Science and Technology $1,109,336,450 for fiscal year 2008 to carry out title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), of which—
(1) $141,289,601 shall be for radiological/nuclear countermeasures;
(2) $444,739,889 shall be for biological countermeasures;
(3) $68,513,983 shall be for chemical and high explosives countermeasures;
(4) $43,381,262 shall be for the standards and State and local program;
(5) $37,152,718 shall be for the Conventional Missions/Components Program;
(6) $32,781,810 shall be for university programs;
(7) $22,947,267 shall be for emerging threats;
(8) $83,047,252 shall be for the Rapid Prototyping Program;
(9) $111,348,881 shall be for threat and vulnerability testing and assessment;
(10) $66,656,347 shall be for Counter MANPADS/Critical Infrastructure Protection; and
(11) $57,477,440 shall be for salary and expenses.

SEC. 202. RESEARCH NEEDS AND PRIORITIES REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Under Secretary of Homeland Security for Science and Technology shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security a report on research and development needs and priorities identified for all elements of the Department of Homeland Security.

(b) CONTENT.—The report shall include a description of—
(1) the research and development needs in support of the Department's missions;
(2) priorities established for directing, funding, and conducting research and development activities of the Department;
(3) the Directorate of Science and Technology's efforts and priorities to meet the research and development needs of the Department;
(4) the progress that the Science and Technology Directorate has made in its efforts to meet the needs described in paragraph (1); and
(5) strategies to coordinate and integrate all research, development, demonstration, testing, and evaluation activities of the Department.

SEC. 203. NATIONAL ACADEMY OF SCIENCES.

(a) REVIEW.—Not later than 60 days after the initial report is submitted under section 202, the Under Secretary of Homeland Security for Science and Technology shall contract with the National Academy of Sciences to conduct a review of the Science and Technology Directorate's research and development needs and priorities described in the report. The review shall include—
(1) an assessment of the Directorate's ability to meet the research and development needs of the Department of Homeland Security;
(2) a review of the process used to determine research priorities;
(3) a review of the grant proposal evaluation process; and
(4) a review of the technology transfer process.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security on the results of the review conducted under subsection (a).

SEC. 204. RESEARCH AND DEVELOPMENT ACTIVITIES REPORTS.

Not later than 60 days after the initial report is submitted under section 202, the Secretary of Homeland Security shall—
(1) identify all research and development activities in the Department of Homeland Security that are not conducted within the Directorate of Science and Technology; and
(2) consolidate those activities so as to eliminate needless duplication of effort.

SEC. 205. PERSONNEL PLAN.

Not later than 3 months after the date of enactment of this Act, the Under Secretary of Homeland Security for Science and Technology shall submit a personnel staffing plan for the Science and Technology Directorate to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science. The plan shall include information on recruitment procedures, compensation arrangements, and the number and qualifications of employees required for the Directorate.

SEC. 206. HOMELAND SECURITY INSTITUTE.

Section 312 of the Homeland Security Act of 2002 (6 U.S.C. 192) is amended by striking subsection (g).

SEC. 207. TECHNOLOGY TRANSFER AND LICENSING OFFICE.

(a) ESTABLISHMENT OF THE OFFICE.—The Under Secretary of Homeland Security for Science and Technology shall establish a Technology Transfer and Licensing Office within the Directorate of Science and Technology. The Office shall—
(1) facilitate the transfer of technologies into and out of the Directorate of Science and Technology; and
(2) handle the licensing activities for the Directorate of Science and Technology.

(b) TECHNOLOGY TRANSFER PLAN.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall develop and implement a technology transfer plan for the Directorate. The technology transfer plan shall include—
(1) a framework of oversight and administrative requirements for carrying out technology transfer activities;
(2) a description of how the Office will identify, assess, license, and monitor research and development projects that the Department and its related facilities determine have a potential for public and commercial application; and
(3) procedures for the dissemination of information on Federally owned or originated products, processes, and services to interested parties.

(c) PLAN AND REPORT.—The Under Secretary shall transmit a copy of the plan, together with recommendations (including legislative recommendations) if any, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security within 1 year after the plan is implemented.

SEC. 208. HOMELAND SECURITY TECHNOLOGY INVESTMENT STUDY.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate and complete a study to determine the feasibility of funding a nonprofit government-sponsored enterprise for the purpose of investing in private sector enterprises to support research and development of new technologies that show promise for homeland security applications.

(b) REPORT.—The Secretary shall transmit a report, with the Secretary's findings, conclusions, and recommendations (including legislative recommendations, if appropriate), within 120 days after the date of enactment of this Act to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security.

By Mrs. HUTCHISON (for herself and Ms. SNOWE):

S. 2297. A bill to improve intermodal shipping container transportation security; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, 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. 2297

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 ''Intermodal Shipping Container Security Act''.

SEC. 2. NATIONAL TRANSPORTATION SECURITY STRATEGY.

In carrying out section 114(f) of title 49, United States Code, the Under Secretary of Homeland Security for Border and Transportation Security shall take into account the National Maritime Transportation Security Plan prepared under section 70103 of title 46, United States Code, by the Secretary of the department in which the Coast Guard is operating when the plan is prepared in order to ensure that the strategy for dealing with threats to transportation security developed under section 114(f)(3) of title 49, United States Code, incorporates relevant aspects of the National Maritime Transportation Security Plan and addresses all modes of commercial transportation to, from, and within the United States.

SEC. 3. COMPREHENSIVE STRATEGIC PLAN FOR INTERMODAL SHIPPING CONTAINER SECURITY.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a strategic plan for integrating security for all modes of transportation by which intermodal shipping containers arrive, depart, or move in interstate commerce in the United States that—

(A) takes into account the security-related authorities and missions of all Federal, State, and local law enforcement agencies that relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States; and

(B) establishes as a goal the creation of a comprehensive, integrated strategy for intermodal shipping container security that encompasses the authorities and missions of all those agencies and sets forth specific objectives, mechanisms, and a schedule for achieving that goal.

(2) UPDATES.—The Secretary shall revise the plan from time to time.

(c) IDENTIFICATION OF PROBLEM AREAS.—In developing the strategic plan required by subsection (a), the Secretary shall consult with all Federal; State, and local government agencies responsible for security matters that affect or relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States in order to—

(1) identify changes, including legislative, regulatory, jurisdictional, and organizational changes, necessary to improve coordination among those agencies;

(2) reduce overlapping capabilities and responsibilities; and

(3) streamline efforts to improve the security of such intermodal shipping containers.

(d) ESTABLISHMENT OF STEERING GROUP.—The Secretary shall establish, organize, and provide support for an advisory committee, to be known as the Senior Steering Group, of senior representatives of the agencies described in subsection (c). The Group shall meet from time to time, at the call of the Secretary or upon its own motion, for the purpose of developing solutions to jurisdictional and other conflicts among the represented agencies with respect to the security of intermodal shipping containers, improving coordination and information-sharing among the represented agencies, and addressing such other, related matters, as the Secretary may request.

(e) ANNUAL REPORT.—The Secretary, after consulting the Senior Steering Group, shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the activities of the Senior Steering Group and the Secretary under this section, describing the progress made during the year toward achieving the objectives of the plan, and including any recommendations, including legislative recommendations, if appropriate for further improvements in dealing with security-issues related to intermodal shipping containers and related transportation security issues.

(f) BIENNIAL EXPERT CRITIQUE.—

(1) EXPERT PANEL.—A panel of experts shall be convened once every 2 years by the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure to review plans submitted by the Secretary under subsection (a).

(2) MEMBERSHIP.—The panel shall consist of—

(A) 4 individuals selected by the chairman and ranking member of the Senate Committee on Commerce, Science, and Transportation and by the chairman and ranking member of House of Representatives Committee on Transportation and Infrastructure, respectively; and

(B) 1 individual selected by the 4 individuals selected under subparagraph (A).

(3) QUALIFICATIONS.—Individuals selected under paragraph (2) shall be chosen from among individuals with professional expertise and experience in security-related issues involving shipping or transportation and without regard to political affiliation.

(4) COMPENSATION AND EXPENSES.—An individual serving as a member of the panel shall not receive any compensation or other benefits from the Federal Government for serving on the panel or be considered a Federal employee as a result of such service. Panel members shall be reimbursed by the Committees for expenses, including travel and lodging, they incur while actively engaged in carrying out the functions of the panel.

(5) FUNCTION.—The panel shall review plans submitted by the Secretary under subsection (a), evaluate the strategy set forth in the plan, and make such recommendations to the Secretary for modifying or otherwise improving the strategy as may be appropriate.

SEC. 4. SHIPPING CONTAINER INTEGRITY INITIATIVE.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended

(1) by redesignating section 70117 as section 70118; and

(2) by inserting after section 70116 the following:

''§ 70117. Enhanced container-related security measures.

''(a) TRACKING INTERMODAL CONTAINER SHIPMENTS IN THE UNITED STATES.—The Secretary, in cooperation with the Under Secretary of Border and Transportation Security, shall develop a system to increase the number of intermodal shipping containers physically inspected (including noninstrusive inspection by scanning technology), monitored, and tracked within the United States.

''(b) SMART BOX TECHNOLOGY.—Under regulations to be prescribed by the Secretary, beginning with calendar year 2007 no less than 50 percent of all ocean-borne shipping containers entering the United States during any calendar year shall incorporate 'Smart Box' or equivalent technology developed, approved, or certified by the Under Secretary of Homeland Security for Border and Transportation Security. Beginning with calendar year 2009, any such container that does not incorporate 'Smart Box' or equivalent technology may not enter the United States.

''(c) DEVELOPMENT OF INTERNATIONAL STANDARD FOR SMART CONTAINERS.—The Secretary shall—

''(1) develop, and seek international acceptance of, a standard for 'smart' maritime shipping containers that incorporate technology for tracking the location and assessing the integrity of those containers as they move through the intermodal transportation system; and

''(2) implement an integrated tracking and technology system for such containers.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70117 and inserting the following:

''70117. Enhanced container-related security measures.

''70118. Civil penalties.''.

SEC. 5. ADDITIONAL RECOMMENDATIONS.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that contains the following:

(1) Recommendations about what analysis must be performed and the cost to develop and field a cargo container tracking and monitoring system within the United States which tracks all aviation, rail, maritime, and highway cargo containers equipped ,with smart container technology.

(2) Recommendations on how the Department of Homeland Security could help support the deployment of such a system.

(3) Recommendations as to how current efforts by the Department of Homeland Security and other Federal agencies could be incorporated into the physical screening or inspection of aviation, rail, maritime, and highway cargo containers within the United States.

(4) Recommendations about operating systems and standards for those operating systems, to support the tracking of aviation, rail, maritime, and highway cargo containers within the United States that would include the location of regional, State, and local operations centers.

(5) A description of what contingency actions, measures, and mechanisms should be incorporated in the deployment of a nationwide aviation, rail, maritime, and highway cargo containers tracking and monitoring system which would allow the United States maximum flexibility in responding quickly and appropriately to increased terrorist threat levels at the local, State, or regional level.

(6) A description of what contingency actions, measures, and mechanisms must be incorporated in the deployment of such a system which would allow for the quick reconstitution of the system in the event of a catastrophic terrorist attack which affected part of the system.

(7) Recommendations on how to leverage existing information and operating systems within State or Federal agencies to assist in the fielding of the system.

(8) Recommendations on co-locating local, State, and Federal agency personnel to streamline personnel requirements, minimize costs, and avoid redundancy.

(9) An initial assessment of the availability of private sector resources which could be utilized, and incentive systems developed, to support the fielding of the system, and the maintenance and improvement as technology or terrorist threat dictate.

(10) Recommendations on how this system that is focused on the continental United States would be integrated into any existing or planned system, or process, which is designed to monitor the movement of cargo containers outside the continental United States.

SEC. 6. IMPROVEMENTS TO CONTAINER TARGETING SYSTEMS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Com merce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for strengthening the Bureau of Customs and Border Protection's container targeting system. The plan shall identify the cost and feasibility of requiring additional non-manifest documentation for each container, including purchase orders, shipper's letters of instruction, commercial invoices, letters of credit, or certificates of origin.

(b) REDUCTION OF MANIFEST REVISION WINDOW.—Within 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue regulations under which the time period for revisions to a container cargo manifest submitted to the Bureau of Customs and Border Protection shall be reduced from 60 days to 45 days after arrival at a United States port.

(c) SUPPLY CHAIN INFORMATION.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a system to share threat and vulnerability information with all of the industries in the supply chain that will allow ports, carriers, and shippers to report on security lapses in the supply chain and have access to unclassified maritime threat and security information such as piracy incidents.

