

of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2634

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2634, an act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

S.J. RES. 40

At the request of Mrs. DOLE, her name was added as a cosponsor of S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. CAMPBELL):

S. 2641. A bill to recognize conservation efforts to restore the American bison from extinction by placing the image of the American bison on the nickel, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, today I join with my friend and colleague from the State of Colorado to introduce the Bison Nickel Restoration Act of 2004 to bring the image of the American bison back to the 5-cent coin.

The American bison is one of the most powerful symbols of the Amer-

ican West. Meriwether Lewis and William Clark encountered many bison on their western expedition. Native Americans in the Great Plains States have held the American bison as one of the most sacred animals, as it represents a spiritual being supplying everything necessary to survive. The bison also is an enduring symbol of the growth of the United States westward. The symbol of the bison is so powerful that the State of Wyoming has put its image on the State flag and the U.S. Department of the Interior uses the bison image on its official seal.

Many don't realize how close we came to losing this important animal. At one time, the American bison population was conservatively estimated at 60,000,000 strong. In the early 1900's, the worldwide bison population fell below 1000 and was virtually extinct. At that time, less than 100 free-range bison existed and there remained only 29 bison under Federal Government control, 21 in Yellowstone National Park and eight in the National Zoo in Washington, DC.

However, the restoration of the bison herds is one of the most shining examples of conservation efforts of our Nation's history. From the dwindling number of bison in the early 1900's, it is anticipated that the North American bison herd will surpass half of a million in the next year. In addition, the bison herd of 21 in Yellowstone National Park has now grown to more than 4,000 bison. It is the largest free-range bison herd in the United States.

The conservation effort of the bison began in the early 1900's. At that time, the American Bison Society was formed with President Teddy Roosevelt as its honorary president. Soon, we will be celebrating the centennial anniversary in 2008 of the signing into law by President Roosevelt of the creation of the National Bison Range. While Federal efforts to restore the bison have been beyond our expectations, a very large part of the successful restoration of the bison herd is due to the private sector. Today, bison can be found in all 50 States, including Hawaii. Many anticipate that the bison population may pass 1 million by the end of the decade.

Today, the bison ranching sector has become a viable business for many small- and medium-sized ranchers. According to a recent U.S. Department of Agriculture census, Wyoming ranches raised 12,580 bison for agricultural purposes during 2002. Restoring the bison to our coinage is a fitting tribute, especially during this July, which is National Bison Month.

A fitting honor for the American bison would be to restore the image on the back of the nickel. This not only would honor the restoration of the bison herd but it would be a symbol of the West. It is my hope that the millions of bison nickels would inspire school children to recognize the importance of our western heritage, the importance of the bison in Native American culture, and the importance of the

public/private efforts to restore the American bison. While our Nation's symbol is the bald eagle, there is little doubt that the symbol of the west is the American bison.

The Bison Nickel Restoration Act of 2004 would restore the American 5-Cent Coin Design Continuity Act of 2003 to its original three-year time frame. Due to the late passage of this law, the U.S. Mint was unable to mint newly designed nickels for 2003. In addition, our bill would require that one of the new images on the reverse of the nickel be of an American bison. I can think of no more fitting tribute to the restoration of the American bison herd than to restore the image of the bison on the back of the nickel.

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. 2641

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 "Bison Nickel Restoration Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) the American bison is one of the most enduring symbols of the expedition of Meriwether Lewis and William Clark;

(2) Native Americans in the Great Plains States have held the American bison as one of the most sacred animals, as it represents a spiritual being supplying everything necessary to survive;

(3) the American bison continues to be a symbol of Western States and the growth of the United States westward in the 19th century;

(4) the population of the American bison herd has been restored from near extinction levels due to exceptional conservation efforts;

(5) the American bison herd, which once numbered approximately 60,000,000 fell below 100 for free-range bison in the early 1900s;

(6) at the time, only 21 American bison were living in Yellowstone National Park, and 8 in the National Zoo in Washington, DC;

(7) the conservation efforts to restore the American bison officially began with the efforts of President Theodore Roosevelt with the American Bison Society in 1905, the first United States conservation effort to restore a single species from extinction;

(8) the centennial of the signing into law by President Roosevelt of the creation of the National Bison Range in Montana will take place on May 23, 2008; and

(9) in 2004, the bison herd in North America is anticipated to surpass 500,000, and the American Bison has been restored and has become a viable commercial ranching enterprise for many small- and medium-sized ranchers.

SEC. 3. BISON COIN AUTHORITY EXTENSION.

Section 101 of the American 5-Cent Coin Design Continuity Act of 2003 (31 U.S.C. note) is amended—

(1) by striking "and 2005" each place that term appears, other than in subsection (b)(2), and inserting "2005, and 2006"; and

(2) in subsection (b)(2), by adding at the end the following: "If the Secretary of the Treasury elects to change the reverse of the 5-cent coins issued during 2006, one of the designs selected shall depict the image of an

American bison as part of such emblematic images.”.

SEC. 4. EXTENSION OF THE AMERICAN 5-CENT COIN DESIGN CONTINUITY ACT OF 2003.

Section 5112(d)(1) of title 31, United States Code, is amended in the 5th sentence, by striking “December 31, 2005” and inserting “December 31, 2006”.

By Mr. WYDEN:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Smuggled Tobacco Prevention Act of 2004, and Representative DOGGETT of Texas is introducing identical legislation in the House of Representatives.

As many of my colleagues know, I have long believed that we must do everything we can to help protect our children from becoming addicted to tobacco. Whether a child is in Bend, OR or in Bangladesh, that child should be able to grow up tobacco-free.

Cigarettes are the world's most smuggled legal consumer product. Tobacco smuggling contributes to the availability of cheap cigarettes and not only deprives governments of needed revenue, but harms the health of our citizens and of people around the world. Last month the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives reported that they have more than 300 open cases of illicit cigarette trafficking, up from only a handful five years ago. Some of those cases have been linked to the funding of terrorism.

In our country traffickers buy a large volume of cigarettes in States where the cigarette tax is low, and take them to States with higher taxes and sell them at a discount without paying the higher cigarette tax in those States. That illegal activity deprives States and localities of funds needed for schools, policing, and roads.

With better labeling, tracing, and record-keeping we believe we can end this illegal activity. Our legislation takes those common sense steps and requires that individual product packages be marked with the destination and that bonds be posted until we are assured that the tobacco product has reached its destination. The legislation would require record keeping and making those records available for inspection. The Smuggled Tobacco Prevention Act also provides whistle-blower protection for those who help authorities in locating smuggling activity.

I urge my colleagues to join me in strengthening our laws against cigarette smuggling because it is good health policy, and it is sound fiscal policy and good leadership to do so.

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

S. 2642

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Smuggled Tobacco Prevention Act of 2004”.

TITLE I—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 101. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. IMPROVED MARKING AND LABELING; EXPORT BONDS.

(a) IN GENERAL.—Subsection (b) of section 5723 (relating to marks, labels, and notices) is amended—

(1) by striking “, if any,” and

(2) by adding at the end the following: “Such marks, labels, and notices shall include marks and notices relating to the following:

“(1) IDENTIFICATION.—Each person who is a manufacturer or importer of tobacco products shall (in accordance with regulations prescribed by the Secretary) legibly print a unique serial number on all packages of tobacco products manufactured or imported by such person for sale or distribution. Such serial number shall be designed to enable the Secretary to identify the manufacturer of the product (and, in the case of importation, the manufacturer and importer of the product), the location and date of manufacture (and, if imported, the location and date of importation), and any other information the Secretary determines necessary or appropriate for the proper administration of the chapter. The Secretary shall determine the size and location of the serial number.

“(2) MARKING REQUIREMENTS FOR EXPORTS.—Each package of a tobacco product that is exported shall be marked for export from the United States and shall be marked as to the foreign country which is to be the final destination of such product. Such marking shall be visible and prominent and shall be in English and in the primary language of such foreign country. The Secretary shall promulgate regulations to determine the size and location of the mark.”.

(b) SALES ON INDIAN RESERVATIONS; PACKAGE DEFINED.—Section 5723 is amended by adding at the end the following new subsections:

“(f) SALES ON INDIAN RESERVATIONS.—Each package of a tobacco product that is sold on an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)) shall be visibly and prominently labeled as such. The Secretary, in consultation with the Secretary of the Interior, shall promulgate regulations with respect to such labeling, including requirements for the size and location of the label.

“(g) DEFINITION OF PACKAGE.—For purposes of this section, the term ‘package’ means the innermost sealed container visible from the outside of the individual container irrespective of the material from which such container is made, in which a tobacco product is placed by the manufacturer and in which such tobacco product is offered for sale to a member of the general public.”.

