

SENATE CONCURRENT RESOLUTION 113—RECOGNIZING THE IMPORTANCE OF EARLY DIAGNOSIS, PROPER TREATMENT, AND ENHANCED PUBLIC AWARENESS OF TOURETTE SYNDROME AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL TOURETTE SYNDROME AWARENESS MONTH

Mr. SMITH (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 113

Whereas Tourette Syndrome is an inherited neurological disorder characterized by involuntary and sudden movements or repeated vocalizations;

Whereas approximately 200,000 people in the United States have been diagnosed with Tourette Syndrome and many thousands more remain undiagnosed;

Whereas lack of public awareness has increased the social stigma attached to Tourette Syndrome;

Whereas early diagnosis and treatment of Tourette Syndrome can prevent physical and psychological harm;

Whereas there is no known cure for Tourette Syndrome and treatment involves multiple medications and therapies with costs that can be prohibitive;

Whereas the Tourette Syndrome Association is the only national nonprofit membership organization dedicated to identifying the cause, finding the cure, and controlling the effects of Tourette Syndrome; and

Whereas the Tourette Syndrome Association has designated May 15 through June 15 as National Tourette Syndrome Awareness Month, the goal of which is to educate the public about the nature and effects of Tourette Syndrome: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the impact that Tourette Syndrome can have on people living with the disorder;

(2) recognizes the importance of an early diagnosis and proper treatment of Tourette Syndrome;

(3) recognizes the need for enhanced public awareness of Tourette Syndrome;

(4) supports the goals and ideals of National Tourette Syndrome Awareness Month, as designated by the Tourette Syndrome Association; and

(5) encourages the President to issue a proclamation calling on the people of the United States and interested organizations to observe National Tourette Syndrome Awareness Month.

Mr. SMITH. Mr. President, I rise today to submit a resolution recognizing National Tourette Syndrome Awareness Month. This resolution recognizes the importance of an early and accurate diagnosis, proper treatment for Tourette Syndrome and is intended to raise public awareness about the disorder. I am pleased to be joined today by my colleague from Illinois, Senator DURBIN, in offering this resolution.

Tourette Syndrome, or TS, is an inherited, neurobiological disorder that affects children of all racial and ethnic groups. The symptoms of TS are rapid, repeated, involuntary movements, and sounds called tics. In a large percentage of cases, TS is accompanied by other disorders, the most common of

which are Obsessive-Compulsive Disorder, Attention Deficit Hyperactivity Disorder and nonverbal Learning Disabilities.

An estimated 200,000 Americans have substantially impairing TS and many more have milder symptoms of the disorder. Many endure the stigma, isolation, and psychological impact associated with this chronic disorder. There is, unfortunately, no cure for TS, although some individuals benefit from a reduction in symptoms from medication or other clinical treatments.

In my State of Oregon, approximately 600 individuals are affected by Tourette Syndrome. While the Oregon chapter of the Tourette Syndrome Association, TSA, serves as an outstanding resource for information, it constantly faces the challenge of fulfilling its mission in a large, mostly rural State. TSA of Oregon currently operates a support group in the Portland area, and it is emerging as a useful source for families and provides leadership within the community. I would like to commend TSA of Oregon and thank them for their outstanding work.

Designating the month of June as the National Tourette Syndrome Awareness Month gives everyone an opportunity to familiarize themselves with TS and to better understand the impact that TS has on people living with the disorder. Additionally, it recognizes the importance of early diagnosis and receiving proper treatment. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3240. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, supra.

SA 3241. Mr. LEVIN (for Mr. NELSON, OF NEBRASKA) proposed an amendment to the bill S. 2400, supra.

SA 3242. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. FITZGERALD, and Mr. SESSIONS)) proposed an amendment to the bill S. 2400, supra.

SA 3243. Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 2400, supra.