SEC. 7. INCREASE IN NUMBER OF CUSTOMS INSPECTORS ASSIGNED OVERSEAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall substantially increase the number of United States Customs Service inspectors assigned to duty outside the United States under the Container Security Initiative of the United States Customs Service with responsibility for inspecting intermodal shipping containers being shipped to the United States.

(b) STAFFING CRITERIA.—In carrying out subsection (a) the Secretary of Homeland Security shall determine the appropriate level for assignment and density of customs inspectors at selected international port facilities by a threat, vulnerability, and risk analysis which, at a minimum, considers—

(1) the volume of containers shipped;

(2) the ability of the host government to assist in both manning and providing equipment and resources;

(3) terrorist intelligence known of importer vendors, suppliers or manufactures; and

(4) other criteria as determined in consult with experts in the shipping industry, terrorism, and shipping container security.

(c) MINIMUM NUMBER.—The total number of customs inspectors assigned to international port facilities shall not be less than the number determined as a result of the threat, vulnerability, and risk assessment analysis which is validated by the Administrator of the Transportation Security Administration within 180 days after the date of enactment of this Act.

(d) PLAN.—The Secretary shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, with timelines, for phasing inspectors into selected port facilities within 180 days after the enactment of this Act.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 2299. A bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to speak about the need for legislation to help attract the most highly skilled Federal workforce. To help reach that goal, we need an education system that will ensure that every young person has the tools needed to succeed in the 21st century.

I have spoken many times about the fall of 1957, when the Soviet Union launched Sputnik into orbit. We were caught off guard as a Nation. The start of the space race revealed to us that major changes had to be made to preserve our national security and to pull ahead in scientific and technological innovation.

One year later, Congress passed landmark legislation—the National Defense Education Act. The purpose of the act was ''to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs.'' The National Defense Education Act provided assistance to State and local school systems to strengthen instruction in science, math, foreign languages, and other critical subjects. It also created low-interest student loan programs and fellowships to open the door to higher education to a greater number of young people.

This coordinated national effort helped our Nation meet its goals. By 1969, Americans had landed on the moon. The United States became the most technologically advanced nation in the world. A new generation of highly skilled mathematicians, scientists, and technology experts were hired to staff laboratories, universities, and Federal agencies. Colleges and universities also established centers for foreign language study and research.

Sadly, this Nation received another wake-up call on September 11, 2001.

The week after the attacks, FBI Director Robert Mueller made a public plea for Arabic and Farsi speakers to assist as translators, signaling the alarming deficiency in fluent speakers of languages crucial to our national security needs. It does our Nation little good to have sophisticated weapons programs if we don't have the scientists to back them up. It does our Nation no good to have expanded intelligence gathering capabilities if what we retrieve sits untranslated. The United States must have the brainpower to match its firepower.

Today I join Senator AKAKA to introduce a bill to make investments in our future as a Nation through investments in our education system.

The Homeland Security Education Act will fund partnerships between local school districts and foreign language departments in institutions of higher education. These new foreign language partnerships will provide intensive professional development opportunities for foreign language teachers at every level from Kindergarten to 12th grade. The partnerships will foster contact and communication between university faculty and K–12 teachers in order to improve teachers' knowledge of the languages they teach as well as their teaching skills. Partnerships will also use grant funds to recruit foreign language majors to the classroom. Our bill will give priority to partnerships that include high-need school districts and that put a focus on languages that are critical for our future security needs.

Our bill will encourage more undergraduates to complete degrees in mathematics, science, engineering, and the less-commonly taught, critical foreign languages by establishing a program to forgive the interest on a borrower's student loans if he or she earns a degree in one of these subjects. This will provide an incentive for students who are interested in language, math or science to study them in depth.

The bill establishes grants for partnerships between school districts and private entities to help schools improve science and math curriculum, upgrade laboratory facilities, and purchase scientific equipment. The private sector partner will donate technology or equipment to the school district; provide scholarships for students to study math, science or engineering in college; establish internship or mentoring opportunities for students; or sponsor programs targeted to young people who are under-represented in the fields of math, science and engineering.

In order to stay on top of innovations in science and technology, more professionals in these fields will need to be proficient also in a foreign language. This is imperative to our national security—even some scientific documents and articles in the public domain are beyond the translation capabilities of our government. The Homeland Security Education Act will make

grants available to colleges and universities to establish programs in which students take courses in science, math and technology taught in a foreign language. Funds will also support immersion programs for students to take science and math courses in a non-English speaking country.

The Homeland Security Education Act authorizes $20 million for the National Flagship Language Initiative, which was authorized in the last Congress. The funds will be used to provide institutional grants to universities to graduate specific numbers of students with the foreign language proficiencies needed by the government and will allow the universities to operate foreign language immersion programs overseas. Participating institutions will make available a negotiated number of slots to student applicants who are Federal employees.

With this legislation, we hope to address some of the gaps in homeland security that have been identified by numerous experts and panels, including the Hart-Rudman Commission on National Security in the 21st Century. We must do everything possible to ensure that our intellectual preparedness is equal to our military preparedness. I urge my colleagues to join us in cosponsoring this important legislation.

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

S. 2299

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 ''Homeland Security Education Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) American elementary and secondary schools need more qualified teachers in mathematics and science.

(2) American colleges and universities must place new emphasis on improving the teaching in areas of disciplines that are critical to the interests of the United States.

(3) American elementary and secondary schools need the equipment and resources to improve education in science and mathematics.

(4) Foreign language proficiency is crucial to the economic competitiveness and national security of the United States. Significant improvement in the quantity and quality of foreign language instruction offered in United States elementary and secondary schools is necessary.

(5) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

(b) PURPOSE.—It is the purpose of this Act to ensure national security through increasing the quantity, diversity, and quality of the teaching and learning of subjects in the fields of science, mathematics, and foreign language.

TITLE I—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. SUBSIDIZED INTEREST LOANS TO STUDENTS.

(a) IN GENERAL.—The Secretary of Education shall establish and implement a program under the guaranteed and direct student loan program provisions of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) to cancel the obligation of loan borrowers who are United States citizens, United States nationals, permanent legal residents, or citizens of the Freely Associated States (as defined in section 103(16)(b) of the Higher Education Act of 1965), to pay interest on a loan provided for under such title in order to serve as an incentive for students to obtain degrees in science, engineering, mathematics, or a foreign language.

(b) GUARANTEED STUDENT LOANS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following:

''SEC. 428L. STUDENT LOAN INTEREST FORGIVENESS.

''(a) PURPOSE.—It is the purpose of this section to forgive interest payments on student loans under this part for a selected borrower in repayment status who has obtained an undergraduate degree in science, mathematics, engineering, or a foreign language in order to provide additional incentives for undergraduate students to pursue and obtain degrees in these subjects.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the sums appropriated pursuant to subsection (d), the Secretary shall carry out a program, through the holder of the loan, assuming the obligation to repay the interest on a loan amount for a loan made under this part in accordance with subsection (c), for a borrower who—

''(A) is in need of the amount of the loan to pursue a course of study at an accredited institution of higher education;

''(B) is in good academic standing and is capable, in the opinion of the institution of higher education involved, of maintaining good standing in such course of study;

''(C) will obtain a bachelor's degree in science, mathematics, engineering, or a foreign language;

''(D) has completed at least half of the course requirements necessary to receive such degree; and

''(E) is not in default on a loan for which the borrower seeks forgiveness of interest payments.

''(2) SELECTION OF RECIPIENTS.—The Secretary shall, by regulation, establish a formula that ensures fairness and equality for applicants in the selection of borrowers for loan interest repayment under this section, based on the amount available pursuant to subsection (d).

''(c) TERMS.—After a borrower has obtained a bachelor's degree in science, mathematics, engineering, or a foreign language, the Federal Government shall assume any interest payments due for as long as the borrower is in loan repayment status, except that in failing to meet any of the obligations set forth in this section, the borrower will reimburse the Federal Government for the amount of the assistance provided including interest, at a rate and schedule to be determined by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN LANGUAGE.—The term 'foreign language' includes the languages of Arabic, Chinese, Japanese, Korean, Pashto, Persian-Farsi, Portuguese, Russian, Serbian-Croatian, and any language identified by the National Security Education Program as a critical foreign language need.

''(2) SCIENCE.—The term 'science' means any of the natural and physical sciences including, but not limited to, chemistry, biology, physics, and computer science. Such term shall not include any of the social sciences.''.

(c) DIRECT STUDENT LOANS.—Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

''SEC. 460A. STUDENT LOAN INTEREST FORGIVENESS.

''(a) PURPOSE.—It is the purpose of this section to forgive interest payments on student loans under this part for a student in repayment status who has obtained an undergraduate degree in science, mathematics, engineering, or a foreign language in order to provide additional incentives for undergraduate students to pursue degrees in these subjects.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the sums appropriated pursuant to subsection (d), the Secretary shall cancel the obligation to pay interest on a loan amount, in accordance with subsection (c) for a loan under this part, for a borrower who—

''(A) is in need of the amount of the loan to pursue a course of study at an accredited institution of higher education;

''(B) is in good standing and is capable, in the opinion of the institution of higher education involved, of maintaining good standing in such course of study;

''(C) will obtain a bachelor's degree in either science, mathematics, engineering, or a foreign language;

''(D) has completed at least half of the course requirements toward such degree; and

''(E) is not in default on a loan for which the borrower seeks forgiveness of interest payments.

''(2) SELECTION OF RECIPIENTS.—The Secretary shall by regulation, establish a formula that ensures fairness and equality for applicants in the selection of borrowers for loan interest repayment under this section, based on the amount available pursuant to subsection (d).

''(c) TERMS.—After a borrower has obtained a bachelor's degree in science, mathematics, engineering, or a foreign language, the Federal Government shall assume any interest payments due for as long as the borrower is in loan repayment status, except that in failing to meet any of the obligations set forth in this section, the borrower will reimburse the Federal Government for the amount of the assistance provided including interest, at a rate and schedule to be determined by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN LANGUAGE.—The term 'foreign language' includes the languages of Arabic, Chinese, Japanese, Korean, Pashto, Persian-Farsi, Portuguese, Russian, Serbian-Croatian, and any language identified by the National Security Education Program as a critical foreign language need.

''(2) SCIENCE.—The term 'science' means any of the natural and physical sciences including, but not limited to, chemistry, biology, physics, and computer science. Such term shall not include any of the social sciences.''.

SEC. 102. REPORT TO CONGRESS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall propose regulations to carry out this title and submit to the appropriate committees of Congress a report on how the Secretary of Education plans to implement the programs under the amendments made by section 101 and advertise such programs to institutions of higher education and potential applicants. Not later than 6 months

after the date on which the comment period for the regulations proposed under the preceding sentence ends, the Secretary of Education shall promulgate final regulations to carry out this title.

TITLE II—STRENGTHENING SCIENCE AND MATHEMATICS INSTRUCTION AT ELEMENTARY AND SECONDARY SCHOOLS

SEC. 201. FEDERAL GRANTS TO PUBLIC SCHOOLS.

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART E—STRENGTHENING SCIENCE AND MATHEMATICS INSTRUCTION

"SEC. 5701. FEDERAL GRANTS TO PUBLIC SCHOOLS.

''(a) GENERAL AUTHORITY.—

''(1) GRANT PROGRAM.—The Secretary shall establish a demonstration program under which the Secretary shall award grants to eligible local educational agencies to enable such agencies to develop programs that build or expand mathematics and science curriculum, upgrade existing laboratory facilities, and purchase equipment necessary to establish such programs.

''(2) PROGRAM REQUIREMENTS.—The program described in paragraph (1) shall be designed to provide students with a rich standards-based course of study in mathematics and science.

''(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—A local educational agency shall be eligible to receive a grant under this section if the agency—

''(1) provides assurances that it has executed conditional agreements with representatives of the private sector to provide services and funds described in subsection (c); and

''(2) agrees to enter into an agreement with the Secretary to comply with the requirements of this section.

''(c) PRIVATE SECTOR PARTICIPATION.—The conditional agreements referred to in subsection (b)(1) shall describe participation by the private sector in programs carried out under this section, including—

''(1) the donation of technology tools;

''(2) the establishment of internship and mentoring opportunities for students who participate in a mathematics or science program, paying particular attention to those students who are members of traditionally under-represented groups in these fields; or

''(3) the donation of scholarship funds for students to pursue or continue a study of mathematics or science at accredited institutions of higher education.

''(d) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible local educational agency (as described in subsection (b)) shall submit an application to the Secretary in accordance with guidelines established by the Secretary pursuant to paragraph (2).

''(2) GUIDELINES.—

''(A) REQUIREMENTS.—The guidelines referred to in paragraph (1) shall require, at a minimum, that the application include—

''(i) a description of proposed activities consistent with the uses of funds and program requirements under subsection (a);

''(ii) a description of programs involving innovative experience learning such as laboratory experience;

''(iii) a description of any applicable higher education scholarship program, including criteria for selection, duration of scholarships, number of scholarships to be awarded each year, and funding levels for scholarships; and

''(iv) evidence of private sector participation and support in cash or in kind as specified under subsection (c).