(c) REQUIREMENTS FOR TRACKING OF TOBACCO PRODUCTS.—

(1) IN GENERAL.—Subchapter B of chapter 52 is amended by adding at the end the following new section:

“SEC. 5714. EXPORT BONDS.

“(a) POSTING OF BOND.—

“(1) IN GENERAL.—It shall be unlawful for any person to export any tobacco product unless such person—

“(A) has posted with the Secretary a tobacco product bond in accordance with this section for such product that contains a disclosure of the country to which such product will be exported; and

“(B) receives a written statement from the recipient of the tobacco products involved that such person—

“(i) will not knowingly and willfully violate or cause to be violated any law or regulation of such country, the United States, any State, the District of Columbia, or any possession of the United States with respect to such products; and

“(ii) has never been convicted of any offense with respect to tobacco products.

“(2) REGULATIONS.—The Secretary shall promulgate regulations that determine the frequency and the amount of each bond that must be posted under paragraph (1), but in no case shall such amount be less than an amount equal to the tax imposed under this chapter on the value of the shipment of the products involved if such products were consumed within the United States.

“(3) EXPORT.—For purposes of this subsection, property shall be treated as exported if it is shipped to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

“(b) RETURN OF BOND.—The Secretary shall return a bond posted under subsection (a)—

“(1) upon a determination by the Secretary (based on documentation provided by the person who posted the bond in accordance with regulations promulgated by the Secretary) that the items to which the bond applies have been received in the country of final destination as designated in the bond, or

“(2) under such other circumstance as the Secretary may specify.”

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter B is amended by adding at the end the following new item:

“Sec. 5714. Export bonds.”

SEC. 103. WHOLESALE REQUIRED TO HAVE PERMIT.

Section 5712 (relating to application for permit) is amended by inserting “, wholesaler,” after “manufacturer”.

SEC. 104. CONDITIONS OF PERMIT.

Subsection (a) of section 5713 (relating to issuance of permit) is amended to read as follows:

“(a) ISSUANCE.—

“(1) IN GENERAL.—A person shall not engage in business as a manufacturer, wholesaler, or importer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit shall be issued in such form and in such manner as the Secretary shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary shall by regulation prescribe.

“(2) CONDITIONS.—The issuance of a permit under this section shall be conditioned upon the compliance with the requirements of—

“(A) this chapter,

“(B) the Contraband Cigarette Trafficking Act (18 U.S.C. chapter 114),

“(C) the Act of October 19, 1949 (15 U.S.C. chapter 10A),

“(D) any regulations issued pursuant to such statutes, and

“(E) any other federal laws or regulations relating to the taxation, sale, or transportation of tobacco products.”.

SEC. 105. RECORDS TO BE MAINTAINED.

Section 5741 (relating to records to be maintained) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Every manufacturer”;

(2) by inserting "every wholesaler," after "every importer,"

(3) by striking "such records" and inserting "records concerning the chain of custody of the tobacco products (including the foreign country of final destination for packages marked for export) and such other records", and

(4) by adding at the end the following new subsection:

"(b) RETAILERS.—Retailers shall maintain records of receipt of tobacco products, and such records shall be available to the Secretary for inspection and audit. An ordinary commercial record or invoice shall satisfy the requirements of this subsection if such record shows the date of receipt, from whom tobacco products were received, and the quantity of tobacco products received. The preceding provisions of this subsection shall not be construed to limit or preclude other recordkeeping requirements imposed on any retailer."

SEC. 106. REPORTS.

Section 5722 (relating to reports) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Every manufacturer", and

(2) by adding at the end the following new subsection:

"(b) REPORTS BY EXPORT WAREHOUSE PROPRIETORS.—

"(1) IN GENERAL.—Prior to exportation of tobacco products from the United States, the export warehouse proprietor shall submit a report (in such manner and form as the Secretary may by regulation prescribe) to enable the Secretary to identify the shipment and assure that it reaches its intended destination.

"(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Notwithstanding section 6103 of this title, the Secretary is authorized to enter into agreements with foreign governments to exchange or share information contained in reports received from export warehouse proprietors of tobacco products if—

"(A) the Secretary believes that such agreement will assist in—

"(i) ensuring compliance with the provisions of this chapter or regulations promulgated thereunder, or

"(ii) preventing or detecting violations of the provisions of this chapter or regulations promulgated thereunder, and

"(B) the Secretary obtains assurances from such government that the information will be held in confidence and used only for the purposes specified in clauses (i) and (ii) of subparagraph (A).

No information may be exchanged or shared with any government that has violated such assurances."

SEC. 107. FRAUDULENT OFFENSES.

(a) IN GENERAL.—Subsection (a) of section 5762 (relating to fraudulent offenses) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—Section 5762 is amended—

(1) by redesignating subsection (b) as subsection (c),

(2) in subsection (c) (as so redesignated), by inserting "or (b)" after "(a)", and

(3) by inserting after subsection (a) the following new subsection:

"(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—It shall be unlawful—

"(1) for any person to engage in the business as a manufacturer or importer of tobacco products or cigarette papers and tubes, or to engage in the business as a wholesaler or an export warehouse proprietor, without filing the bond and obtaining the permit

where required by this chapter or regulations thereunder;

"(2) for a manufacturer, importer, or wholesaler permitted under this chapter intentionally to ship, transport, deliver, or receive any tobacco products from or to any person other than a person permitted under this chapter or a retailer, except a permitted importer may receive foreign tobacco products from a foreign manufacturer or a foreign distributor that have not previously entered the United States;

"(3) for any person (other than the original manufacturer of such tobacco products or an export warehouse proprietor authorized to receive any tobacco products that have previously been exported and returned to the United States) to receive any tobacco products that have previously been exported and returned to the United States;

"(4) for any export warehouse proprietor intentionally to ship, transport, sell, or deliver for sale any tobacco products to any person other than the original manufacturer of such tobacco products, another export warehouse proprietor, or a foreign purchaser;

"(5) for any person (other than a manufacturer or an export warehouse proprietor permitted under this chapter) intentionally to ship, transport, receive, or possess, for purposes of resale, any tobacco product in packages marked pursuant to regulations issued under section 5723, other than for direct return to a manufacturer for repacking or for re-exportation or to an export warehouse proprietor for re-exportation;

"(6) for any manufacturer, importer, export warehouse proprietor, or wholesaler permitted under this chapter to make intentionally any false entry in, to fail willfully to make appropriate entry in, or to fail willfully to maintain properly any record or report that such person is required to keep as required by this chapter or the regulations promulgated thereunder;

"(7) for any person to alter, mutilate, destroy, obliterate, or remove any mark or label required under this chapter upon a tobacco product held for sale, except pursuant to regulations of the Secretary authorizing relabeling for purposes of compliance with the requirements of this section or of State law; and

"(8) for any person to sell at retail more than 5,000 cigarettes in a single transaction or in a series of related transactions, or, in the case of other tobacco products, an equivalent quantity as determined by regulation. Any person violating any of the provisions of this subsection shall, upon conviction, be fined as provided in section 3571 of title 18, United States Code, imprisoned for not more than 5 years, or both."

(c) INTENTIONALLY DEFINED.—Section 5762 is amended by adding at the end the following:

"(d) DEFINITION OF INTENTIONALLY.—For purposes of this section and section 5761, the term 'intentionally' means doing an act, or omitting to do an act, deliberately, and not due to accident, inadvertence, or mistake, regardless of whether the person knew that the act or omission constituted an offense."

SEC. 108. CIVIL PENALTIES.

Subsection (a) of section 5761 (relating to civil penalties) is amended—

(1) by striking "willfully" and inserting "intentionally", and

(2) by striking "\$1,000" and inserting "\$10,000".

SEC. 109. DEFINITIONS.

(a) EXPORT WAREHOUSE PROPRIETOR.—Subsection (i) of section 5702 (relating to definition of export warehouse proprietor) is amended by inserting before the period the following: "or any person engaged in the business of exporting tobacco products from

the United States for purposes of sale or distribution. Any duty free store that sells, offers for sale, or otherwise distributes to any person in any single transaction more than 30 packages of cigarettes, or its equivalent for other tobacco products as the Secretary shall by regulation prescribe, shall be deemed an export warehouse proprietor under this chapter".

(b) RETAILER; WHOLESALER.—Section 5702 is amended by adding at the end the following:

"(p) RETAILER.—The term 'retailer' means any dealer who sells, or offers for sale, any tobacco product at retail. The term 'retailer' includes any duty-free store that sells, offers for sale, or otherwise distributes at retail in any single transaction 30 or fewer packages of cigarettes, or its equivalent for other tobacco products.