SA 3244. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3245. Mr. BOND (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3246. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3247. Ms. SNOWE submitted an amendment intended to be proposed by her to the

bill S. 2400, supra; which was ordered to lie on the table.

SA 3248. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3249. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3250. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 19 and 20, insert the following:

SEC. 113. FOUR-YEAR AUTHORITY FOR THE SECRETARY OF THE ARMY TO USE SALES PROCEEDS TO PROCURE CERTAIN ITEMS.

(a) EXCHANGE AND SALE AGREEMENT.—(1) The Secretary of the Army may enter into an agreement to procure M109-based command-and-control vehicles or field artillery ammunition support vehicles using the sale proceeds of long-supply M109 howitzers.

(2) Section 503 of title 40, United States Code, and the regulations issued under subsection (b) of such section, shall apply to the exercise of the authority under paragraph (1), except for the following requirements:

(A) The requirement for the exchanged items to be similar.

(B) The one-for-one item replacement requirement.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make purchases under any such agreement is effective for sales made during the four-year period beginning on October 1, 2004, and ending at the end of September 31, 2008.

SA 3240. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 105, strike line 21 and all that follows through page 106, line 2.

SA 3241. Mr. LEVIN (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 217. NEUROTOXIN MITIGATION RESEARCH.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by \$2,000,000.

(b) AVAILABILITY FOR NEUROTOXIN MITIGATION RESEARCH.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, as increased by subsection (a), \$2,000,000 may be available in Program Element PE 62384BP for neurotoxin mitigation research.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by \$2,000,000, with the amount of the reduction to be allocated to Satellite Communications Language training activity (SCOLA) at the Army Defense Language Institute.

SA 3242. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. FITZGERALD, and Mr. SESSIONS)) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 58, after line 24, insert the following:

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4544. Army industrial facilities: public-private partnerships

“(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a ‘public-private partnership’.

“(b) AUTHORIZED PARTNERSHIP ACTIVITIES.—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

“(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

“(2) The performance of—

“(A) work by a non-Army entity at the facility; or

“(B) work for a non-Army entity by the facility.

“(3) The sharing of work by the facility and one or more non-Army entities.

“(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

“(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

“(c) CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.—An activity described in sub-

section (b) may be carried out as a public-private partnership at an Army industrial facility only under the following conditions:

“(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

“(2) The activity does not interfere with performance of—

“(A) work by the facility for the Department of Defense; or

“(B) a military mission of the facility.

“(3) The activity meets one of the following objectives:

“(A) Maximize utilization of the capacity of the facility.

“(B) Reduction or elimination of the cost of ownership of the facility.

“(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

“(D) Preservation of skills or equipment related to a core competency of the facility.

“(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

“(A) in any case of willful misconduct or gross negligence; and

“(B) in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to carry out the activity.

“(d) METHODS OF PUBLIC-PRIVATE PARTNERSHIPS.—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

“(1) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

“(2) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

“(3) charge a partner the amounts necessary to recover the full costs of the articles or services provided, including capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

“(4) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities; and

“(5) accept payment-in-kind.

“(e) DEPOSIT OF PROCEEDS.—(1) The proceeds of sales of articles and services received in connection with the use of an Army industrial facility under this section shall be credited to the appropriation or working-capital fund that incurs the variable costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, the amount so credited with respect to an Army industrial facility shall be available, without further appropriation, as follows:

“(A) Amounts equal to the amounts of the variable costs so incurred shall be available for the same purposes as the appropriation or working-capital fund to which credited.

“(B) Amounts in excess of the amounts of the variable costs so incurred shall be avail-

able for operations, maintenance, and environmental restoration at that Army industrial facility.

“(2) Amounts credited to a working-capital fund under paragraph (1) shall remain available until expended. Amounts credited to an appropriation under paragraph (1) shall remain available for the same period as the appropriation to which credited.

“(f) APPROVAL OF SALES.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

“(g) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required.