''(B) GUIDELINE PUBLICATION.—Not later than 6 months after the date of enactment of this section, the Secretary shall issue and publish proposed guidelines under subparagraph (A). Not later than 6 months after the date on which the period for comment concerning the proposed guidelines ends, the Secretary shall issue final guidelines under such subparagraph.

''(3) SELECTION.—The Secretary shall select a local educational agency to receive a grant under this section on the basis of merit, as determined after the Secretary has conducted a comprehensive review, and in accordance with subsection (e).

''(e) PRIORITY.—The Secretary shall give special priority in awarding grants under this section to eligible high need local educational agencies (as such term is defined in section 201(b) of the Higher Education Act of 1965).

''(f) CONDITIONAL AGREEMENT.—In this section, the term 'conditional agreement' means an arrangement between representatives of the private sector and local educational agencies to provide certain services and funds, such as the donation of computer hardware and software, the donation of science laboratory equipment suitable for students in kindergarten through grade 12, the establishment of internship and mentoring opportunities for students who participate in mathematics, science, and information technology programs, and the donation of scholarship funds for use at institutions of higher education by eligible students who have participated in the mathematics, science, and information technology programs.

''(g) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, $75,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 5702. SCIENCE AND MATHEMATICS EDUCATION STUDY.

''(a) IN GENERAL.—The Secretary, in cooperation with the Director of the National Science Foundation, shall conduct a study of how mathematics and science efforts at the National Science Foundation and the Department of Education relating to students in kindergarten through grade 12 are coordinated, and if such coordination does not exist, how such entities plan to coordinate such efforts.

''(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings made with respect to the study conducted under subsection (a).

"SEC. 5703. DEFINITION.

''In this part, the term 'science' means any of the natural and physical sciences including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.''.

SEC. 202. NATIONAL MATHEMATICS AND SCIENCE NEEDS ASSESSMENT.

(a) IN GENERAL.—The Secretary of Education, jointly with the Director of the National Science Foundation, shall conduct an assessment of the long-term mathematics and science needs of the national security workforce and of the larger Federal workforce of which the national security workforce is a part.

(b) REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary of Education shall prepare and submit to the appropriate committees of Congress a report concerning the findings made with respect to the assessment conducted under subsection (a).

TITLE III—PROMOTING FOREIGN LANGUAGE EDUCATION

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) Foreign language skills and area expertise are integral to, or directly support, every foreign intelligence discipline and are essential factors in national security readiness, information superiority, and coalition peacekeeping or warfighting missions.

(2) Federal intelligence and defense agencies have been reporting shortfalls in language capability.

(3) Communicating in languages other than English and understanding and accepting cultural and societal differences are vital to the success of peacetime and wartime military operations.

(4) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation.

(5) Foreign language study can increase children's capacity for critical and creative thinking skills, and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

(6) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests in reading, language arts, and mathematics than children who have not studied a foreign language.

(7) Proficiency levels required to perform national security functions have been raised, and what was once considered proficiency is no longer the case. The ability to comprehend and articulate technical and complex information has become critical.

(8) Languages taught in universities are often not the languages that address national security needs. The top languages the United States Defense Language Institute requires are Arabic, Chinese, Japanese, Korean, Pashto, Persian-Farsi, Portuguese, Russian, and Serbian-Croatian. Existing foreign language proficiency in nontargeted languages also provides a foundation for subsequent foreign languages, even if unrelated.

(9) Immersion through work or schooling abroad is very beneficial for developing needed language proficiencies.

(10) Federal agencies have identified the need for employees proficient in foreign languages who have diverse skills including cryptography, translation (particularly with technical documents), debriefing, and interrogation.

SEC. 302. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES

"SEC. 2501. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) a foreign language department of an institution of higher education; and

''(ii) a local educational agency; and

''(B) may include—

''(i) another foreign language or teacher training department of an institution of higher education;

''(ii) another local educational agency, or an elementary or secondary school;

''(iii) a business;

''(iv) a nonprofit organization of demonstrated effectiveness, including a museum;

''(v) heritage or community centers for language study;

''(vi) language resource centers authorized under part A of title VI of the Higher Education Act of 1965; or

''(vii) the State foreign language coordinator or State educational agency.

''(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

''(3) LESS-COMMONLY TAUGHT FOREIGN LANGUAGES.—The term 'less-commonly taught foreign languages' includes the languages of Arabic, Chinese, Japanese, Korean, Pashto, Persian-Farsi, Portuguese, Russian, Serbian-Croatian, and any other language identified by the National Security Education Program as a critical foreign language need.

''(4) SUMMER WORKSHOP OR INSTITUTE.—The term 'summer workshop or institute' means a workshop or institute, conducted during the summer, that—

''(A) is conducted for a period of not less than 2 weeks;

''(B) provides for a program that provides direct interaction between students and faculty; and

''(C) provides for followup training during the academic year that—

''(i) except as provided in clause (ii) or (iii), shall be conducted in the classroom for a period of not less than 3 days, which may or may not be consecutive;

''(ii) if the program described in subparagraph (B) is for a period of not more than 2 weeks, shall be conducted for a period of more than 3 days; or

''(iii) if the program is for teachers in rural school districts, may be conducted through distance education.

''(b) PURPOSE.—It is the purpose of this section to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

''(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

''(2) focus on education of foreign language teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

''(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than the schools; and

''(4) develop more rigorous foreign language curricula that are aligned with—

''(A) professional accepted standards for elementary and secondary education instruction; and

''(B) the standards expected for post-secondary study in foreign language.

''(c) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

''(2) DURATION.—The Secretary shall award grants under this section for a period of 5 years.

''(3) FEDERAL SHARE.—The Federal share of the costs of the activities assisted under this section shall be—

''(A) 75 percent of the costs for the first year that an eligible partnership receives a grant payment under this section;

''(B) 65 percent of such costs for the second such year; and

''(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

''(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

''(A) that include high need local educational agencies; or

''(B) that emphasize the teaching of the less-commonly taught foreign languages.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—An application under paragraph (1) shall include—

''(A) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

''(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

''(C) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

''(ii) the eligible partnership's evaluation and accountability plan as described in subsection (f).

''(e) AUTHORIZED ACTIVITIES.—Eligible activities to be conducted by an eligible partnership shall be related to elementary schools or secondary schools and shall include—

''(1) creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers;

''(2) recruiting university students with foreign language majors for teaching;

''(3) promoting strong teaching skills for foreign language teachers and teacher educators;

''(4) establishing foreign language summer workshops or institutes (including followup training) for teachers;

''(5) establishing distance learning programs for foreign language teachers;

''(6) designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute; and

''(7) developing instruction materials.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased participation by students in advanced courses in foreign language;

''(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

''(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

''(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the grant payments shall not be made for the fourth and fifth year of the grant.

''(i) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year.''.

SEC. 303. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to support programs in colleges and universities that encourage students—

(1) to develop an understanding of science and technology;

(2) to develop foreign language proficiency; and

(3) to foster future international scientific collaboration.

(b) DEVELOPMENT.—The Secretary of Education shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

(c) REGULATIONS AND REQUIREMENTS.—The Secretary of Education shall promulgate regulations for the awarding of grants under subsection (b). Such regulations shall require institutions of higher education to use grant funds for, among other things—

(1) the development of an on-campus cultural awareness program by which students attend classes taught in the foreign language and study the science and technology developments and practices in a non-English speaking country;

(2) immersion programs where students take science or technology related coursework in a non-English speaking country; and

(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science or technology.

(d) GRANT DISTRIBUTION.—In distributing grants to institutions of higher education under this section, the Secretary of Education shall give priority to—

(1) institutions that have programs focusing on curriculum that combines the study of foreign languages and the study of science and technology and produces graduates who have both skills; and

(2) institutions teaching the less-commonly taught languages of Arabic, Chinese, Japanese, Korean, Pashto, Persian-Farsi, Portuguese, Russian, Serbian-Croatian, and any language identified by the National Security Education Program as a critical foreign language need.

(e) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given to such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) SCIENCE.—The term ''science'' means any of the natural and physical sciences including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.

(f) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year

2005, and such sums as may be necessary for each subsequent fiscal year.

SEC. 304. NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended—

(1) in section 802(i)(1), by inserting '', including those establishing, operating, or improving foreign language immersion programs and activities at sites overseas,'' after ''activities''; and

(2) in section 811, by striking ''$10,000,000'' and inserting ''$20,000,000''.

SEC. 305. STUDY ON THE FEASIBILITY OF A NATIONAL LANGUAGE FOUNDATION.

(a) IN GENERAL.—The Secretary of Education shall enter into an agreement with the National Research Council to conduct a study on the feasibility of establishing a National Language Foundation whose mission would include—

(1) research and development of teaching and learning curriculum and software;

(2) the establishment or advancement of standards to be used in the performance of language instruction and testing;

(3) service as a national resource center and provider for both public and private sectors in language education and training;

(4) the development of, and advocacy for, national policy and programs to improve the skills and certify the qualification of language teachers;

(5) the development of, and advocacy for, national policy and programs related to the development of foreign language capabilities and expansion of country and regional studies;

(6) the development of, and advocacy for, national professional criteria for qualification, employment, and adequate compensation for language services; and

(7) the development of a better understanding of the changing level of language proficiency and language needs of the Federal Government.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall transmit to the Committee on Governmental Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Education and the Workforce of the House of Representatives a report setting forth the findings, conclusions, and public policy recommendations of the National Research Council relating to the creation of a National Language Foundation.

Mr. AKAKA. Mr. President, today I rise to join my good friend from Illinois, Senator DURBIN, in reintroducing the Homeland Security Education Act. Our legislation would improve science, math, and foreign language education in the United States by offering incentives for students to study these subjects and provide much needed funding to elementary, secondary, and post secondary institutions to improve educational programs in these critical subject areas.

As my colleagues know, the demand for individuals with technical and language expertise is growing. In 2001 the United States Commission on National Security/21st Century, also known as the Hart-Rudman Commission, concluded that America's need for many skilled people in science, math, computer science, and engineering is not being met. If we do not address this problem, America's position as a global leader would be challenged. With the acceleration of the internationalization of science and technology activities, assets, and capabilities, U.S. advantages in many critical fields are shrinking and may be eclipsed in the years ahead.

While science, math, and engineering skills are especially critical for the defense and homeland security industries, expertise in these fields is also critical to the United States' success in the global economy. America's ability to lead depends particularly on the depth and breadth of its scientific and technical communities. Our education system must produce significantly more scientists and engineers to meet demand and maintain our global leadership in science and technology. We need to develop more qualified math and science teachers and provide educational incentives to encourage students to pursue careers in these fields. However, there will not be enough qualified workers to perform new technology jobs including those jobs critical to maintaining national security. It is more important than ever that we prepare the children of today with the skills necessary to succeed tomorrow.

Also critical for success in today's world is proficiency in foreign languages. The terrorist attacks of September 11, 2001, placed renewed emphasis on the need for individuals possessing critical language skills. Shortly after the terrorist attacks, FBI Director Robert Mueller made a public plea requesting speakers of Arabic and Farsi to translate intelligence documents, left untranslated due to the lack of foreign language speakers.

The investigations surrounding the attacks underscore how critical foreign language proficiency is to our national security. The joint Congressional Intelligence Committee inquiry into the terrorist attacks found that prior to September 11, the Intelligence Community was not prepared to handle the challenge of translating the volumes of foreign language counter-terrorism intelligence it had collected. Agencies within the Intelligence Community experienced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30 percent in the most critical languages used by terrorists. These backlogs still exist.

Our foreign language needs have grown significantly over the past decade with increasing globalization and a changing security environment. Foreign language skills are needed to support traditional diplomatic efforts and public diplomacy programs, military and peacekeeping missions, intelligence collection, counter-terrorism efforts, and international trade.

Unfortunately, the United States faces a critical shortage of language proficient professionals government-wide. According to the General Accounting Office, agencies have shortages in translators and interpreters and an overall shortfall in the language proficiency levels needed to carry out their missions. Our national security would be enhanced if our law enforcement officers, intelligence officers, scientists, military personnel, and other federal employees could decipher and interpret information from foreign sources, as well as interact with foreign nationals.

America needs people who are fluent in local languages and who understand foreign cultures. The stability and economic vitality of the United States and our national security depend on American citizens who are knowledgeable about the world. We need civil servants, area experts, diplomats, business people, educators, and other public servants with the ability to communicate at an advanced level in foreign languages and understand the cultures of the people with whom they interact.