"(q) WHOLESALER.—The term 'wholesaler' means any person engaged in the business of purchasing tobacco products for resale at wholesale, or any person acting as an agent or broker for any person engaged in the business of purchasing tobacco products for resale at wholesale."

SEC. 110. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 2005.

TITLE II—AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT

SEC. 201. AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT.

(a) EXPANSION OF ACT TO COVER OTHER TOBACCO PRODUCTS.—

(1) Paragraphs (1) through (2) of section 2341 of title 18, United States Code, are amended to read as follows:

"(1) the term 'tobacco product' has the meaning given to such term by section 5702 of the Internal Revenue Code of 1986;

"(2) the term 'contraband tobacco product' means any tobacco product if—

"(A)(i) in the case of cigarettes, such cigarettes are in a quantity in excess of 2,000 cigarettes; or

"(ii) in the case of a tobacco product other than a cigarette, such product is in a quantity in excess of the equivalent of 2,000 cigarettes as determined under rules made by the Attorney General;

"(B)(i) if the State in which such tobacco product is found requires a stamp, impression, or other indication to be placed on packages or other containers of product to evidence payment of tobacco taxes, such tobacco product bears no evidence of such payment; or

"(ii) if such State has no such requirement, applicable tobacco taxes are found to be not paid; and

"(C) such tobacco product is in the possession of any person other than—

"(i) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as a manufacturer or importer of tobacco products or as an export warehouse proprietor, or a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311 or 1555) or an agent of such person;

"(ii) a common or contract carrier transporting the tobacco product involved under a proper bill of lading or freight bill which states the quantity, source, and destination of such product;

"(iii) a person—

"(I) who is licensed or otherwise authorized by the State where the tobacco product is found to account for and pay tobacco taxes imposed by such State; and

"(II) who has complied with the accounting and payment requirements relating to such license or authorization with respect to the tobacco product involved; or

“(iv) an officer, employee, or other agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State) having possession of such tobacco product in connection with the performance of official duties;”.

(2) Section 2345 of title 18, United States Code, is amended—

(A) by striking “cigarette tax laws” each place it appears and inserting “tobacco tax laws”, and

(B) by striking “cigarettes” and inserting “tobacco products”.

(b) UNLAWFUL ACTS.—Section 2342 of title 18, United States Code, is amended to read as follows:

“§ 2342. Unlawful acts

“(a) It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute, or purchase contraband tobacco products.

“(b)(1) It shall be unlawful for any person knowingly—

“(A) to make any false statement or representation with respect to the information required by this chapter to be kept in the records or reports of any person who ships, sells, or distributes (in a single transaction or in a series of related transactions) any quantity of tobacco product in excess of the quantity specified in or pursuant to section 2341(2)(A) with respect to such product, or

“(B) to fail to maintain records or reports, alter or obliterate required markings, or interfere with any inspection, required under this chapter, with respect to such quantity of tobacco product.

“(c) It shall be unlawful for any person knowingly to transport tobacco products under a false bill of lading or without any bill of lading.”.

(c) CONFORMING AMENDMENTS RELATING TO RECORDKEEPING.—

(1) Subsections (a) and (b) of section 2343 of title 18, United States Code, are each amended by striking “any quantity of cigarettes in excess of 60,000 in a single transaction” and inserting “(in a single transaction or in a series of related transactions) any quantity of tobacco product in excess of the quantity specified in or pursuant to section 2341(2)(A) with respect to such product”.

(d) PENALTIES.—Section 2344 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting “or (c)” after “section 2342(b)”;

(2) by striking subsection (c) and inserting the following new subsection:

“(c) Any contraband tobacco products involved in any violation of this chapter shall be subject to seizure and forfeiture, and all provisions of section 9703(o) of title 31, United States Code, shall, so far as applicable, extend to seizures and forfeitures under this chapter.”.

(e) JENKINS ACT AMENDMENTS.—

(1) Section 4 of the Act of October 19, 1949 (15 U.S.C. 378) is amended by adding at the end the following: “A State tobacco tax authority may commence a civil action to obtain appropriate relief with respect to a violation of this Act.”.

(2) Paragraph (2) of section 1 of such Act is amended to read as follows:

“(2) The term ‘tobacco product’ has the meaning given to such term by section 5702 of the Internal Revenue Code of 1986.”.

(3) Such Act is further amended by striking “cigarette” and “cigarettes” each place either appears and inserting “tobacco product” and “tobacco products” respectively.

(f) NON-PREEMPTION.—Nothing in this title or the amendments made by this title shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of State law.

TITLE III—WHISTLEBLOWER PROTECTION PROVISIONS

SEC. 301. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

“§ 1514B. Civil action to protect against retaliation in contraband tobacco cases

“(a) WHISTLEBLOWER PROTECTION FOR CONTRABAND TOBACCO.—No person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

“(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 2342 or any other provision of Federal law relating to contraband tobacco, when the information or assistance is provided to or the investigation is conducted by—

“(A) a Federal regulatory or law enforcement agency;

“(B) any Member of Congress or any committee of Congress; or

“(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

“(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 2342, or any provision of Federal law relating to contraband tobacco.

“(b) ENFORCEMENT ACTION.—

“(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

“(A) filing a complaint with the Secretary of Labor; or

“(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(2) PROCEDURE.—

“(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

“(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

“(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

“(c) REMEDIES.—

“(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

“(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

“(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

“(B) the amount of back pay, with interest; and

“(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

“(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

“1514B. Civil action to protect against retaliation in contraband tobacco cases.”.

By Mr. DURBIN:

S. 2643. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation

Mr. DURBIN. Mr. President, I rise today to introduce the Cigarette Fire Safety Act of 2004. Joe Moakley started his effort to require less fire-prone cigarettes in 1979 and championed this issue until his death in May of 2001. I am here to finish what he started.

The statistics regarding cigarette-related fires are startling. Cigarette-ignited fires account for an estimated 140,800 fires in the United States. Such fires cause more than 900 deaths and 2,400 injuries each year. Annually, more than \$400 million in property damage is reported due to a fire caused by a cigarette. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products—by far the leading cause of civilian deaths in fires. Overall, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately \$4.6 billion per year.

In my State of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1998 alone, the most recent year for which we have data, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths.

Tobacco companies spend billions on marketing and learning how to make cigarettes appealing to kids. It is not unreasonable to ask those same companies to invest in safer cigarette paper to make their products less likely to burn down a house. The State of New York has taken the first step, and by June 2004, all cigarettes sold in the State will be tested for fire safety and required to self-extinguish. It is time to establish a national standard to ensure that our nation's children, elderly and families are protected.

The Cigarette Fire Safety Act of 2004 requires the Consumer Product Safety Commission to promulgate a fire safety standard, specified in the legislation, for cigarettes. The CPSC would also have the authority to regulate the

ignition propensity of cigarette paper for roll-your-own tobacco products. The Act gives the Consumer Product Safety Commission authority over cigarettes only for purposes of implementing and enforcing compliance with this Act and with the standard promulgated under the Act. It also allows states to pass more stringent fire-safety standards for cigarettes.

When Joe Moakley set out more than two decades ago to ensure that the tragic cigarette-caused fire that killed five children and their parents in Westwood, MA was not repeated, he made a difference. He introduced three bills, two of which passed. One commissioned a study that concluded it was technically feasible to produce a cigarette with a reduced propensity to start fires. The second required that the National Institute of Standards and Technology develop a test method for cigarette fire safety, and the last and final bill, the Fire-Safe Cigarette Act of 1999, mandates that the Consumer Product Safety Commission use this knowledge to regulate cigarettes with regard to fire safety.

Today I am here to reintroduce Moakley's bill and to accomplish what he set out to do. I hope that the Commerce Committee will consider this legislation expeditiously and that my colleagues will join me in supporting this effort. Joe waited long enough. Let's get this done for him.

By Mr. MCCAIN:

S. 2645. A bill to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I rise today to introduce The Public Broadcasting Reauthorization Act of 2004. This legislation is designed to reauthorize the Corporation for Public Broadcasting (CPB or "the Corporation") through 2011 to carry forth its mission to support the Nation's public broadcasting system. This private, non-profit corporation has not been reauthorized since 1996.

In 1967, Congress created the Corporation, declaring, "It is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational and cultural purposes." Today, the primary function of the CPB is to receive and distribute governmental funds to stations, develop national programming, and maintain universal access to public broadcasting's educational programs and services through 356 public television stations and almost 800 public radio stations.