“(h) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

“(i) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to affect the application of—

“(1) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

“(2) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘Army industrial facility’ includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

“(2) The term ‘non-Army entity’ includes the following:

“(A) An executive agency.

“(B) An entity in industry or commercial sales.

“(C) A State or political subdivision of a State.

“(D) An institution of higher education or vocational training institution.

“(3) The term ‘incremental funding’ means a series of partial payments that—

“(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

“(B) result in full payment being completed as the required work is being completed.

“(4) The term ‘full costs’, with respect to articles or services provided under this section, means the variable costs and the fixed costs that are directly related to the production of the articles or the provision of the services.

“(5) The term ‘variable costs’ means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by adding at the end the following new item:

“4544. Army industrial facilities: public-private partnerships.”.

SA 3243. Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the March Joint Powers Authority (in this section referred to as the “MJPA”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres located in Riverside County, California, and containing the former Defense Reutilization and Marketing Office facility for March Air Force Base, which is also known as Parcel A-6, for the purpose of economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance of property under subsection (a), the MJPA shall pay the United States an amount equal to the fair market value, as determined by the Secretary, of the property to be conveyed under such subsection.

(2) The consideration received under this subsection shall be deposited in the special account in the Treasury established under section 572(b) of title 40, United States Code, and available in accordance with the provisions of paragraph (5)(B)(ii).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the MJPA.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3239. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 411, after line 6, add the following:

SEC. 3303. PROHIBITION ON STORAGE OF MERCURY AT PRIVATELY OWNED OR OPERATED FACILITIES.

(a) PROHIBITION.—The Secretary of Defense may not store mercury from the National Defense Stockpile at any facility that is not owned and operated by the United States.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SA 3245. Mr. BOND (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. OPERATION OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND THE MILITARY POSTAL SYSTEM.

(a) REQUIREMENT FOR REPORTS.—(1) The Secretary of Defense shall submit to Congress two reports on the actions that the Secretary has taken to ensure that—

(A) the Federal Voting Assistance Program functions effectively to support absentee voting by members of the Armed Forces deployed outside the United States in support of Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations; and

(B) the military postal system functions effectively to support the morale of the personnel described in subparagraph (A) and absentee voting by such members.

(2)(A) The first report under paragraph (1) shall be submitted not later than August 1, 2004.

(B) The second report under paragraph (1) shall be submitted not later than October 1, 2004.

(3) In this subsection, the term “Federal Voting Assistance Program” means the program referred to in section 1566(b)(1) of title 10, United States Code.

(b) IMPLEMENTATION OF RECOMMENDED POSTAL SYSTEM IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) implement the recommendations for improvement of the military postal system that were made in 2000 by the Military Postal Service Agency Task Force established by the Secretary of Defense and the Secretary of the Army in 1998; or

(2) submit to Congress a report setting forth the actions taken to implement those recommendations together with, in the case of each recommendation not implemented or not fully implemented before the date of report, the reasons for not implementing or not fully implementing such recommendation, as the case may be.

SA 3246. Mr. SNOWE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. . MENTOR-PROTEGE PILOT PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act); and

“(G) a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).”.

SA 3247. Mr. SNOWE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, at the beginning of line 4, insert the following:

(a) PROCESS AND STANDARDS FOR MEASURING PROGRAM EFFECTIVENESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process and standards for measuring the effectiveness of the test program for negotiation of comprehensive small business subcontracting plans carried out under section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note). The Secretary shall consult with the Comptroller General in developing the standards.

(b) NOTIFICATION OF COMPLIANCE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General shall notify Congress regarding whether the deadline in subsection (a) was met.

(c) LIMITATION ON ADDITIONAL PRIME CONTRACTORS AS PARTICIPANTS.—A prime contractor not participating in the test program as of the date of enactment of this Act may not participate in the test program until the Secretary of Defense develops and implements the process and standards for measuring the effectiveness of the test program required under subsection (a).