The good news is that there has been a recent jump in enrollment in foreign language courses at the university level, according to the Modern Language Association. A total of 1.4 million students enrolled in foreign language classes in the Fall of 2003. This is a 17.9 percent jump since 1998 and represents the highest foreign language enrollment ever.

At the same time, many foreign language programs at the elementary school level have suffered deep cuts. Many school districts are responding to funding shortages by reducing or eliminating their foreign language programs. In some districts, French and German programs have been cut to save Spanish programs, while less commonly taught languages, such as Russian and Japanese, are being phased out altogether. Although my own state of Hawaii leads the nation in cutting edge foreign language immersion programs for elementary school students and is one of the top nine states in the nation in the percentage of public primary schools offering foreign language immersion programs, more must be done.

Experts tell us we should develop long-term relationships with people from every walk of life all across the world, whether or not the languages they speak are considered ''critical'' at the time. Experts also tell us that an ongoing commitment to maintaining these relationships and language expertise helps prevent crises from occurring and provides diplomatic and language resources when needed.

They are right. We cannot afford to seek out foreign language skills after a terrorist attack occurs. The failures of communication and understanding have already done their damage. We must provide an ongoing commitment to language education and encourage knowledge of foreign languages and cultures.

In 2001, my good friend and former colleague, the late Senator Paul Simon said, ''In every national crisis, our nation has lamented its foreign language shortfalls. But then the crisis goes

away, and we return to business as usual. One of the messages of September 11 is that business as usual is no longer an acceptable option.'' Senator DURBIN and I are reintroducing this important legislation today in order to reaffirm our ongoing commitment to foreign language and science education.

In addition to the legislation we are introducing today, I have also introduced, with Senator DURBIN and several of our colleagues, S. 589, the Homeland Security Federal Workforce Act, to address these skill shortfalls in the federal government. The Senate passed S. 589 in November, and the bill is pending before the House. However, we must now ensure that we not only provide incentives to recruit individuals with these skills, but also ensure that there is a talented applicant pool from which to recruit. This new bill, the Homeland Security Education Act, will do just that.

The Homeland Security Education Act would provide incentives for students to obtain degrees in science, math, and foreign languages by offering to repay the interest on their student loans. Our legislation would also strengthen science and math instruction in elementary and secondary schools and promote foreign language education at all levels of study by encouraging greater training of foreign language teachers and the development of more rigorous foreign language education. These measures could have a significant impact on strengthening our nation's expertise in areas critical to national security.

I urge my colleagues to support this important legislation and improve our science, math, and foreign language education programs.

By Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. PRYOR, Mr. HOLLINGS, Mr. CORZINE, Mr. EDWARDS, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. DURBIN, and Ms. STABENOW):

S. 2300. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate privatization of the medicare program and to reduce excessive payments to health maintenance organizations and other private sector insurance plans; to the Committee on Finance.

Mr. KENNEDY. Mr. President, senior citizens expected the Congress and the President to work together to provide prescription drug benefits under Medicare. Instead, Republicans in Congress and President Bush rammed through a radical right-wing proposal to privatize Medicare and force senior citizens into HMOs. Their program is a giveaway to special interests at the expense of senior citizens. It is a dress rehearsal for privatizing social security. And it is wrong.

Just a few weeks ago, the Medicare Trustee's report announced that Mecicare's financial position had deteriorated substantially, with the projected date of Hospital Insurance Trust Fund Insolvency slipping from 2026 to 2019. In part, the shakier status of the trust fund was due to the Bush administration's mismanagement of the economy, which has reduced payroll tax collections. But a major part of the weakened status of the Trust Fund is the excessive payments to HMOs, PPOs and other alternatives to conventional Medicare. These excess payments not only weaken Medicare, but they raise premiums for senior citizens and add to the deficit.

Today, we are introducing legislation—the Defense of Medicare Act—to repeal the parts of the prescription drug bill that are designed to undermine Medicare. Senior citizens have earned their Medicare with a lifetime of hard work—and they deserve the program they have been promised.

President Bush's original strategy was to deny senior citizens any drug benefit unless they joined an HMO or other private insurance plan. That proposal was a non-starter, so the White House and Republicans in Congress developed a more devious way to achieve the same goal.

The Bush administration privatizes Medicare in three ways. First, it overpays private plans by $1,200 per beneficiary—and throws in a $12 billion dollar slush fund to boot. Let me repeat that. Every time a senior citizen joins an HMO it costs Medicare $1,200 more than it would cost to cover that same senior citizen under the regular Medicare program. The goal—to make Medicare unable to compete.

According to the Medicare actuary, the excess payments to private plans as the result of the new bill will cost the Medicare program $46 billion dollars—money that could be used to improve the inadequate drug benefit or to address the discrimination that will cause three million senior citizens to lose their good private retiree drug coverage or to reduce beneficiary premiums.

Those big new checks are already flowing to Medicare HMOs. Every senior citizen—and every American family—should understand what this means. The Bush administration is using senior citizens' own Medicare money to undermine the Medicare program they depend on. The Bush administration has put the interests of HMOs and the insurance industry first—and the interests of senior citizens last.

The second way the Republican Medicare bill forces senior citizens into HMOs is by specifying that if just one private stand-alone drug plan offers drug coverage, the only way a senior citizen can get a drug benefit is by joining an HMO or other private insurance plan. Think about that. If the insurance plan charges premiums that are too high or doesn't cover the drugs your doctor prescribes, your only choice if you want a drug benefit at all is to join an HMO. That's the Bush administration's original plan.

Finally, the bill forces up to seven million senior citizens into a so-called demonstration program that will punish senior citizens with higher premiums unless they join an HMO or other private insurance plan.

The Bush administration is spending twenty-three million dollars of Medicare money to convince senior citizens that the Republican bill means, in the words of one of their commercials, ''Same Medicare. More Benefits.'' This use of Medicare funds to advance the Bush re-election effort is probably illegal. It is certainly unethical. But most of all it is false. If this bill is allowed to stand, senior citizens won't have the same Medicare. Instead, they will have a debased, devalued program and financially less secure program that will require them to give up the doctors they trust to get the affordable medical care they have been promised.

Our legislation will repeal the provisions of the bill that squander Medicare money on fattening the profits of HMOs and the insurance industry. It will preserve Medicare for today's and tomorrow's senior citizens. It is a test of the conscience of the Senate, and we will insist on its consideration.

By Mr. INOUYE:

S. 2301. A bill to improve the management of Indian fish and wildlife and gathering resources, and for other purposes; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a discussion draft bill that has been developed by Indian tribal governments to provide for the improvement of the management of Indian fish and wildlife resources and to reaffirm that tribal governments are the principal managers of natural resources on tribal lands.

The introduction of this discussion draft bill is intended to advance the process of consultation with Indian tribal governments, as well as tribal and Alaska Native organizations.

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

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

S. 2301

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Fish and Wildlife Resources Management Act of 2004''.

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

Congress finds that—

(1) the United States and Indian tribes have a government-to-government relationship;

(2) Indian tribes exercise governmental authority over their citizens and their lands, and retain all aspects of their inherent sovereignty not explicitly ceded to the United States;

(3) the wise use and sustainable management of tribal fish and wildlife resources has a direct effect on the economic security and health and welfare of Indian tribes;

(4) Indian tribes retain the sovereign governmental authority to exercise some aspects of civil jurisdiction over non-members on their reservations, including the exercise of some aspects of civil jurisdiction on non-trust lands;

(5) Federal canons of construction require that any modification of a treaty must be expressly provided for by the Congress;

(6) the United States has a trust responsibility to protect, conserve, and manage tribal natural resources, including fish and wildlife and gathering resources, consistent with the rights reserved by Indian tribes as reflected in treaties and other agreements with the United States, and judicial decrees;

(7) the United States' trust responsibility extends to all Federal agencies and departments, and absent a clear expression of Congressional intent to the contrary, the United States has a duty to administer Federal fish and wildlife conservation laws and resource management programs in a manner consistent with its fiduciary obligation to honor and protect the rights reserved by Indian tribes as reflected in treaties and other agreements with the United States, and judicial decrees;

(8) Federal statutes and regulations affecting tribal fish and wildlife resources and management activities shall be interpreted in accordance with long-standing principles of Federal-Indian law, statutes, and judicial decrees which inform the relationship between Indian tribal governments and the United States;

(9) the United States recognizes that fish and wildlife resources located on tribal lands, in regional tribal resource management areas, and in ceded territory in which hunting, fishing and gathering rights reserved by Indian tribes in treaties and other agreements with the United States, and in judicial decrees, continue to provide sustenance, cultural enrichment, and economic stability for Indian tribes through employment in resource management occupations;

(10) Indian tribal governments retain sovereign governmental authority and jurisdiction to regulate hunting and fishing activities on tribal lands as well as governmental authority to regulate the hunting and fishing activities of tribal citizens on lands outside of reservation boundaries;

(11) Indian tribal governments serve as co-managers of fish and wildlife resources with governments of other tribes, States, and the United States, sharing management responsibilities for fish and wildlife resources pursuant to treaties and agreements with the United States, statutes, and judicial decrees;

(12) since time immemorial, Indian cultures, religious beliefs and customs have centered around their relationships with fish, wildlife and gathering resources, and Indian people have relied on these resources for food, shelter, clothing, tools and trade;

(13) Indian fish and wildlife resources are renewable and manageable natural resources that are among the most valuable tribal assets and which are vital to the well-being of Indian people;

(14) Indian lands contain millions of acres of natural lakes, woodlands, and impoundments, thousands of perennial streams, and tens of millions of acres of wildlife habitat;

(15) Indian and Alaska Native fish and wildlife programs contribute significantly to the conservation and enhancement of fish, wildlife and gathering resources, including those resources which are classified as threatened or endangered,

(16) Federal, State, and tribal fish hatcheries produce tens of millions of salmon, steelhead, walleye, and other fish species annually, benefitting both Indian and non-Indian sport and commercial fisheries in the United States and Canada, and serving Indian subsistence and ceremonial needs;

(17) Indian reservations and Alaska Native communities continue to suffer from the highest rates of unemployment in the nation, and the current economic infrastructure and capital base of many tribes and Native communities does not provide adequate support to take advantage of economic opportunities;

(18) comprehensive and improvement management of Indian fish and wildlife resources will yield greater economic returns, enhance Indian self-determination, strengthen tribal self-governance, promote employment opportunities, and improve the social, cultural, and economic well-being of Indian and neighboring communities;

(19) the United States has a responsibility to provide assistance to Indian tribes to—

(a) enable integrated management and regulation of hunting, fishing, trapping and gathering activities on tribal lands, including the protection, conservation, and enhancement of resource populations and habitats upon which the meaningful exercise of Indian rights depend;

(b) develop integrated resource management plans, cooperative management agreements, and regulations addressing hunting, fishing, trapping and gathering activities on tribal lands, including the protection, conservation, and enhancement of resource populations and habitats upon which the meaningful exercise of subsistence activities depend;

(c) maintain fish hatcheries and other facilities and structures required for the prudent management, enhancement and mitigation of fish and wildlife resources; and

(d) assist Indian tribal governments in developing and enhancing economic opportunities associated with the conservation and management of fish and wildlife resources;

(20) the United States -is committed to the goal of supporting and enhancing tribal self-government, tribal self-sufficiency and the economic development of Native communities as expressed through numerous Federal statutes; and

(21) while the existing network of Federal laws and programs provide a framework for the protection and management of Indian fish and wildlife resources, gathering resources, and the operation and maintenance of Indian fish production programs and facilities, an integrated and comprehensive approach to these programs will help to ensure the coordination of Federal agency activities with those of Indian tribal governments as well as the efficiency and effectiveness of Federal and tribal government programs.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to reaffirm and protect Indian hunting, fishing, trapping and gathering rights, and to provide for the conservation, prudent management, enhancement, orderly development and wise use of the resources upon which the meaningful exercise of Indian tribal rights depend;

(2) to enhance and maximize tribal capability and capacity to meaningfully participate in managing fish and wildlife resources for the continuing benefit of Indian people, and in co-managing shared resources for the benefit of the Nation, in a manner consistent with the exercise of tribal hunting, fishing, trapping and gathering rights and the United States' trust responsibility to protect the rights reserved by Indian tribes in treaties with the United States and tribal resources;

(3) to support the Federal policy of Indian self-determination and tribal self-governance by authorizing and encouraging government-to-government relations and cooperative agreements amongst Federal, State, local and tribal governments, as well as international agencies and commissions responsible for multi-jurisdictional decision-making regarding fish and wildlife resources;

(4) to authorize and establish an Indian Fish Hatchery Assistance Program that may be administered by Indian tribal governments to address Indian hatchery needs and fulfill tribal co-management responsibilities;

(5) to authorize and establish an Indian Fish and Wildlife Resource Management Education Assistance and Cooperative Research Unit Program to promote and develop full tribal technical capability and competence in managing fish and wildlife resource programs and to authorize the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture and other Federal agencies to enter into cooperative agreements with Indian tribal governments and tribal organizations, colleges, universities and nonprofit organizations for the administration of tribal fish and wildlife cooperative research units;

(6) to establish a buffalo conservation and management program; and

(7) to authorize and establish an Indian Seafood and Resource Marketing Assistance Program within the Department of Commerce, to provide assistance to and support for the efforts of tribal governments to develop and enhance domestic and international markets for seafood, seafood products, and other natural resources.