In addition to authorizing the Corporation, the bill would explicitly provide public broadcast stations the ability to use CPB funds to produce local programming. An April 2004 General Accounting Office (GAO) report noted

that 79 percent of the public television stations surveyed found that the amount of local programming they currently produce is not sufficient to meet local community needs. Eighty-five percent of the stations surveyed stated that they do not have adequate funds for local programming or that they would produce more local programming if they could obtain additional sources of funding. The bill would provide the Corporation the explicit authority to award grants for the production and acquisition of local programming and allow stations to use CPB funds supporting the digital transition to produce local digital programming.

Furthermore, the bill would expand the definition of public telecommunications services to capture the services public broadcasters are now providing through their web sites and through digital multicasting. The bill would also allow CPB to recoup some federal funds provided to a public broadcast station if the broadcaster sells the station to an entity that does not offer public broadcasting services.

Reauthorization would allow the CPB to continue carrying out its many responsibilities. I look forward to working with my colleagues to expeditiously move this measure through the legislative process.

Today the Senate Committee on Commerce, Science, and Transportation held a hearing on public broadcasting. Mr. Ken Burns, a filmmaker, spoke eloquently at the hearing on the benefits public broadcasting provides to local communities. Mr. President, I ask unanimous consent that Mr. Burns' testimony and the text of the bill be printed in the RECORD.

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

S. 2645

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 "Public Broadcasting Reauthorization Act of 2004".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) CORPORATION FOR PUBLIC BROADCASTING.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by striking subparagraphs (B) through (F) and inserting the following:

"(B) There is authorized to be appropriated to the Fund, for each of the fiscal years 2007, 2008, 2009, 2010 and 2011, an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the second fiscal year preceding each such fiscal year, except that the amount so appropriated shall not exceed—

- "(i) \$416,000,000 for fiscal year 2007;
- "(ii) \$432,000,000 for fiscal year 2008;
- "(iii) \$450,000,000 for fiscal year 2009;
- "(iv) \$468,000,000 for fiscal year 2010; and
- "(v) \$487,000,000 for fiscal year 2011.

"(C) In addition to any amounts authorized under any other provision of this or any other Act, there are authorized to be appropriated to the Fund, (notwithstanding any other provision of this subsection) specifically for transition from the use of analog to digital technology for the provision of public

telecommunications services and for the acquisition or production of digital programming of local, regional, and national interest—

- "(i) \$50,000,000 for fiscal year 2005;
- "(ii) \$50,000,000 for fiscal year 2006;
- "(iii) \$40,000,000 for fiscal year 2007;
- "(iv) \$30,000,000 for fiscal year 2008; and
- "(v) \$20,000,000 for fiscal year 2009.

"(D) Funds appropriated under this subsection shall remain available until expended and shall be disbursed by the Secretary of the Treasury for obligation and expenditure as soon after appropriation as practicable. The Corporation shall distribute funds authorized by subparagraph (C) and allocated to public broadcast stations under this subsection as expeditiously as practicable when made available by the Secretary of the Treasury, and in a manner that is determined, in consultation with public radio and television licensees or permittees and their designated representatives."

(b) PUBLIC BROADCASTING INTERCONNECTION SYSTEM.—Section 396(k)(10) of the Communications Act of 1934 (47 U.S.C. 396(k)(10)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) There are authorized to be appropriated to the Satellite Interconnection Fund \$250,000,000 for fiscal year 2005. If the amount appropriated to the Satellite Interconnection Fund for fiscal year 2005 is less than \$250,000,000, the amount by which that sum exceeds the amount appropriated is authorized to be appropriated for fiscal years 2006 through 2008 until the full \$250,000,000 has been appropriated to the Fund. Funds appropriated to the Satellite Interconnection Fund shall remain available until expended.

"(C) The Secretary of the Treasury shall make available and disburse to the Corporation, at the beginning of fiscal year 2005 and of each succeeding fiscal year thereafter, such funds as have been appropriated to the Satellite Interconnection Fund for the fiscal year in which such disbursement is to be made."

(c) PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM GRANTS.—Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "\$42,000,000 for each of the fiscal years 1992, 1993, and 1994," and inserting "\$50,000,000 for fiscal year 2005, \$52,000,000 for fiscal year 2006, \$54,008,000 for fiscal year 2007, \$56,240,000 for fiscal year 2008, \$58,490,000 for fiscal year 2009, \$60,820,000 for fiscal year 2010, and \$63,250,000 for fiscal year 2011,"; and

(2) by striking "facilities" each place it occurs and inserting "facilities, including analog and digital broadcast facilities and equipment,".

SEC. 3. RECOUPMENT OF FUNDS BY CORPORATION.

Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following:

"(13) Funds may not be distributed pursuant to this section to any public broadcast station unless it agrees that, upon request by the Corporation, at such time as it ceases to provide public telecommunications services or transfers or assigns its broadcast license or permit to an entity that will not provide public telecommunications services (as defined in section 397(14) of this Act), it will—

"(A) return any or all unexpended funds for all grants made by the Corporation; and

"(B) with respect to grants made by the Corporation during the prior 5 years for the purchase or construction of public telecommunications facilities, return an amount that is no more than an amount bearing the same ratio to the current value of such facilities at the time of cessation of public telecommunications service as the ratio that

the Corporation's contribution bore to the total cost of purchasing or constructing such facilities."

SEC. 4. REDEFINITION OF PUBLIC TELECOMMUNICATIONS SERVICES TO INCLUDE NEW TECHNOLOGIES.

(a) **TRANSITION AND PROGRAMMING AUTHORIZATION.**—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)), as amended by section 2(a) of this Act, is further amended by striking "public broadcasting services," and inserting "public telecommunications services,".

(b) **PUBLIC TELECOMMUNICATIONS SERVICES TO INCLUDE NEW TECHNOLOGIES.**—Section 397(14) of the Communications Act of 1934 (47 U.S.C. 397(14)) is amended to read as follows:

"(14) The term 'public telecommunications services' means noncommercial educational and cultural—

"(A) radio and television programming or other content; and

"(B) instructional or informational material (including data) transmitted electronically."

SEC. 5. LOCAL CONTENT, PROGRAMMING, AND SERVICES.

Section 396(k)(7) of the Communications Act of 1934 (47 U.S.C. 396(k)(7)) is amended by striking "to the production and acquisition of programming," and inserting "to the support of content, programming, and services, especially those that serve the needs and interests of the recipient's local community."

Mr. Chairman and Members of the Committee: It is an honor for me to appear before you today on behalf of PBS. I am grateful that you have given me this opportunity to express my thoughts. Let me say from the outset—as a film producer and as a father of two daughters increasingly concerned about the sometimes dangerous landscape of our television environment—that I am a passionate, life-long supporter of public television and its unique role in helping to stitch our exquisite, diverse, and often fragile culture together.

Few institutions provide such a direct, grassroots way for our citizens to participate in the shared glories of their common past, in the power of the priceless ideals that have animated our remarkable republic and our national life for more than two hundred years, and in the inspirational life of the mind and the heart that an engagement with the arts always provides. It is my wholehearted belief that anything that threatens this institution weakens our country. It is as simple as that.

For more than 25 years I have been producing historical documentary films, celebrating the special messages American history continually directs our way. The subjects of these films range from the construction of the Brooklyn Bridge and the Statue of Liberty to the life of the turbulent demagogue Huey Long; from the graceful architecture of the Shakers to the early founders of radio; from the sublime pleasures and unexpected lessons of our national pastime and Jazz to the searing transcendent experience of our Civil War; from Thomas Jefferson and Lewis and Clark to Frank Lloyd Wright, Elizabeth Cady Stanton and Mark Twain. I even made a film on the history of this magnificent Capitol building and the much maligned institution that is charged with conducting the people's business.

In every instance, I consciously produced these films for national public television broadcast, not the commercial networks or cable.

As an educational filmmaker, I am grateful to play even a small part in an underfunded broadcasting entity with one foot tenuously in the marketplace and the other decidedly and proudly out, which, among

dozens of fabulously wealthy networks, just happens to produce—on shoestring budgets—the best news and public affairs programming on television, the best science and nature programming on television, the best arts on television, the best children's shows on television, and, some say, the best history on television.

When I was working more than 15 years ago on my film about the Statue of Liberty, its history and powerful symbolism, I had the great good fortune to meet and interview Vartan Gregorian, who was then the president of the New York Public Library. After an extremely interesting and passionate interview on the meaning behind the statue for an immigrant like him—from Tabriz, Iran—Vartan took me on a long and fascinating tour of the miles of stacks of the Library. Finally, after galloping down one claustrophobic corridor after another, he stopped and gestured expansively. "This," he said, surveying his library from its guts, "this is the DNA of our civilization."

I think he was saying that that library, indeed, all libraries, archives, and historical societies are the DNA of our society, leaving an imprint of excellence and intention for generations to come. It occurs to me this morning, as we consider the rich history of service and education of PBS, that we must certainly include this great institution in that list of the DNA of our civilization. That public television is part of the great genetic legacy of our Nation. And that cannot, should not, be denied us or our posterity.