(d) MONITORING.—The Comptroller General shall monitor the administration of the test program and, not later than three years after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the program.

(e) EXTENSION OF PROGRAM.—

SA 3248. Mr. SNOWE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 811.

SA 3249. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. NATIONAL AIRBORNE DAY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world.

(2) August 16, 2004, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute.

(3) The United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July 1940.

(4) The Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940.

(5) The success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities.

(6) Among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion.

(7) The achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo.

(8) The modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the XVIII Airborne Corps of the Army when not operating separately under a regional combatant commander.

(9) The modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Force Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command.

(10) In the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne

Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere.

(11) In the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq.

(12) The airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded.

(13) The members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor.

(14) The members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operations forces, and (in former days) glider troops.

(15) The history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2004, as the 64th anniversary of the first official jump by the Army Parachute Test Platoon.

(b) SENSE OF SENATE.—The Senate—

(1) designates August 16, 2004, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

SA 3250. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. NATIONAL AIRBORNE DAY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world.

(2) August 16, 2004, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute.

(3) The United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July 1940.

(4) The Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940.

(5) The success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities.

(6) Among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion.

(7) The achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo.

(8) The modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the XVIII Airborne Corps of the Army when not operating separately under a regional combatant commander.

(9) The modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Force Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command.

(10) In the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere.

(11) In the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq.

(12) The airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded.

(13) The members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor.

(14) The members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operations forces, and (in former days) glider troops.

(15) The history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2004, as the 64th anniversary of the first official jump by the Army Parachute Test Platoon.

(b) SENSE OF SENATE.—The Senate—

(1) designates August 16, 2004, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Rob Brown, a legislative fellow in my office, have floor privileges for the duration of consideration Senate bill 2004.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2005

On Wednesday, May 19, 2004, the Senate passed H.R. 3550, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3550) entitled "An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. General definitions.

Sec. 3. Definitions for title 23.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

Sec. 1101. Authorization of appropriations.

Sec. 1102. Obligation ceiling.

Sec. 1103. Apportionments.

Sec. 1104. Equity bonus programs.

Sec. 1105. Revenue aligned budget authority.

Subtitle B—New Programs

Sec. 1201. Infrastructure performance and maintenance program.

Sec. 1202. Future of surface transportation system.

Sec. 1203. Freight transportation gateways; freight intermodal connections.

Sec. 1204. Construction of ferry boats and ferry terminal and maintenance facilities; coordination of ferry construction and maintenance.

Sec. 1205. Designation of Daniel Patrick Moynihan Interstate Highway.

Sec. 1206. State-by-State comparison of highway construction costs.

Subtitle C—Finance

Sec. 1301. Federal share.

Sec. 1302. Transfer of highway and transit funds.

Sec. 1303. Transportation Infrastructure Finance and Innovation Act Amendments.

Sec. 1304. Facilitation of international registration plans and international fuel tax agreements.

Sec. 1305. National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System.

Sec. 1306. State infrastructure banks.

Sec. 1307. Public-private partnerships pilot program.

Sec. 1308. Wagering.

Subtitle D—Safety

Sec. 1401. Highway safety improvement program.

Sec. 1402. Operation lifesaver.

Sec. 1403. License suspension.

Sec. 1404. Bus axle weight exemption.

Sec. 1405. Safe routes to schools program.

Sec. 1406. Purchases of equipment.

Sec. 1407. Workzone safety.

Sec. 1408. Worker injury prevention and free flow of vehicular traffic.

Sec. 1409. Identity authentication standards.

Sec. 1410. Open container requirements.

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

Sec. 1501. Integration of natural resource concerns into State and metropolitan transportation planning.

Sec. 1502. Consultation between transportation agencies and resource agencies in transportation planning.

Sec. 1503. Integration of natural resource concerns into transportation project planning.

Sec. 1504. Public involvement in transportation planning and projects.