SEC. 103. DEFINITIONS.

For purposes of this Act—

(1) The term ''Bureau'' means the Bureau of Indian Affairs within the U.S. Department of the Interior.

(2) The term ''ceded territory'' means land ceded by an Indian tribe or tribes in a treaty with the United States upon which the tribe or tribes retain hunting, fishing and gathering rights.

(3) The terms ''co-management'' or ''cooperative management'' mean a process involving two or more governments or governmentally-chartered entities jointly exercising their respective jurisdiction over or

responsibilities for the management or use of a fish or wildlife resource during some phase of the life cycle of that resource.

(4) The term ''cooperative agreement'' means a written agreement entered into by two or more governments or parties agreeing to work together to actively protect, conserve, enhance, restore or otherwise manage fish and wildlife resources.

(5) The term ''Indian fish hatchery'' means any single-purpose or multi-purpose facility in which the spawning, hatching, rearing, holding, caring for or stocking of fish takes place including related research and diagnostic fish health facilities, and which is—

(A) owned or operated by an Indian tribal government, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service on Indian lands;

(B) owned or operated by any government agency pursuant to Federal statute and has as one of its purposes the mitigation, compensation, restoration or recovery of fish resources subject to reserved tribal treaty rights and for which an Indian tribe has entered into a cooperative agreement or for which an Indian tribe has petitioned the administering agency to enter into a cooperative agreement for the co-management of fish resources;

(C) owned or operated by a State government or a State institution of higher education, and for which an Indian tribe or tribes have entered into a cooperative management agreement.

(6) The term ''fish hatchery maintenance'' means work that is required at periodic intervals to prolong the life of a fish hatchery, hatchery components and associated equipment, in order to prevent the need for premature replacement or repair.

(7) The term ''fish hatchery rehabilitation'' means non-cyclical work that is required to address the physical deterioration and functional obsolescence of a fish hatchery building, structure or other facility component, or to repair damage, or to repair damage resulting from aging, natural phenomena and other causes, including work to repair, modify, or improve facility components to enhance their original function, the application of technological advances, and the replacement or acquisition of capital equipment, such as, among others, fish distribution tanks, vehicles, and standby generators.

(8) The term ''forest land management activity'' has the same meaning given to such term in section 304(4) of the Indian Forest Resources Management Act (25 U.S.C. 3103(4)).

(9) The term ''Indian'' means a member of an Indian tribe as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(10) The term ''Indian fish and wildlife organization'' means a commission, authority or other entity chartered by one or more Indian tribal governments for the purpose of representing or coordinating tribal interests in pursuing resource management or rights protection goals and strategies.

(11) The term ''Indian fish and wildlife'' means any species of animal or plant life for which Indians have a right to fish, hunt, trap, or gather for subsistence, ceremonial, recreational or commercial purposes, or for which an Indian tribal government has management or co-management responsibilities.

(12) The term ''Indian lands'' means all land within the limits of any Indian reservation which is held in trust by the United States, a former Indian reservation in the State of Oklahoma, dependent Indian communities within the borders of the United States whether within or without the limits of a state, and all Indian allotments for which there is a restriction against alienation.

(13) The term ''Indian reservation'' means any reservation of land for an Indian tribe established pursuant to treaties, Acts of Congress or Executive Orders, public domain Indian allotments, former Indian reservations in Oklahoma, and dependent Indian communities within the borders of the United States whether within or without the limits of a state.

(14) The term ''Indian tribe'' means an Indian tribe as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(15) The term ''integrated resource management plan'' means a plan developed pursuant to the process used by a tribal government to assess resources and to identify comprehensive management objectives including the quality of life, production goals and landscape descriptions of all designated resources that may include, but are not limited to, water, fish, wildlife, forestry, agriculture, minerals, recreation, community and municipal resources, and may include tribal codes and plans related to such resources.

(16) The term ''regional resource management areas'' means those areas in which an Indian tribal government as a right to fish, hunt, gather or trap for subsistence, ceremonial or commercial purposes, or in which an Indian tribal government has management or co-management responsibilities.

(17) The term ''reserved rights'' means those rights and authorities of an Indian tribal government retained by the Indian tribe in treaties with the United States, including the right to continue to harvest natural resources within ceded lands and customary use areas and the access necessary to exercise those rights.

(18) The term ''resource management activities'' means all activities performed in managing tribal fish, wildlife, gathering, and related outdoor recreation and resources, including but not limited to—

(A) the conduct of fish and wildlife population and life history investigations, habitat investigations, habitat mitigation, enhancement, rehabilitation and restoration projects and programs, harvest management, and use studies;

(B) the development and implementation of surveys, inventories, geographic information system programs, and integrated resource management plans for Indian lands, regional resource management areas or traditional use areas;

(C) fish production and hatchery management;

(D) the development, implementation, and enforcement of tribal fish and wildlife codes, ordinances and regulations;

(E) the development of tribal conservation programs, including employment and training of tribal conservation enforcement officers;

(F) judicial services;

(G) public use and information management and general administration; and

(H) participation in joint or cooperative management of fish and wildlife resources on a regional basis with Federal, State, tribal, local or international authorities.

(19) The term ''Secretary'' means the Secretary of the U.S. Department of the Interior.

(20) The term ''seafood'' means any plant or animal that may be gathered, collected, or harvested in marine or fresh water.

(21) The term ''traditional use area'' means lands that Indian tribes and their members have historically, culturally, and geographically used for spiritual, social, political, economic an sustenance purposes.

(22) The term ''tribal co-management'' means the sharing of decision-making, resource information, and management responsibilities with one or more governments in local, regional, national and international fish and wildlife resource management processes.

(23) The term ''tribal government'' means the governing body of an Indian tribe.

(24) The term ''tribal organization'' has the meaning given to such term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b), including tribal fish and wildlife organizations.

TITLE II—TRIBAL FISH AND WILDLIFE PROGRAMS

TRIBAL MANAGEMENT OF INDIAN FISH, WILDLIFE, AND GATHERING RESOURCES

SEC. 201. MANAGEMENT OBJECTIVES.

(a) Consistent with provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), the Secretary shall support tribal administration of Indian fish and wildlife resource management activities to achieve the following objectives—

(1) to carry out the government-to-government relationship between Indian tribal governments and the United States in the management of Indian fish and wildlife resources;

(2) to protect Indian hunting, fishing, and gathering rights reserved by Indian tribe in treaties with the United States, or guaranteed to Indian tribes by the United States through statute, Executive Order or court decree;

(3) to provide for the development and enhancement of the capacities of Indian tribal governments to manage Indian fish and wildlife resources;

(4) to protect, conserve and enhance Indian fish and wildlife resources that are important to the subsistence, cultural enrichment, and economic development of Indian communities;

(5) to promote the development and use of Indian fish and wildlife resources for the maximum benefit of Indian people, by managing tribal resources in accordance with tribally-developed integrated resource management plans which provide for the comprehensive management of all natural resources;

(6) to selectively develop and increase production of certain fish and wildlife resources;

(7) to support the inclusion of tribal co-management or cooperative activities in local, regional, national or international decision-making processes and forums; and

(8) to develop and increase the production of fish, wildlife and gathering resources so as to better meet tribal subsistence, ceremonial, recreational and commercial needs.

(b) MANAGEMENT PROGRAM.—

(1) In order to achieve the objectives set forth in subsection (a), the Secretary, in full consultation with Indian tribal governments and tribal organizations, shall establish the Tribal Fish and Wildlife Resource Management Program which shall be administered consistent with the provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.);

(2) The Secretary shall promote tribal management of tribal fish, wildlife, trapping and gathering resources, and implementation of this Act, through contracts, cooperative agreements, or grants under the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), or other Federal laws;

(3) Upon the request of an Indian tribal government or tribal organization, the Secretary shall enter into a contract, cooperative agreement, or a grant under the Indian

Self-Determination and Educational Assistance Act with the tribal government or tribal organization to plan, conduct, or administer any program of the Department of the Interior, or portion thereof, which affects tribal fish and wildlife resources and which is currently administered by the Secretary without regard to the agency or office of the Department of the Interior or the organizational level within the Department.

(4) Upon the request of an Indian tribal government or tribal organization, the Secretary shall enter into a cooperative agreement with the tribal government or tribal organization to address management issues affecting tribal fish and wildlife resources.

(c) MANAGEMENT ACTIVITIES.—Tribal fish and wildlife resource management activities carried out under the program established in subsection (b) may include, but shall not be limited to—

(1) the conduct of fish and wildlife population and life history investigations, habitat investigations, habitat mitigation, enhancement, rehabilitation and restoration projects and programs, harvest management, and use studies;

(2) the development and implementation of integrated resource management plans for tribal lands or regional resource management areas, surveys, and inventories;

(3) fish production and hatchery management;

(4) the development, implementation, and enforcement of tribal fish and wildlife codes, ordinances, and regulations;

(5) the development of tribal conservation programs, including employment and training of tribal conservation enforcement officers;

(6) judicial services;

(7) public use and information management and general administration; and

(8) participation in joint or cooperative management office and wildlife resources on a regional basis with Federal, State, tribal, and local or international authorities.

(d) SURVEY AND REPORT.—

(1) Upon the request of an Indian tribal government, the Secretary shall cause to be conducted a survey for the reservation of that tribal government, which shall include but not be limited to—

(A) a review of existing tribal codes, ordinances, and regulations governing the management office and wildlife resources;

(B) an assessment of the need to update and revise tribal codes, ordinances, and regulations governing tribal fish and wildlife resource protection and use;

(C) a determination and documentation of the needs for tribal conservation officers, tribal fisheries and wildlife biologists, and other professionals to administer tribal fish and wildlife resources management programs;

(D) an assessment of the need to provide training to and develop curricula for tribal fish and wildlife resource personnel, including tribal conservation officers, tribal fisheries and wildlife biologists, and other professionals to administer tribal fish and wildlife resource management programs;

(E) an assessment of the need for training of Federal agency staff in matters pertaining to Federal-tribal relations and the significance of fish and wildlife to tribal communities;

(F) an assessment of the effects of Federal resource management activities on tribal fish and wildlife resources; and

(G) a determination and documentation of the condition of tribal fish and wildlife resources.

(2) The Secretary is authorized to enter into contracts or provide grants to Indian tribal governments or tribal organizations under the authority of the Indian Self-Determination and Educational Assistance Act for the purpose of carrying out the survey.

(3) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the survey conducted under the authority of subsection (1) of this section.

(e) TRIBAL FISH AND WILDLIFE RESOURCE MANAGEMENT PLANS.—

(1) In order to fulfill the management objectives set forth in subsection (a), a tribal fish and wildlife resource management plan shall be developed and implemented in the following manner—

(A) pursuant to a self-determination contract or self-governance compact under the authority of the Indian Self-Determination and Education Assistance Act, an Indian tribal government may develop or implement a tribal fish and wildlife management plan.

(B) Subject to the provisions of subparagraph (C), the tribal government shall have broad discretion in designing and carrying out the planning process.

(C) If a tribal government elects not to contract for the development or implementation of a tribal fish and wildlife management plan, the Secretary shall develop and implement the plan in consultation with the affected tribal government.

(D) Whether developed directly by the tribal government or by the Secretary, the plan shall—

(i) determine the condition of fish and wildlife resources and habitat conditions;

(ii) identify specific tribal fish and wildlife resources goals and objectives;

(iii) establish management objectives for fish and wildlife resources;

(iv) define critical values of the tribal government and its members and provide for comprehensive management objectives;

(v) be developed through public meetings;

(vi) use the public meeting records, existing survey documents, reports, and other research from Federal agencies and tribal colleges, state or community colleges, or other tribal education or research institutions; and

(vii) be completed within three years of the initiation of activity to establish the plan.

(2) Tribal fish and wildlife management plans developed and approved under this section shall govern the management and administration of tribal fish and wildlife resources by the Bureau of Indian Affairs and the Indian tribal government.

(f) TRIBAL MANAGEMENT IN REGIONAL RESOURCE MANAGEMENT AREAS.—

(1) REVIEW.—To achieve the objectives set forth in section 210(a), the Secretary and the Secretaries of Commerce and Agriculture shall review existing programs involving the multi-jurisdictional management of fish, wildlife and gathering resources in regional resource management areas, for the purpose of determining the need for Indian representation, program adequacy and staffing needs to appropriately represent the interests of member tribes.