PBS has consistently provided, with its modest resources, and over more than three tumultuous decades, quite simply an antidote to the vast wasteland of television programming Newton Minnow so accurately described. We do things differently. We are hardly a "disappearing niche," as some suggest, but a vibrant, galvanic force capable of sustaining this experiment well into our uncertain future.

Some critics say that PBS is no longer needed in this multi-channel universe, that our government has no business in television or the arts and humanities, that we must let the marketplace alone determine everything in our cultural life, that a few controversial programs prove the political bias of the public television community. I feel strongly that I must address those assertions.

First let me share a few facts that might surprise you: As a result of media consolidation, public stations are frequently the last and only locally owned media operations in their markets. Despite the exponential growth of television options, 84 million people a week watch PBS—more than any cable outlet. It is the number one choice of video curriculum in the classroom and its non-violent, non-commercial children's programs are the number one choice of parents. Indeed, as commercial television continues in its race to the bottom for ratings, PBS has earned the Nation's trust to deliver programs that both entertain and educate and that do so in a manner that the public consistently rates as balanced and objective.

But above and beyond these facts that demonstrate the ways in which PBS is more important than ever in helping to address the public's needs today, there is a larger argument to be made—one that is rooted in our Nation's history.

Since the beginning of this country, our government has been involved in supporting the arts and the diffusion of knowledge, which was deemed as critical to our future as roads and dams and bridges. Early on, Thomas Jefferson and the other founding fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace of things, but an active involvement of the mind in the higher aspects of

human endeavor—namely education, music, the arts, and history—a marketplace of ideas. Congress supported the journey of Lewis and Clark as much to explore the natural, biological, ethnographic, and cultural landscape of our expanding Nation as to open up a new trading route to the Pacific. Congress supported numerous geographical, artistic, photographic, and biological expeditions to nearly every corner of the developing West. Congress funded, through the Farm Securities Administration, the work of Walker Evans and Dorothea Lange and other great photographers who captured for posterity the terrible human cost of the Depression. At the same time, Congress funded some of the most enduring writing ever produced about this country's people, its monuments, buildings, and back roads in the still much used and admired WPA guides. Some of our greatest symphonic work, our most treasured dramatic plays, and early documentary film classics came from an earlier Congress' support.

With Congress' great insight PBS was born and grew to its startlingly effective maturity echoing the same time-honored sense that our Government has an interest in helping to sponsor Communication, Art and Education just as it sponsors Commerce. We are not talking about a 100 percent sponsorship, a free ride, but a priming of the pump, a way to get the juices flowing, in the spirit of President Reagan's notion of a partnership between the government and the private sector. The Corporation for Public Broadcasting grant I got for the Civil War series attracted even more funds from General Motors and several private foundations; money that would not have been there had not the Corporation for Public Broadcasting blessed this project with their rigorously earned imprimatur.

But there are those who are sure that without public television, the so-called "marketplace" would take care of everything; that what won't survive in the marketplace, doesn't deserve to survive. Nothing could be further from the truth. Because we are not just talking about the commerce of a Nation. We are not just economic beings, but spiritual and intellectual beings as well, and so we are talking about the creativity of a Nation. Now, some forms of creativity thrive in the marketplace and that is a wonderful thing, reflected in our Hollywood movies and our universally popular music. But let me say that the marketplace could not have made and to this day could not make my Civil War series, indeed any of the films I have worked on.

That series was shown on public television, outside the marketplace, without commercial interruption, by far the single most important factor for our insuring PBS's continuing existence and for understanding the Civil War series' overwhelming success. All real meaning in our world accrues in duration; that is to say, that which we value the most—our families, our work, the things we build, our art—has the stamp of our focused attention. Without that attention, we do not learn, we do not remember, we do not care. We are not responsible citizens. Most of the rest of the television environment has ignored this critical truth. For several generations now, TV has disrupted our attention every eight minutes (or less) to sell us five or six different things, then sent us back, our ability to digest all the impressions compromised in the extreme. The programming on PBS in all its splendid variety, offers the rarest treat amidst the outrageous cacophony of our television marketplace—it gives us back our attention and our memory. And by so doing, insures that we have a future.

The marketplace will not, indeed cannot, produce the good works of PBS. Just as the

marketplace does not come to your house at 3:00 a.m. when it is on fire or patrols the dangerous ground in Afghanistan and Iraq. No, the marketplace does not and will not pay for our fire departments or more important our Defense Department, things essential to the safety, defense and well-being of our country. It takes government involvement, eleemosynary institutions, individual altruism, extra-marketplace effort to get these things made and done. I also know, Mr. Chairman, that PBS has nothing to do with the actual defense of our country. I know that—PBS, I believe with every fiber of my being, just helps make our country worth defending.

The meat and potatoes of public television reaches out to every corner of the country and touches people in positive ways the Federal Government rarely does. Recent research suggests that PBS is the most trusted national institution in the United States. Indeed, it would be elitist itself to abolish public television, to trust to the marketplace and the "natural aristocracy" that many have promised over the last two hundred years would rise up to protect us all—and hasn't. Those who labor in public television are not unlike those in public service who sacrifice job security, commensurate pay, and who are often misunderstood by a media culture infatuated by their seemingly more glamorous colleagues.

With regard to my own films, I have been quite lucky. The Civil War series was public television's highest rated program and has been described as one of the best programs in the history of the medium. But that show, indeed all of my films produced over the last quarter of a century, are only a small part, a tiny fraction, of the legacy of PBS. If public television's mission is severely hampered or curtailed, I suppose I will find work, but not the kind that ensures good television or speaks to the overarching theme of all my films—that which we Americans all hold in common. But more to the point, where will the next generation of filmmakers be trained? By the difficult rigorous proposal process of CPB and PBS or by the "gotcha," hit and run standards of our commercial brethren? I hope it will be the former.

The former Speaker of the House of Representatives Newt Gingrich spoke eloquently and often of an American people poised for the twenty-first century, endowed with a shared heritage of sacrifice and honor and the highest ideals mankind has yet advanced, but also armed with new technologies that would enable us to go forward as one people. I say to all who would listen that we have in public television exactly what he envisions.

Unfortunately, some continue to believe that public television is a hot-bed of thinking outside the mainstream. I wonder, though, have they ever been to a PBS station? I doubt it. PBS is the largest media enterprise in the world, reaching into the most remote corners of every state in the Union and enriching the lives of people of all backgrounds. It is also the largest educational institution in the country—because of national and local services that help build school readiness, support schools, provide distance learning, GED prep and essential workplace skills. Local public television stations are essentially conservative institutions, filled with people who share the concerns of most Americans and who reflect the values of their own communities. And Mr. Chairman, I know many people who criticize us as too conservative, too middle of the road, too safe.

And in a free society, the rare examples of controversy that may run counter to our accepted cannon, or one group's accepted cannon ought to be seen as a healthy sign that

we are a nation tolerant of ideas, confident—as the recent tide of geo-political history has shown—that the best ideas will always prevail.

One hundred and sixty-six years ago, in 1838, well before the Civil War, Abraham Lincoln challenged us to consider the real threat to the country, to consider forever the real cost of our inattention: "Whence shall we expect the approach of danger?" he wrote. "Shall some transatlantic giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia could not by force take a drink from the Ohio River or make a track in the Blue Ridge in the trial of a thousand years. No, if destruction be our lot, we must ourselves be its author and finisher." As usual, Mr. Lincoln speaks to us today with the same force he spoke to his own times.

The real threat always and still comes from within this favored land, that the greatest enemy is, as our religious teachings constantly remind us, always ourselves. Today, we have become so dialectically preoccupied, stressing our differences; black/white, left/right, young/old, in/out, good/bad, that we have forgotten to select for the mitigating wisdom that reconciles these disparities into honest difference and collegiality, into a sense of belonging. And we long, indeed ache, for institutions that suggest how we might all be bound back to the whole. PBS is one such institution.

The clear answer is tolerance, a discipline sustained in nearly every gesture and breath of the public television I know. We are a Nation that loses its way only when we define ourselves by what we are against not what we are for. PBS is that rare forum where more often than not we celebrate what we are for; celebrate, why, against all odds, we Americans still agree to cohere.

On the other hand, in public television must not take ourselves too seriously. Sometimes our greatest strength, our earnestness and seriousness, has metastasized into our greatest weakness. Usually a faithful and true companion, that earnestness and seriousness is sometimes worked to death. And Lord, how we sometimes like to see our mission as the cure. I remember once, after giving an impassioned defense of what we do at PBS, a man came up to me and said simply, "It's not brain surgery, you know." He was right, of course, but sometimes we do effect subtler changes; help in quotidian ways.