Sec. 1505. Project mitigation.

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

Sec. 1511. Transportation project development process.

Sec. 1512. Assumption of responsibility for categorical exclusions.

Sec. 1513. Surface transportation project delivery pilot program.

Sec. 1514. Parks, recreation areas, wildlife and waterfowl refuges, and historic sites.

Sec. 1515. Regulations.

CHAPTER 3—MISCELLANEOUS

Sec. 1521. Critical real property acquisition.

Sec. 1522. Planning capacity building initiative.

Subtitle F—Environment

Sec. 1601. Environmental restoration and pollution abatement; control of invasive plant species and establishment of native species.

Sec. 1602. National scenic byways program.

Sec. 1603. Recreational trails program.

Sec. 1604. Exemption of Interstate System.

Sec. 1605. Standards.

Sec. 1606. Use of high occupancy vehicle lanes.

Sec. 1607. Bicycle transportation and pedestrian walkways.

Sec. 1608. Idling reduction facilities in Interstate rights-of-way.

Sec. 1609. Toll programs.

Sec. 1610. Federal reference method.

Sec. 1611. Addition of particulate matter areas to CMAQ.

Sec. 1612. Addition to CMAQ-eligible projects.

Sec. 1613. Improved interagency consultation.

Sec. 1614. Evaluation and assessment of CMAQ projects.

Sec. 1615. Synchronized planning and conformity timelines, requirements, and horizon.

Sec. 1616. Transition to new air quality standards.

Sec. 1617. Reduced barriers to air quality improvements.

Sec. 1618. Air quality monitoring data influenced by exceptional events.

Sec. 1619. Conforming amendments.

Sec. 1620. Highway stormwater discharge mitigation program.

Sec. 1621. Exemption from certain hazardous materials transportation requirements.

Sec. 1622. Funds for rebuilding fish stocks.

Subtitle G—Operations

Sec. 1701. Transportation systems management and operations.

Sec. 1702. Real-time system management information program.

Sec. 1703. Contracting for engineering and design services.

Sec. 1704. Off-duty time for drivers of commercial vehicles.

Sec. 1705. Designation of transportation management areas.

Subtitle H—Federal-Aid Stewardship

Sec. 1801. Future Interstate System routes.

Sec. 1802. Stewardship and oversight.

Sec. 1803. Design-build contracting.

Sec. 1804. Program efficiencies—finance.

Sec. 1805. Set-asides for interstate discretionary projects.

Sec. 1806. Federal lands highways program.

Sec. 1807. Highway bridge program.

Sec. 1808. Appalachian development highway system.

Sec. 1809. Multistate corridor program.

Sec. 1810. Border planning, operations, technology, and capacity program.

Sec. 1811. Puerto Rico highway program.

Sec. 1812. National historic covered bridge preservation.

Sec. 1813. Transportation and community and system preservation program.

Sec. 1814. Parking pilot programs.

Sec. 1815. Interstate oasis program.

Sec. 1816. Tribal-State road maintenance agreements.

Sec. 1817. National forest system roads.

Sec. 1818. Territorial highway program.

Sec. 1819. Magnetic levitation transportation technology deployment program.

Sec. 1820. Donations and credits.

Sec. 1821. Disadvantaged business enterprises.

Sec. 1822. Emergency relief.

Sec. 1823. Priority for pedestrian and bicycle facility enhancement projects.

Sec. 1824. The Delta Regional Authority.

Sec. 1825. Multistate international corridor development program.

Sec. 1826. Authorization of contract authority for States with Indian Reservations.

Subtitle I—Technical Corrections

Sec. 1901. Repeal or update of obsolete text.

Sec. 1902. Clarification of date.

Sec. 1903. Inclusion of requirements for signs identifying funding sources in title 23.

Sec. 1904. Inclusion of Buy America requirements in title 23.

Sec. 1905. Technical amendments to non-discrimination section.