(2) CONTRACTS OR GRANTS.—The Secretary is authorized to enter into contracts or provide grants to Indian tribal governments or tribal organizations under the authority of the Indian Self-Determination and Educational Assistance Act for the purpose of completing this review.

(3) REPORT.—Within one year of the date of enactment of this Act, the Secretary, in consultation with the Secretaries of Commerce and Agriculture, shall submit a report to the Congress based upon the review conducted under subsection (1) of this section assessing fish and wildlife program adequacy and staff needs, and the condition of fish and wildlife resources in regional resource management areas.

(g) ASSISTANCE.—The Secretary is authorized to provide financial and technical assistance to enable Indian tribal governments to—

(1) update and revise tribal codes, ordinances, and regulations governing tribal fish and wildlife resource protection and use;

(2) employ tribal conservation officers, tribal fisheries and wildlife biologists, and other professionals to administer Indian fish and wildlife resource management programs;

(3) providing training for tribal fish and wildlife resource personnel including tribal conservation officers under a curriculum that incorporates law enforcement, fish and wildlife conservation, identification and resource management principles and techniques; and

(4) enable tribal governments and tribal conservation agencies to enter into cooperative law enforcement agreements, which may include provisions for additional training and cross-deputization of tribal law enforcement staff, with local, state and Federal jurisdiction for the enforcement of laws and regulations pertaining to fish and wildlife resources.

(h) FEDERAL ACTIVITIES.—

(1) CONSULTATION AND COORDINATION.—In conducting management activities under their respective authorities, the Secretary, in coordination with the Secretaries of Commerce and Agriculture, shall—

(A) consult with and seek the participation of Indian tribal governments on matters affecting tribal fish and wildlife resources in a manner consistent with the United States' trust responsibility and the government-to-government relationship between Indian tribal governments and the United States;

(B) ensure that Federal agency staff are adequately trained in issues pertaining to impacts of agency actions on tribal fish and wildlife resources;

(C) investigate opportunities for Indian tribal governments to perform land management activities on Federal land which affect tribal fish and wildlife resources;

(D) develop a formal, written assessment of how Federal resource management activities are affecting tribal use of and access to tribal fish and wildlife resources;

(E) include rights reserved by tribal governments in treaties with the United States in assessments of environmental baselines.

(2) PROTECTION OF INFORMATION.—Notwithstanding any other provision of law, the Secretary shall not disclose, nor cause the disclosure of any information conveyed to an agency under the Secretary's administrative responsibilities pursuant to this Act to any person, party, or entity, including other Federal agencies, that is made available to the Secretary by an Indian tribal government or a member of an Indian tribe and which is—

(A) related to the administration of the United States' trust responsibility for Indian lands and resources; and

(B) declared by the tribal government or individual member of an Indian tribe to be culturally-sensitive, proprietary, or in any manner confidential.

(3) FEES AND ACCESS.—Upon the request of an Indian tribal government, the Secretary and the Secretary of Agriculture are authorized to—

(A) provide fish and wildlife resources to an Indian tribal government from Federal lands administered by agencies under their respective administrative responsibility without permit or charge to the Indian tribe having an historical relationship to such lands, so long as—

(i) an agreement is entered into between the Indian tribal government and the Secretary or Secretary of Agriculture which contains sufficient information and conditions regarding the location, quantity, timing, and methods associated with the provision of fish and wildlife resources to ensure

compatibility with applicable agency management plans; and

(ii) the request does not adversely affect the ability of the agency to carry out its responsibilities under the applicable management plan;

(B) provide access to Federal lands under their respective administrative responsibility for tribal traditional cultural or customary purposes without permit or fee;

(C) temporarily close to general public use, one or more specific portions of Federal lands under their respective administrative responsibility in order to protect the privacy of the activities referenced in subsection (B), provided that any such closure shall be limited to the smallest practicable area for the minimum period necessary in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act (42 U.S.C. 1996);

(4) EFFECT ON EXISTING RIGHTS.—Nothing in this section shall be construed to limit, modify, or amend existing rights of any Indian tribal government under treaty, statute or other agreement to access and use fish and wildlife resources.

SEC. 202. EDUCATION IN TRIBAL FISH AND WILDLIFE RESOURCE MANAGEMENT.

(a) COOPERATIVE RESEARCH AND TRAINING PROGRAM.—

(1) The Secretary, the Secretary of Agriculture, the Secretary of Commerce, or other Federal agencies as appropriate, are authorized to enter into cooperative agreements with colleges and universities, tribal community colleges, Indian tribal governments and tribal organizations, and with nonprofit organizations, for the establishment of cooperative research and training units.

(2) In order to facilitate the full development of research and training units and to support the educational objectives of this title, the Secretary, and the Secretaries of Agriculture and Commerce, as well as other Federal agencies, shall—

(A) assign appropriate scientific personnel to serve at the cooperative unit, through the agreement of the cooperating parties;

(B) apply Indian preference in hiring policies;

(C) provide financial assistance, including reasonable compensation, for the work of researchers on fish and wildlife ecology and resource management projects funded under this Act or other authorizing legislation;

(D) supply equipment for the use of cooperative unit operations;

(E) provide for the incidental expenses of Federal personnel and employees of cooperating tribal governments and tribal organizations associated with cooperative units; and

(F) integrate cooperative research unit programs with the training and educational opportunities and programs of Indian community colleges to the greatest extent possible.

(b) SCHOLARSHIP PROGRAM.—

(1) The Secretary is authorized to provide natural resource management scholarships to Indians enrolled as full-time students in accredited programs for post-secondary and graduate natural resource management related fields of study;

(2) A natural resource management scholarship recipient shall be required to enter into an obligated service agreement in which the recipient agrees to accept employment, following the completion of the recipient's course of study, with an Indian tribal government, a tribal organization, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service for one year for each year the recipient receives scholarship assistance.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited post-secondary or graduate institution.

(c) FISH AND WILDLIFE EDUCATION OUTREACH.—The Secretary shall conduct, with the full and active participation of Indian tribal governments, a natural resource education outreach program to explain and stimulate interest in all aspects of tribal natural resource management and to generate interest in natural resource management careers, such as fisheries or wildlife biologists or in natural resource management.

(d) POSTGRADUATE RECRUITMENT.—The Secretary shall establish and maintain a program to attract professional Indian fish and wildlife biologists, as well as professionals in other natural resource management fields, who have graduated from post-secondary institutions or graduate schools for employment by Indian tribal governments, tribal organizations, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service, in exchange for the Secretary's assumption of all or a portion of the professional's outstanding educational loans, depending upon the period of employment.

(e) FISH AND WILDLIFE BIOLOGIST INTERN PROGRAM.—

(1) The Secretary shall, with the full and active participation of Indian tribal governments, establish a Fish and Wildlife Resources Intern Program for at least 20 Indian fish and wildlife resources intern positions.

(A) Intern positions shall be in addition to the forester intern positions authorized in section 314(a) of the National Indian Forest Resources Management Act (25 U.S.C. 3113(a)).

(B) Individuals selected to participate in the intern program shall be enrolled full-time in approved post-secondary institutions or graduate schools in curricula leading to advanced degrees in natural resource management-related fields.

(C) The Secretary shall pay all costs of tuition, books, fees, and living expenses incurred by Indian interns in natural resource management programs-while attending approved study programs.

(D) An Indian fish and wildlife resources intern shall be required to entered into an obligated service agreement to served in a professional fish or wildlife resources management-related capacity with an Indian tribal government, a tribal organization, the Bureau of Indian Affairs, or a U.S. Fish and Wildlife Service program serving tribal fish and wildlife resources management objectives, for one year for each year of education for which the Secretary assumes the intern's educational costs under subsection (2).

(E) An Indian fish and wildlife resources intern shall be required to report for service to the employing entity during any break in the intern's course of study of more than 3 weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service.

(f) COOPERATIVE EDUCATION PROGRAM.—

(1) The Secretary shall maintain a cooperative education program for the purpose of recruiting promising Indian students who are enrolled in secondary schools, tribal colleges, community colleges, and other post-secondary institutions or graduate schools for employment as professional fisheries or wildlife biologists or other resource management related professional positions with an Indian tribal government, a tribal organization, the Bureau of Indian Affairs, or with the U.S. Fish and Wildlife Service serving or benefitting Indian lands.

(2) The Secretary shall pay all costs for tuition, books, and fees of an Indian student who is enrolled in a course of study at an educational institution with which the Secretary has entered into a cooperative agreement, and who is interested in pursuing a career with an Indian tribal government, tribal organization, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service serving or benefitting Indian lands.

(3) Financial need shall not be a requirement to receive assistance under the program authorized in paragraph (1).

(4) A recipient of assistance under the program authorized in paragraph (1) shall be required to enter into an obligated service agreement to serve as professional fish or wildlife biologist or other resource management related professional with an Indian tribal government, a tribal organization, the Bureau of Indian Affairs, or the U.S. Fish and Wildlife Service, for one year for each year that the Secretary assumes the recipient's educational costs pursuant to paragraph (2).

(g) PUBLIC EDUCATION REGARDING TRIBAL FISH AND WILDLIFE RESOURCES.—

(1) The Secretary is authorized to establish within the Secretary's office the position of Tribal Education Coordinator to—

(A) enhance communications between Indian tribal governments and the United States relating to the management of tribal fish and wildlife resources or the role of tribal governments in the co-management of fish and wildlife resources;

(B) implement a program to educate the public about the sovereign status of Indian tribal governments and the rights reserved by tribal governments in treaties with the United States, as well as the benefits of constructive relations among tribal governments, state and local governments, and Federal agencies;

(2) The responsibilities and duties of the Tribal Education Coordinator shall include—

(A) the development of an educational program for local and state governments and Federal agencies regarding the United States' obligations to support and implement treaties, statutes, executive orders and court decrees related to the management of fish and wildlife resources;

(B) encouraging Federal agencies and state governments to establish and pursue cooperative and collaborative government-to-government relationships with Indian tribal governments in the management of natural resources; and

(C) providing reports to the Committee on Indian Affairs of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives by September 30th of each year on the progress of the Tribal Education Coordinator in carrying out these activities.

(h) ADEQUACY OF PROGRAMS.—The Secretary shall provide administrative oversight of the programs described in this section until a sufficient number of Indian personnel are available to administer tribal fish and wildlife resource management programs on tribal lands and resource management areas.

(i) OBLIGATED SERVICE; BREACH OF CONTRACT.—

(1) OBLIGATED SERVICE.—Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this section, the Secretary shall promulgate such regulations as are necessary to provide for an offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

(2) BREACH OF CONTRACT.—Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided to the individual by the Secretary, pro rated for the

amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury.

SEC. 203. TRIBAL FISH HATCHERY ASSISTANCE PROGRAM.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce, and with the full and active participation of Indian tribal governments, shall establish and administer a Tribal Fish Hatchery Assistance program for the production and distribution of fish of the species, strain, number, size, and quality to assist Indian tribal governments to develop tribal hatcheries and enhance fishery resources on tribal lands to meet tribal resource needs, including but not limited to tribal subsistence, ceremonial and commercial fishery needs.

(b) REPORT.—Within one year of the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, and with the full and active participation of Indian tribal governments, shall submit a report to the Congress which shall—

(A) identify the facilities that comprise the Tribal Fish Hatchery Program;

(B) the maintenance, rehabilitation and the construction needs of such facilities;

(C) identify criteria and procedures to be used in evaluating and ranking fish hatchery maintenance and rehabilitation project proposals submitted by Indian tribal governments; and

(D) provide a plan for the administration and cost-effective operation of the Tribal Fish Hatchery Assistance Program.

(c) CONTRACTS.—The Secretary, and the Secretary of Commerce, are authorized to enter into a contract or annual funding agreement under the authority of the Indian Self-Determination and Educational Assistance Act with an Indian tribal government to plan, conduct and administer the Tribal Fish Hatchery Program, or any portion of the Program.

(d) FISH HATCHERY OPERATING AGREEMENTS.—Upon the petition of an Indian tribal government or a tribal organization seeking to co-manage a facility or complex of facilities, the Secretary, and the Secretary of Commerce, are authorized to enter into agreements with entities owning or operating hatcheries defined under section 103(5)(B) of this Act and an Indian tribal government or tribal organization which provides for the manner in which each hatchery facility is to be operated so as to mitigate or recover tribal fish resources subject to rights reserved by the tribal government in treaties with the United States.

TITLE III—ALASKA NATIVE FISH AND WILDLIFE PROGRAMS

SEC. 301. DEFINITIONS.

For purposes of this title—

(1) The term ''Alaska Native'' means a citizen of the United States who is a person of one fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community) Eskimo, or Aleut blood, or combination thereof, including, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is, or, if deceased, was regarded as an Alaska Native by any village or group, as defined in section 1602(b) of the Alaska Native Claims Settlement Act.