Not too long ago, on a perfect spring day, I was walking with my oldest daughter through a park in a large American city on the way to her college interview. We were taking our time, enjoying the first warm day of the year, when a man of about thirty, dressed in a three piece suit, approached me.

"You're Ken Burns," he asked. I nodded. "I need to talk to you about Baseball," he said under his breath. "Okay," I hesitated. Then, he blurted out: "My brother's daughter died." I took a step backward, stepping in front of my daughter to protect her. "Okay," I said tentatively. I didn't know what else to say. "SIDS," he said. "Crib death. She was only one." "I'm so sorry," I said. "I have daughters."

"I didn't know what to do," he said in a halting, utterly sad voice. "My brother and I are very close. Then I thought of your film. I went home to our mother's house, got our baseball mitts, and went to my brother's. I didn't say a word. I handed him my mitt and we went out into the backyard and we played catch wordlessly for an hour. Then I went home. . . . I just wanted to thank you."

Maybe it is brain surgery.

Mr. Chairman, most of us here, whether we know it or not, are in the business of words. And we hope with some reasonable expectations that those words will last. But alas, es-

pecially today, those words often evaporate, their precision blunted by neglect, their insight diminished by the sheer volume of their ever increasing brethren, their force diluted by ancient animosities that seem to set each group against the other.

The historian Arthur Schlesinger, Jr. has said that we suffer today from "too much pluribus, not enough unum." Few things survive in these cynical days to remind us of the Union from which so many of our personal as well as collective blessings flow. And it is hard not to wonder, in an age when the present moment overshadows all else—our bright past and our unknown future—what finally does endure? What encodes and stores that genetic material of our civilization, passing down to the next generation—the best of us—what we hope will mutate into betterness for our children and our posterity.

PBS holds one clear answer. It is the best thing we have in our television environment that reminds us why we agree to cohere as a people. And that is a fundamentally good thing.

Nothing in our daily life offers more of the comfort of continuity, the generational connection of belonging to a vast and complicated American family, the powerful sense of home, and the great gift of accumulated memory than does this great system which honors me by counting me a member one of its own.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2646. A bill to direct the Director of the National Park Service to prepare a report on the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor and the John H. Chafee Blackstone River Valley National Heritage Commission; to the Committee on Energy and Natural Resources.

Mr. CHAFEE: Mr. President, I am joined today by Senators REED, KENNEDY and KERRY in introducing legislation that would study the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor.

Established in 1986, the Blackstone Heritage Corridor recognizes the national and historical significance of the Blackstone region as the birthplace of the American Industrial Revolution. At the time of its inception, the Blackstone Corridor represented an entirely new approach for the National Park Service (NPS). Instead of designating the area as a unit of the National Park System, the Blackstone Corridor became an innovative model for how the NPS could work with States and local communities in recognizing and interpreting the history and resources of a region. Spanning two States and encompassing twenty communities and half a million people, the Corridor represents a unique partnership between the NPS, the States of Rhode Island and Massachusetts, and the local communities.

Charged with overseeing the Corridor, federally-appointed State and local representatives form the Blackstone Corridor Commission and work with the NPS to carry out the mission of preserving and interpreting the

unique resources and qualities of the Blackstone Valley. During the Commission's tenure, strong partnerships with local governments, private investors, and community stakeholders have been formed, introducing millions of dollars in private investment for heritage-related projects into the local economy. The success of the Corridor can be attributed to the dedication and hard work of the NPS and the Corridor Commission in bringing communities together to realize the common goals of revitalized communities, historic and economic restoration, and an improved environment. All this has been accomplished with a relatively small amount of Federal funding that has been leveraged many times over by State, local, and private sector dollars.

On a daily basis, the NPS and Corridor Commission are working directly with community stakeholders to transform the Blackstone Corridor; raise its economic and environmental status; and preserve the historic mill buildings, riverfronts, and town centers of the Blackstone River Valley. The ongoing success of the Blackstone Corridor, and the Federal Government's role in the region's many triumphs, underscore our interest in determining a future role for the Corridor Commission and NPS in the Blackstone Valley beyond the existing sunset date.

With authority for the Corridor Commission set to expire in November 2006, we are introducing legislation today that would authorize the NPS to conduct a sustainability study exploring future options for the Blackstone Corridor. We are asking that the agency conduct this study within a one-year timeframe, utilizing annual funds that have been appropriated for the Commission. The John H. Chafee Blackstone River Valley National Heritage Corridor Sustainability Study includes the following components: An evaluation of the progress that has been made in accomplishing the strategies and goals set forth in the Cultural Heritage and Land Management Plan for the Blackstone Corridor, including historic preservation, interpretation and education, environmental recovery, recreational development, and economic improvement; an analysis of the NPS's investment in the Corridor during its lifetime and a determination as to how these Federal funds have leveraged additional State, local and private sector funding; an analysis of the NPS's investment in the Corridor during its lifetime and a determination as to how these Federal funds have leveraged additional State, local and private sector funding; an analysis of the Commission form of authority and management structure for the Blackstone Corridor; and, an identification and evaluation of options for a permanent NPS designation or a State park or regional entity as a sustainable framework to achieve the national interest of the Blackstone Valley.

I look forward to working closely with the cosponsors of this bill, as well

as members of the Committee on Energy and Natural Resources and my Senate colleagues in moving this legislation forward in the months ahead.

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

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

S. 2646

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 "John H. Chafee Blackstone River Valley National Heritage Corridor Sustainability Report Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Blackstone River Valley National Heritage Corridor (redesignated the John H. Chafee Blackstone River Valley National Heritage Corridor in 1999) was established in 1986 in recognition of the national importance of the region as the birthplace of the American Industrial Revolution;

(2) the Corridor has become a national model of how the National Park Service can work cooperatively with local communities and a multi-agency partnership to create a seamless system of parks, preserved historic sites, and open spaces that enhance the protection and understanding of America's heritage, without Federal ownership and regulations;

(3) the Corridor is managed by a bi-State, 19-member Federal commission representing Federal, State and local authorities from the Commonwealth of Massachusetts and the State of Rhode Island whose mandate has been to implement an approved integrated resource management plan;

(4) the authorization and funding for the John H. Chafee Blackstone River Valley National Heritage Commission are scheduled to expire in November 2006, while the Federal designation of the area and its boundaries continues in perpetuity; and

(5) the National Park System Advisory Board will be reviewing the future of all national heritage areas and making recommendations to the Director of the National Park Service and the Secretary of the Interior.

(b) PURPOSES.—The purposes of this Act are—

(1) to explore the options for preserving, enhancing, and interpreting the resources of the John H. Chafee Blackstone River Corridor and the partnerships that sustain those resources; and

(2) to direct the Director of the National Park Service to submit to Congress a report that—

(A) analyzes the sustainability of the Corridor; and

(B) provides recommendations for the future of the Corridor.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORRIDOR.—The term "Corridor" means the John H. Chafee Blackstone River Valley National Heritage Corridor.

(2) COMMISSION.—The term "Commission" means the John H. Chafee Blackstone River Valley National Heritage Commission.

(3) DIRECTOR.—The term "Director" means the Director of the National Park Service.

SEC. 4. REPORT.

(a) IN GENERAL.—The Director shall prepare a report on the sustainability of the Corridor.

(b) COMPONENTS.—The report prepared under subsection (a) shall—

(1) document the progress that has been made in accomplishing the purpose of Public Law 99-647 (6 U.S.C. 461 note; 100 Stat. 3625) and the strategies and goals set forth in the Cultural Heritage and Land Management Plan for the Corridor, including—

(A) historic preservation;

(B) interpretation and education;

(C) environmental recovery;

(D) recreational development; and

(E) economic improvement;

(2) based on the results documented under paragraph (1), identify further actions and commitments that are needed to protect, enhance, and interpret the Corridor;

(3)(A) determine the extent of Federal funding provided to the Corridor; and

(B) determine how the Federal funds have leveraged additional Federal, State, local, and private funding for the Corridor since the establishment of the Corridor; and

(4)(A) evaluate the Commission form of authority and management structure for the Corridor, as established by Public Law 99-647 (6 U.S.C. 461 note; 100 Stat. 3625); and

(B) identify and evaluate options for a permanent National Park Service designation or a State park or regional entity as a sustainable framework to achieve the national interest of the Blackstone Valley.

(c) COORDINATION.—To the maximum extent practicable, the Director shall prepare the report in coordination with the National Park System Advisory Board.

(d) SUBMISSION TO CONGRESS.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the report prepared under subsection (a).