(2) The term ''Native village'' means ''any tribe, band, clan, group, village, community, or association in the State of Alaska listed in sections 1610 and 1615 of this title, and which the Secretary determines was, on the 1970 census enumeration date, composed of twenty-five or more Natives'' as defined in section 1602(c) of the Alaska Native Claims Settlement Act.

(3) The term ''Regional Corporation'' means an Alaska Native Regional Corporation established under the laws of the State of Alaska as defined in section 1602(g) of the Alaska Native Claims Settlement Act.

(4) The term ''Village Corporation'' means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or non-profit corporation to hold, invest, manage, and/or distribute lands, property, funds, and other rights and assets for and in behalf of a Native Village as defined in section 1602(j) of the Alaska Native Claims Settlement Act.

(5) The term ''Alaska Native fish and wildlife organization'' means a commission, authority or other entity chartered for the primary purpose of assisting in the development of tribal natural resource management capacity and technical capabilities.

SEC. 302. MANAGEMENT OF ALASKA NATIVE TRIBAL GOVERNMENT INDIAN FISH AND WILDLIFE RESOURCE MANAGEMENT PROGRAMS IN ALASKA.

(a) MANAGEMENT OBJECTIVES.—Consistent with provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), the Secretary shall support tribal administration of Indian fish and wildlife resource management activities to achieve the following objectives:

(1) to carry out the government-to-government relationship between Indian tribal governments and the United States in the management of Indian fish and wildlife resources;

(2) to provide for the development and enhancement of the capacity of Indian tribal governments to participate in management of Indian fish and wildlife resources;

(3) to protect, conserve and enhance Indian fish and wildlife resources;

(4) to promote the development and use of Indian fish and wildlife resources for the maximum benefit of Alaska Native people, by managing Indian fish and wildlife resources in accordance with tribally-developed integrated resource management plans which provide for the cooperative management of all natural resources within tribal lands;

(5) to selectively develop and increase production of certain Indian fish and wildlife resources;

(6) to support the inclusion of Alaska Native tribal co-management or cooperative activities in local, regional, state, national or international decision-making processes and forums; and

(7) to develop and increase the production of fish, wildlife and gathering resources so as to better meet Alaska Native subsistence, ceremonial, recreational and commercial needs.

(b) MANAGEMENT PROGRAM.—

(1) In order to achieve the objectives set forth in subsection (a), the Secretary, in full consultation with Indian tribal governments and Alaska Native fish and wildlife organizations, shall establish the Alaska Native Fish and Wildlife Resource Management Program which shall be administered consistent with the provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.);

(2) The Secretary shall promote meaningful Indian tribal government involvement in the management of Indian fish and wildlife resources, and implementation of this Act, through contracts, compacts, cooperative agreements, or grants under the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), or other Federal laws;

(3) Upon the request of an Indian tribal government or Alaska Native fish and wildlife organization, the Secretary shall enter into a contract, compact, cooperative agreement, or a grant under the Indian Self-Determination and Educational Assistance Act with the Indian tribal government or Alaska Native fish and wildlife organization to plan, conduct, or administer any program of the Department of the Interior, or portion thereof, which affects Indian fish and wildlife resources, and which is currently administered by the Secretary without regard to the agency or office of the Department of the Interior or the organizational level within the Department.

(4) Upon the request of an Indian tribal government or Alaska Native fish and wildlife organization, the Secretary shall enter into a cooperative agreement with the tribal government or Alaska Native fish and wildlife organization to address management issues affecting Indian fish and wildlife resources.

(c) MANAGEMENT ACTIVITIES.—Indian fish and wildlife resource management activities carried out under the program established in subsection (b) may include, but shall not be limited to:

(1) the conduct of fish and wildlife population and life history investigations, habitat investigations, habitat mitigation, enhancement, rehabilitation and restoration projects and programs, harvest management, and use studies;

(2) the development and implementation of integrated resource management plans for tribal lands or traditional use areas,

(3) fish and other aquatic species production and hatchery management;

(4) the development, implementation, and enforcement of Indian tribal government fish and wildlife codes, ordinances, and regulations;

(5) the development of Indian tribal government conservation programs, including employment and training of tribal conservation enforcement officers;

(6) judicial services;

(7) public use and information management and general administration; and

(8) participation in joint or cooperative management of fish and wildlife resources on a regional basis with Federal, State, tribal, and local or international authorities.

(d) SURVEY AND REPORT.—

(1) Upon the request of an Indian tribal government, the Secretary shall cause to be conducted a survey of the traditional use area of that tribal government, which shall include but not be limited to:

(A) a review of existing Indian tribal government codes, ordinances, and regulations governing their members and others in relation to the management of Indian fish and wildlife resources;

(B) an assessment of the need to update and revise Indian tribal government codes, ordinances, and regulations governing Indian fish and wildlife resource protection and use;

(C) a determination and documentation of the needs for tribal conservation officers, tribal fisheries and wildlife biologists, tribal fisheries and wildlife technicians, and other professionals to administer and implement Indian fish and wildlife resources management programs;

(D) an assessment of the need to provide training to and develop curricula for tribal fish and wildlife resource personnel, including tribal conservation officers, tribal fisheries and wildlife biologists, tribal fisheries and wildlife technicians, and other professionals to administer and implement tribal fish and wildlife resource management programs. Such curricula shall include the incorporation of traditional ecological knowledge as well as the traditional;

(E) an assessment of the need for training of Federal agency staff in matters pertaining to the relations between the United States and Indian tribes and the significance of Indian fish and wildlife to Native villages;

(F) an assessment of the effects of Federal and state resource management activities on Indian fish, and wildlife resources; and

(G) a determination and documentation of the condition of those Indian fish and wildlife resources.

(2) The Secretary is authorized to enter into contracts, compacts, or provide grants to Indian tribal governments or Alaska Native fish and wildlife organizations under the authority of the Indian Self-Determination and Educational Assistance Act for the purpose of carrying out the survey.

(3) Within one year of the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the survey conducted under the authority of subsection (1) of this section.

(e) INDIAN FISH AND WILDLIFE RESOURCE MANAGEMENT PLANS.—

(1) In order to fulfill the management objectives set forth in subsection (a), an Indian fish and wildlife resource management plan shall be developed and implemented in the following manner:

(A) pursuant to a self-determination contract or self-governance compact under the authority of the Indian Self-Determination and Education Assistance Act, an Indian tribal government or an Alaska Native fish and wildlife organization may develop or implement an Indian fish and wildlife management plan.

(B) Subject to the provisions of subparagraph (C), the Indian tribal government shall have broad discretion in designing and carrying out the planning process.

(C) If an Indian tribal government elects not to contract for the development or implementation of a tribal fish and wildlife management plan, the Secretary shall develop and implement the plan in consultation with the affected tribal government.

(D) Whether developed directly by the tribal government or by the Secretary, the plan shall—

(i) determine the condition of Indian fish and wildlife resources and habitat conditions;

(ii) identify specific Indian fish and wildlife resources goals and objectives;

(iii) establish cooperative management objectives for Indian fish and, wildlife resources;

(iv) define critical values of the Indian tribal government and its members and provide for comprehensive management objectives;

(v) be developed through a public meeting process;

(vi) apply the public meeting records, existing survey documents, reports, and other research from Federal and state agencies, community colleges, or other education or research institutions; and

(vii) be completed within three years of the initiation of activity to establish the plan.

(2) A Indian fish and wildlife management plans developed and approved under this section shall govern the management and administration of Indian fish and wildlife resources by the Bureau of Indian Affairs and the tribal government.

(f) TRIBAL MANAGEMENT IN TRADITIONAL USE AREAS.—

(1) REVIEW.—To achieve the objectives set forth in section 302(a), the Secretary and the Secretaries of Commerce and Agriculture shall review existing programs involving the management of Indian fish and wildlife resources in the traditional use areas of Indian tribal governments, for the purpose of determining the need for the meaningful involvement of tribal governments, program adequacy and staffing needs to appropriately represent the interests of tribal governments.

(B) CONTRACTS OR GRANTS.—The Secretary is authorized to enter into contracts, compacts, or provide grants to Indian tribal governments or Alaska Native fish and wildlife organizations under the authority of the Indian Self-Determination and Educational Assistance Act for the purpose of completing this review.

(C) REPORT.—Within one year of the date of enactment of this Act, the Secretary, in consultation with the Secretaries of Commerce and Agriculture, shall submit a report to the Congress based upon the review conducted under subsection (1) of this section assessing fish and wildlife program adequacy and staff needs, and the condition of Indian fish and wildlife resources in the traditional use areas of tribal governments.

(g) ASSISTANCE.—The Secretary is authorized to provide financial and technical assistance to enable Indian tribal governments to—

(1) update and revise tribal government codes, ordinances, and regulations governing Indian fish and wildlife resource protection and use;

(2) employ tribal conservation officers, tribal fisheries and wildlife biologists, tribal fish and wildlife technicians, and other professionals to administer and implement Indian fish and wildlife resource management programs;

(3) provide training for tribal fish and wildlife resource personnel including tribal conservation officers under a curriculum that incorporates law enforcement, fish and wildlife conservation, identification and resource management principles and techniques. Such curricula shall also include the incorporation of traditional ecological knowledge as well as the traditional management strategies and techniques of Alaska Native people; and

(4) enable tribal governments and Alaska Native fish and wildlife organizations to enter into cooperative law enforcement agreements, which may include provisions for additional training and cross-deputization of tribal law enforcement staff, with local, state and Federal jurisdiction for the enforcement of laws and regulations pertaining to Indian fish and wildlife resources.

(h) FEDERAL ACTIVITIES.—

(1) CONSULTATION AND COORDINATION.—In conducting management activities under their respective authorities, the Secretary, in coordination with the Secretaries of Commerce and Agriculture, shall—

(A) consult with and seek the participation of Indian tribal governments on all matters affecting Indian fish and wildlife resources in a manner consistent with the United States' trust responsibility,

(B) ensure that Federal agency staff are adequately trained in issues pertaining to impacts of agency actions on Indian fish and wildlife resources;

(C) investigate opportunities for Indian tribal governments to perform cooperative land management activities on Federal and other lands that affect Indian fish and wildlife resources;

(D) develop a formal, written assessment of how Federal resource management activities are affecting tribal use of and access to Indian fish and wildlife resources and the traditional use areas of Indian tribal governments;

(2) PROTECTION OF INFORMATION.—Notwithstanding any other provision of law, the Secretary shall not disclose, nor cause the disclosure of any information conveyed to an agency under the Secretary's administrative responsibilities pursuant to this Act to any person, party, or entity, including other Federal agencies, that is made available to the Secretary by an Indian tribal government or a member of an Indian tribe and which is—

(A) related to the administration of the United States' trust responsibility for Indian lands and resources; and

(B) declared by the tribal government or individual member of an Indian tribe to be culturally-sensitive, proprietary, or in any manner confidential.

(3) FEES AND ACCESS.—Upon the request of an Indian tribal government, the Secretary and the Secretary of Agriculture are authorized to—

(A) provide fish and wildlife resources to an Indian tribal government from Federal lands administered by agencies under their respective administrative responsibility without permit or charge to the Indian tribe having an historical, cultural, or geographical relationship to such lands, so long as—

(i) an agreement is entered into between the Indian tribal government and the Secretary or Secretary of Agriculture which contains sufficient information and conditions regarding the location, quantity, timing, and methods associated with the provision of Indian fish and wildlife resources to ensure compatibility with applicable agency management plans; and

(ii) the request does not adversely affect the ability of the agency to carry out its responsibilities under the applicable management plan;

(B) provide access to Federal lands under their respective administrative responsibility for tribal traditional cultural or customary purposes without permit or fee;

(C) temporarily close to general public use, one or more specific portions of Federal lands under their respective administrative responsibility in order to protect the privacy of the activities referenced in subsection (B), provided that any such closure shall be limited to the smallest practicable area for the minimum period necessary in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act (42 U.S.C. 1996);

(4) EFFECT ON EXISTING RIGHTS.—Nothing in this section shall be construed to limit, modify, or amend existing rights of any Indian tribal government under statute or other agreement to access and use Indian fish and wildlife resources.

SEC. 303. ALASKA NATIVE TRIBAL GOVERNMENT SEAFOOD AND RESOURCE MARKETING ASSISTANCE PROGRAM.

(a) The Secretary of Commerce shall establish an Alaska Native Seafood and Resource Marketing Assistance Program to enable participating Indian tribal governments and Alaska Native fish and wildlife organizations to develop the necessary infrastructure and marketing systems to effectively promote their products domestically and internationally.

(b) Within one year of the date of enactment of this Act, working with participating Indian tribal governments, the Secretary of Commerce shall develop and submit a report to the Committee on Indian Affairs of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, that contains recommendations for legislation to provide subsidies and other Federal support, permissive taxing and coordinated training, promotions, and Alaska Native Tribal product labeling as well as other initiatives, that hold the potential to significantly enhance the ability of tribal governments to assure that fair and equitable prices are associated with seafood, bison, reindeer, muskox, yak and other produced and harvested natural resources related products.

(c) Within one year of the date of enactment of this Act, the U.S. Food and Drug Administration, in consultation with Indian

tribal governments, shall prepare a report to the Committee on Indian Affairs of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, that contains recommendations for legislation that would enable Indian tribal governments to be recognized as competent processing authorities as well as recommendations for the provision of technical assistance to tribal enterprises so as to ensure that seafood, buffalo, reindeer, muskox, yak, and other harvested natural resource products are safe for consumption.

TITLE IV—TRIBAL SEAFOOD AND RESOURCE MARKETING ASSISTANCE PROGRAM.

SEC. 401. ESTABLISHMENT.

(a) The Secretary of Commerce shall establish a Tribal Seafood and Resource Marketing Assistance Program to enable participating Indian tribal governments and tribal organizations to develop the necessary infrastructure and marketing systems to effectively promote their products domestically and internationally.

(b) Within one year of the date of enactment of this Act, working with participating Indian tribal government, the Secretary of Commerce shall develop and submit a report to the Committee on Indian Affairs of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, that contains recommendations for legislation to provide subsidies and other Federal support, permissive taxing and coordinated training and promotions, as well as other initiatives, that hold the potential to significantly enhance the ability of tribal governments to assure that fair and equitable prices are associated with harvested natural resources and seafood products.

(c) Within one year of the date of enactment of this Act, the U.S. Food and Drug Administration, in consultation with Indian tribal governments, shall prepare a report to the Committee on Indian Affairs of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, that contains recommendations for legislation that would enable Indian tribal government to be recognized as competent processing authorities as well as recommendations for the provision of technical assistance to tribal enterprises so as to ensure that seafood and other harvested natural resource products are safe for consumption.

(d) Health Issues. [to be developed]

SEC 402. MARKETING DEVELOPMENT GRANTS AND LOAN PROGRAM. [to be developed]

(a) GRANTS FOR MARKET RESEARCH AND PILOT PROGRAMS.

(b) LOANS FOR INFRASTRUCTURE DEVELOPMENT.

TITLE V—TRIBAL BISON CONSERVATION AND MANAGEMENT [to be developed]

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REGULATIONS.

Except as other provided by this Act, the Secretary shall promulgate final regulations for the implementation of this Act within 18 months of the date of enactment of this Act with the full and active participation of Indian tribal governments.

SEC. 602. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of the Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 603. SAVINGS.

(a) Nothing in this Act shall be construed to—

(1) diminish or expand the United States' trust responsibility for tribal fish and wildlife resources, or any legal obligation or remedy arising out of the United States' trust responsibility;

(2) alter, abridge, repeal, or affect any valid, existing agreement between an agency of the United States and an Indian tribal government;

(3) alter, abridge, diminish, repeal, or affect the reserved rights of any Indian tribal government established by treaty, executive order, or other applicable laws or court decrees;

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

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

By Mr. CONRAD (for himself and Mr. BROWNBACK):

S. 2302. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I am joined by Senator BROWNBACK in introducing important legislation aimed at ensuring that our medically underserved communities have access to the doctors they need. This bill reauthorizes the popular Conrad State 30 program for 5 years, satisfies the initial intent of the program to let states decide for themselves about how best to fulfill their health care shortage needs, and clarifies existing law to ensure that Conrad State 30 waivers are exempt from the H–1B visa cap.

The Conrad State 30 J–1 visa waiver program has been a great asset over the last decade, bringing crucially-needed doctors to serve medically underserved areas throughout our country. Forty-nine states now participate in the program, accounting for 1027 doctors in 2003. Each of these doctors is serving patients that might otherwise not be served, providing valuable medical services to communities that otherwise might have to go without.

Unfortunately, today's reality is that many areas of the country, especially rural communities, have a very difficult time recruiting American doctors. These health facilities have had no other choice but to turn to foreign medical graduates. J–1 visa waivers allow foreign physicians to practice in medically-underserved communities after their J–1 status has expired without first returning to their home countries. These waivers allow foreign physicians to receive nonimmigrant, H–1B status for three years. In order to receive the waiver, the physician undergoes numerous background and security checks, and must agree to serve a medically-underserved community for three years. If he or she fails to fulfill that commitment, the physician is subject to immediate deportation.

Prior to the creation of the State 30 program, J–1 visa waivers exclusively involved finding an ''interested federal agency'' to coordinate the request. This was found to be a long, cumbersome, and bureaucratic process. By allowing states to directly participate in the process of obtaining waivers, the program relieves some of the burdens on participating Federal agencies and allows decisions regarding a state's health care needs to be made at the state level by the people who know best. Since 1994, the program has been reauthorized a number of times; the most recent reauthorization expires in June 2004.

The bill Senator BROWNBACK and I introduce today contains 3 parts. First and foremost, it contains a 5-year reauthorization. Five years is a reasonable amount of time for Congress to be able to reassess the physician needs of the country and to take appropriate steps in the course of an additional reauthorization.

Second, consistent with the original intent of the Conrad State 30 program to provide states flexibility, the bill would allow states to decide for themselves where their health care shortages are and how best to use their 30 spots. Currently, states can only place these doctors in shortage areas as designated by the Federal government. States, however, can and should be able to make these decisions for themselves. Instead of Washington, DC, telling a state where there is a physician shortage, a state under this bill could do so for itself.

Third, the bill erases any ambiguity about whether Conrad State 30 doctors are exempt from the H–1B visa cap. Through legislation in the 106th Congress, Conrad State 30 waivers were specifically exempted from the H–1B visa cap. Unfortunately, there is now ambiguity about whether this provision still applies. Our current bill clarifies the original intent of this previous legislation, clearly making Conrad State 30 doctors exempt.

In concluding, I want to thank Senator BROWNBACK for his help and support in developing this bill. Our bill is a modest one; it is limited and it is targeted. However, this does not diminish the importance of retaining and improving the Conrad State 30 program. The vitality of hundreds of communities and, most importantly, the health of thousands of patients across our country depend on it. I urge my colleagues to support this legislation.

By Mr. EDWARDS:

S.J. Res. 31. A joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS:

S.J. Res. 32. A joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Banking, Housing, and Urban Affairs.

Mr. EDWARDS. Mr. President, I rise today to introduce two joint resolutions to fight predatory mortgage lending. The resolutions would strike down the Office of the Comptroller of the Currency's recent regulations that put millions of families in the sights of predatory lenders.

The middle class—the foundation of our country—is sinking. In the last generation, families have gone from saving for the future to borrowing just to get by. Home foreclosure rates have tripled in the last 25 years. This year, more middle-class children will see their parents declare bankruptcy than will see their parents get divorced.

Working families are vulnerable. They cannot save because they must spend more for housing, health care, child care, and college tuition. These expenses are not luxuries. They are the necessities. Without savings, a bump in the road—a lost job or sudden illness—could become the end of the road.

There is a lot of work to be done to help families get ahead and build a secure future. The legislation I am introducing today deals with just one aspect of the problem, but it is an important one: the fight against predatory mortgage lenders.

There are mortgage companies that cheat people, plain and simple. Excessive fees leave families on a treadmill, forcing them to make large mortgage payments while draining the wealth they have saved in their home. Many families lose their home altogether. All told, predatory lending costs homeowners an estimated $9 billion a year.

I am proud that my State of North Carolina is a leader in fighting predatory lending. The strong law it passed in 1999 is saving consumers $100 million a year, while mortgage credit remains widely available.

Unfortunately, the Federal Government is not doing as well. In fact, we are losing ground. In January, the Office of the Comptroller of the Currency in the U.S. Department of the Treasury issued new regulations exempting national banks—which hold more than half of bank assets—from State predatory lending laws.

Strong consumer protection laws have been States' responsibility for more than a century. The new rules ignore that tradition, which has served our country well, to create a safe haven for predatory lenders in national banking law. They also create an incentive for State-chartered banks to escape tough laws by converting to national banks.

The resolutions that I am introducing today would strike down the OCC rules that preempt State law. It would restore States' ability to enforce their predatory lending laws within their boundaries and protect their homeowners against abusive loans.

These protections are badly needed. About half of subprime borrowers are paying extra interest and fees, when they qualify for better rates. That's hundreds of thousands of Americans who are each paying thousands of dollars more than they should for their homes. Even worse, some families see their loans refinanced again and again, their equity diminished time and again, until one day they lose their home.

It is offensive, but predatory lenders target African-American and other minority communities. If you are an upper-income African-American family, you are twice as likely to get a subprime loan than a lower-income white family is. Think about that: even though you are doing better, you get a worse loan if you are African-American.

That is dead wrong. We need a strong national law to fight predatory lending. We don't need a prohibition of the strong State laws now on the books with weak national rules. I urge my colleagues to support these resolutions.

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

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That Congress disapproves the rule submitted by the Office of the Comptroller of the Currency relating to bank activities and regulations, published at 69 Fed. Reg. 1895 (2004), and such rule shall have no force or effect.

S.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That Congress disapproves the rule submitted by the Office of the Comptroller of the Currency relating to bank activities and regulations, published at 69 Fed. Reg. 1904 (2004), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 333—COMMENDING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT FOR WINNING THE 2004 DIVISION I MEN'S AND WOMEN'S NCAA BASKETBALL CHAMPIONS

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

S. RES 333

Whereas the University of Connecticut has become the first school in the history of NCAA Division I basketball to win both the men's and women's national titles in the same year;

Whereas the University of Connecticut men's basketball team capped a remarkable season by defeating an outstanding Georgia Tech team 82 to 73, to win its second national championship in 6 seasons;

Whereas the Husky men finished with a record of 33 wins and only 6 losses and is the first team since 1996 to be ranked first in the preseason and to win the national title in the same season;

Whereas the Husky men established themselves as the dominant team in the Big East Conference by winning the Big East Tournament championship;

Whereas UConn's Emeka Okafor distinguished himself in the championship game and throughout the season as 1 of the premier players in all of college basketball, winning awards as the Big East scholar-athlete of the year, defensive player of the year, and player of the year, and closing out a spectacular performance in the NCAA tournament by being named the most outstanding player of the Final Four;

Whereas the national title was made possible by the contribution of the entire team including: Rashad Anderson, Hilton Armstrong, Jason Baisch, Josh Boone, Denham Brown, Taliek Brown, Justin Evanovich, Ben Gordon, Ed Nelson, Emeka Okafor, Ryan Swaller, Ryan Thompson, Shamon Tooles, Charlie Villaneueva, Marcus White, and Marcus Williams;

Whereas UConn men's coach Jim Calhoun instilled in his players an unceasing ethic of dedication and teamwork in the pursuit of excellence and is now 1 of only 3 active Division I men's basketball coaches with multiple NCAA titles, with the help of his assistant coaches Tom Moore, George Blaney, and Clyde Vaughan;

Whereas the University of Connecticut women's basketball team won its fifth overall and third straight national championship by defeating a superb team from the University of Tennessee, by the score of 70 to 61;

Whereas the Lady Huskies became only the second women's basketball team ever to win 3 consecutive national women's basketball titles;

Whereas Diana Taurasi distinguished herself as the number 1 player in women's college basketball, being chosen as the national women's player of the year, becoming only the fifth player to win 2 such awards, scoring the second most points of any player in women's NCAA Tournament history, scoring 17 points in the final game to lead UConn to victory, and being named outstanding player of the Final Four for the second year in a row;

Whereas the national championship was made possible by the contribution of the entire team including: Ashley Valley, Diana Taurasi, Kiana Robinson, Maria Conlon, Stacey Marron, Morgan Valley, Nicole Wolff, Ashley Battle, Wilnett Crockett, Jessica Moore, Barbara Turner, Liz Sherwood, and Ann Strother;

Whereas Lady Huskies Coach Geno Auriemma is in his 18th season coaching the Huskies and has led them to 18 winning seasons and 5 national titles with the help of his assistant coaches Chris Dailey, Tonya Cardoza, and Jamelle Elliott; and

Whereas the University of Connecticut's unparalleled success continues to bring enormous pride to the people of Connecticut and sports fans across the country: Now, therefore, be it

Resolved, That the Senate commends the University of Connecticut for—

(1) winning the 2004 NCAA Division I Men's Basketball Championship;

(2) winning the 2004 NCAA Division I Women's Basketball Championship; and

(3) becoming the first school in the history of NCAA Division I basketball to win both the men's and women's national titles in the same year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3043. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3043. Mr. AKAKA submitted an amendment intended to be proposed by