(e) FUNDING.—Funding to prepare the report under this Act shall be made available from annual appropriations for the Commission.

By Mr. HOLLINGS (for himself,
Mr. STEVENS, Mr. INOUE, and
Mr. GREGG):

S. 2647. A bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I rise to introduce the National Ocean Policy and Leadership Act, which is cosponsored by my colleagues Senators STEVENS and INOUE. The passage of this bill would mark a brand new day for our oceans and an important new chapter in Federal management of these waters.

Our oceans are critical to the economic and environmental security of our Nation. This is why I sponsored the Oceans Act of 2000, along with several of my distinguished colleagues. The Oceans Act created a Commission of national experts to conduct a rigorous assessment of ocean and coastal issues and offer their recommendations for a coordinated national ocean policy. The U.S. Commission on Ocean Policy, chaired by Admiral James Watkins, released its preliminary report in April and will issue its final report later this summer.

The Ocean Commission strongly urged us to pay more attention to our

ocean planet. Our oceans cover seven-tenths of the Earth's surface and are home to 80 percent of all life forms on Earth, holding incredible promise of new medicines, technologies, and ecological resources. However, 95 percent of the deep ocean remains unexplored and the Federal government spends only 3.5 percent of its research budget on oceans. Each day, more than 3,000 people move to coastal areas and these population and development pressures are resulting in degraded coastal habitat, polluted estuaries, and an increased risk of damage from coastal storms. Our fish stocks are being depleted, our corals are dying, and the number of oxygen-starved "dead zones" in our coastal waters have doubled in the past 15 years.

The Ocean Commission appropriately acknowledges the importance of the oceans to our Nation. It champions the notion that major changes are needed now if we are to preserve our marine resources for future generations. Among these urgent changes is a need to invest in ocean research and education in order to lay a foundation for the future. Even more importantly, the report stresses the need to improve the management framework governing our oceans and coasts, starting with the strengthening of the National Oceanic and Atmospheric Administration (NOAA) into the Nation's premier civilian ocean agency. These were some of the themes Admiral Watkins testified to at hearings on the preliminary report before the Committees on Commerce, Science and Transportation and Appropriations Committee on April 22 and 23, 2004.

The preliminary recommendations of the Ocean Commission were heard loud and clear in the Senate. I could not be more supportive of the need to strengthen NOAA and improve Federal coordination on ocean and coastal issues. That is why I am pleased to be introducing the National Ocean Policy and Leadership Act today.

The National Ocean Policy and Leadership Act provides a vision to guide this Nation's management of the oceans. It outlines a National Ocean Policy that articulates national oceanic and atmospheric policy goals to guide all federal agency activities. These include concepts such as ecosystem-based management, integration of land-water-air activities, and preservation of marine biodiversity. This vision also includes preserving the role of the United States as a global leader in ocean, atmospheric and climate-related activities.

The National Ocean Policy and Leadership Act also provides a NOAA Organic Act to strengthen, clarify and codify NOAA's missions. Specifically, it confirms that NOAA is the lead federal agency responsible for oceanic, weather, and atmospheric issues. Consistent with the original recommendations of the 1969 Stratton Commission, the bill also establishes NOAA as an independent agency, and legislatively

establishes a coherent and accountable line office structure headed by the NOAA Administrator. As recommended by the Commission, the bill would also encourage NOAA to streamline its line office structure, focus on integrated approaches, and organize its regional activities around common eco-regional boundaries. It also gives NOAA a firm hand in working with other agencies to reduce programmatic overlap, conflict and duplication.

Making NOAA independent is a tall order, and has raised questions from some of my colleagues, including those who believe that NOAA should one day be independent. I believe in the long term, the Nation will need an agency dedicated to addressing our oceanic and atmospheric environments—whether an independent NOAA or a Department of the Oceans and Environment. This bill thus provides for a transition period for reorganization of the agency, as well as a Presidential plan for future action. I look forward to working with our Chairman, Senator McCain, and other colleagues on options for moving forward on this bill that will minimize disruption for the agency, but ensure we achieve our shared long-term goal.

Strengthening NOAA is only one piece of the puzzle. More than half of the Federal cabinet-level departments, plus four independent agencies, conduct programs or activities that affect oceans and coasts. Title III of the bill establishes formal mechanisms to force Federal agencies to coordinate budgets and programs and work cooperatively on cross-cutting activities that cannot be addressed by a single agency. It establishes a Council on Ocean Stewardship in the White House to bring Federal agencies together. It also adopts the Commission's recommendation of creating a non-Federal Presidential Panel of Advisors on Oceans and Climate to provide advice to the Council and NOAA. This title also sets the stage for future improvements in Federal ocean policy by directing the President to submit a plan to further strengthen NOAA, including elevation of the agency to departmental status and by transferring relevant ocean and atmospheric programs to NOAA.

The National Ocean Policy and Leadership Act provides the vision and management framework to guide Federal ocean policy well into the 21st century. The valuable work of the Ocean Commission has provided us with an extraordinary opportunity to re-shape federal ocean policy and meet the challenges that lay before us so that future generations may enjoy the same marine resources we enjoy today. It is critically important that we do not delay implementation of the Commission's recommendations. We can start right now with passage of this bill. I hope our colleagues will join us in co-sponsoring this measure.

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

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

S. 2647

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 "National Ocean Policy and Leadership Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—NATIONAL OCEAN POLICY

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Policy.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 201. Establishment.

Sec. 202. Functions and Purposes.

Sec. 203. National Oceanic and Atmospheric Administration.

Sec. 204. Responsibilities of the Administrator.

Sec. 205. Powers of the Administrator.

Sec. 206. Enforcement.

Sec. 207. Regional capabilities.

Sec. 208. Intergovernmental coordination.

Sec. 209. International consultation and coordination.

Sec. 210. Report on oceanic and atmospheric conditions and trends.

Sec. 211. Conforming amendments and appeals.

Sec. 212. Savings provision.

Sec. 213. Transition.

TITLE III—FEDERAL COORDINATION AND ADVICE

Sec. 301. Council on Ocean Stewardship.

Sec. 302. Membership.

Sec. 303. Functions of Council.

Sec. 304. National priorities for coordination.

Sec. 305. Employees.

Sec. 306. Biennial report to Congress.

Sec. 307. Presidential panel of advisors on oceans and climate.

Sec. 308. Federal program recommendations.

Sec. 309. Implementation.

Sec. 310. No effect on other authorities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of NOAA.

(2) COASTAL REGION.—The term "coastal region" means the coastal zone as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) and coastal watershed areas that have significant impact on such coastal zones.

(3) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(4) OCEANS.—The term "ocean" includes coastal areas, the Great Lakes, the seabed, subsoil, and waters of the territorial sea of the United States, the waters of the exclusive economic zone of the United States; the waters of the high seas; and the seabed and subsoil of and beyond the Outer Continental Shelf marine environment, and the natural resources therein.

(5) PERSON.—The term "person" has the meaning given that term by section 1 of title 1, United States Code, but also means any State, political subdivision of a State, or agency or officer thereof.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto

Rico, the Virgin Islands, Guam, American Samoa, or any other Commonwealth, territory, or possession of the United States.

TITLE I—NATIONAL OCEAN POLICY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Covering more than two-thirds of the Earth's surface, the oceans play a critical role in the global water cycle and in regulating climate, sustain a large part of Earth's biodiversity, provide an important source of food and a wealth of other natural products, act as a frontier for scientific exploration, are critical to national and economic security, and provide a vital means of transportation. The coastal regions of the United States have remarkably high biological productivity and contribute approximately 50 percent of the gross domestic product of the United States.

(2) The oceans and the atmosphere are susceptible to change as a direct and indirect result of human activities, and such changes can significantly impact the ability of the oceans and atmosphere to provide the benefits upon which the Nation depends. Changes in ocean and atmospheric processes could affect global climate patterns, ecosystem productivity, health, and biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Ocean resources are not infinite, and human pressure on them is increasing. One half of the Nation's population lives within 50 miles of the coast. If population trends continue as expected, coastal development and urbanization impacts, which can be substantially greater than population impacts alone, will present serious environmental, energy, and water challenges and increase our vulnerability to coastal hazards.

(4) Emissions of greenhouse gases and aerosols due to human activities continue to alter the oceans and atmosphere in ways that are expected to affect the climate, with adverse impacts on human health and the Nation's economic and environmental security. In some coastal regions, air deposition contributes between 30 - 50 percent of pollutant loadings to such areas. Improved understanding of such factors and ideas for mitigating any adverse impacts are urgently needed.

(5) There are enormous opportunities for science and technology to uncover new sources of energy, food, and pharmaceuticals from the oceans, and to increase general understanding of the planet including its atmosphere and climate. Realization of such benefits is jeopardized by a variety of activities and practices that have reduced the health and productivity of ocean and atmospheric systems, including pollution, unsustainable harvesting practices, increasing coastal development, and proliferation of harmful and invasive marine species.

(6) Threats to the oceans and atmosphere are exacerbated by the legal and geographic fragmentation of authority within the Federal government. Over half of the existing 15 departments and several independent agencies conduct activities and programs relating to ocean and atmosphere, including climate change activities. Efforts to understand and effectively address emerging ocean and atmospheric problems, including through existing coordination mechanisms, have not been adequate.

(7) Improving and coordinating Federal governance will require close partnerships with States, taking into account their public trust responsibilities, economic and ecological interests in ocean resources, and the role of State and local governments in implemen-

tation of ocean policies, and managing use of coastal lands and ocean resources.

(8) Effective enforcement of the laws to protect and enhance the marine environment, coastal security, and the Nation's natural resources, particularly through marine safety, fisheries enforcement, aids to navigation, and hazardous materials spill response activities is needed to ensure achievement of management goals, and priority should be given to increasing marine enforcement and compliance through coordinated Federal and State actions.

(9) It is the continuing mission of the Federal Government to create, foster, and maintain conditions, incentives, and programs that will further and assure the sustainable and effective conservation, management, and protection of the oceans and atmosphere, in order to fulfill the responsibility of each generation as trustee in protecting, and ensuring that, such resources will be available to meet the needs of future generations of Americans.

(10) This policy and mission can best be carried out and realized by formal establishment of a strengthened and expanded lead Federal civilian agency dedicated to ocean and atmospheric matters, and by undertaking the functions, programs, and activities of the Federal Government with respect to the conservation, management, and protection of the oceans and atmosphere, including monitoring, forecasting, and assessment, in a coordinated manner and in accordance with a national ocean policy.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to set forth a national policy relating to oceans and atmosphere, and, through an organic act, formally to establish the National Oceanic and Atmospheric Administration as the lead Federal agency concerned with ocean and atmospheric matters;

(2) to establish in the National Oceanic and Atmospheric Administration, by statute, the authorities, functions, and powers relating to the conservation, management, and protection of the oceans and atmosphere which have previously been established by statute or reorganization plan;

(3) to set forth the duties and responsibilities of the Administration, and the principal officers of the Administration;

(4) to establish a mechanism for Federal leadership and coordinated action on national ocean and atmospheric priorities that are essential to the economic and environmental security of the Nation; and

(5) to enhance Federal partnerships with the State and local governments with respect to ocean activities, include management of ocean resources and identification of appropriate opportunities for policy-making and decision making at the State and local level.

SEC. 103. POLICY.

It is the policy of the United States to establish and maintain for the benefit of the Nation a coordinated, comprehensive, and long-range national program of ocean and atmospheric research, conservation, management, education, monitoring, and assessment that will—

(1) recognize the linkage of ocean, land, and atmospheric systems, including the linkage of those systems with respect to climate change;

(2) protect life and property against natural and manmade hazards, including protection through weather and marine forecasts and warnings;

(3) protect, maintain, and restore the long-term health, productivity, and diversity of the ocean environment, including its natural resources and to prevent pollution of the ocean environment;

(4) ensure responsible and sustainable use of fishery resources and other ocean and coastal resources held in the public trust, using ecosystem-based management and a precautionary and adaptive approach;

(5) assure sustainable coastal development based on responsible State and community management and planning, and reflecting the economic and environmental values of ocean resources;

(6) develop improved scientific information and use of the best scientific information available to make decisions concerning natural, social, and economic processes affecting ocean and atmospheric environments;

(7) enhance sustainable ocean-related and coastal-dependent commerce and transportation, balancing multiple uses of the ocean environment;

(8) provide for continued investment in and improvement of technologies for use in ocean and climate-related activities, including investments and technologies designed to promote national economic, environmental, and food security;

(9) expand human knowledge of marine and atmospheric environments and ecosystems, including the role of the oceans in climate and global environmental change, the interrelationships of ocean health and human health, and the advancement of education and training in fields related to ocean, coastal, and climate-related activities;

(10) facilitate a collaborative approach that encourages the participation of a diverse group of stakeholders and the public in ocean and atmospheric science and policy, including persons from under-represented groups;

(11) promote close cooperation among all government agencies and departments, academia, nongovernmental organizations, private sector and stakeholders based on this policy to ensure coherent, accountable, and effective planning, regulation, and management of activities affecting oceans and atmosphere, including climate; and

(12) promote governance and management of the nations ocean resources through a partnership of the Federal Government with States, territories, and Commonwealths that reflects their public trust responsibilities and interest in ocean environmental, cultural, historic, and economic resources.

(13) preserve the role of the United States as a global leader in ocean, atmospheric, and climate-related activities, and the cooperation in the national interest by the United States with other nations and international organizations in ocean and climate-related activities.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 201. ESTABLISHMENT.

There is established an agency which shall be known as the National Oceanic and Atmospheric Administration, which shall be the civilian agency principally responsible for providing oceanic, weather, and atmospheric services and supporting research, conservation, management, and education to the nation. The National Oceanic and Atmospheric Administration established under this Act shall succeed the National Oceanic and Atmospheric Administration established on October 3, 1970, in Reorganization Plan No. 4 of 1970 and shall continue the activities of that agency as it was in existence on the day before the effective date of this Act.

SEC. 202. FUNCTIONS AND PURPOSES.

(a) IN GENERAL.—NOAA shall be responsible for the following functions, through which it shall carry out the policy of this Act in a coordinated, integrated, and ecosystem-based manner for the benefit of the Nation:

(1) Management, conservation, protection, and restoration of ocean resources, including

living marine resources, habitats and ocean ecosystems;

(2) Observation, monitoring, assessment, forecasting, prediction, operations and exploration for ocean and atmospheric environments including weather, climate, navigation and marine resources; and

(3) Research, education and outreach, technical assistance, and technology development and innovation activities relating to ocean and atmospheric environments including basic scientific research and activities that support other agency functions and missions.

(b) **TRANSFER OF FUNCTIONS.**—There shall be transferred to the Administrator any authority established by law that, before the date of enactment of this Act, was vested in the Secretary of Commerce and pertains to the functions, responsibilities, or duties of NOAA under subsection (a).

SEC. 203. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—NOAA shall be administered by the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **COMPENSATION.**—The Administrator shall be compensated at the rate provided for level II of the Executive Schedule under section 5314 of title 5, United States Code.

(3) **QUALIFICATIONS.**—The Administrator shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric affairs, including any field relating to marine or atmospheric science and technology, biological sciences, engineering, as well as education, economics, governmental affairs, planning, law, or international affairs.

(4) **AUTHORITY.**—The Administrator shall carry out all functions transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of NOAA.

(b) **DEPUTY ADMINISTRATOR.**—There shall be a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, based on the individual's professional qualifications and without regard to political affiliation. The Deputy Administrator shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, including science, technology, and education. The Deputy Administrator shall serve as an adviser to the Administrator on program and policy issues, including crosscutting program areas such as research, technology, and education and shall perform such functions and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act as Administrator during the absence or disability of the Administrator in the event of a vacancy in the office of Administrator. The Deputy Administrator shall be the Administrator's first assistant for purposes of subchapter III of chapter 33 of title 5, United States Code, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) **ASSOCIATE ADMINISTRATOR FOR OCEAN MANAGEMENT AND OPERATIONS.**—There shall be in NOAA an Associate Administrator for Ocean Management and Operations, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator for Ocean Management and Operations shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, and shall perform such duties and exercise such powers as the Administrator shall from time to time designate. The Associate Administrator shall be

compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(d) **ASSOCIATE ADMINISTRATOR FOR CLIMATE AND ATMOSPHERE.**—There shall be in NOAA an Associate Administrator for Climate and Atmosphere, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator for Climate and Atmosphere shall have a broad background, professional knowledge, and substantial experience in oceanic or atmospheric policy or programs, and shall perform such duties and exercise such powers as the Administrator shall from time to time designate. The Associate Administrator shall be compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(e) **CHIEF OPERATING OFFICER.**—There shall be a Chief Operating Officer of NOAA, who shall assume the responsibilities held by the Deputy Undersecretary of Commerce prior to enactment of this Act. The Chief Operating Officer shall be responsible for ensuring the timely and effective implementation of NOAA's purposes and authorities and shall provide resource, budget, and management support to the Office of the Administrator. The Chief Operating Officer shall be responsible for all aspects of NOAA operations and management, including budget, financial operations, information services, facilities, human resources, procurements, and associated services. The Chief Operating Officer shall be a Senior Executive Service position authorized under section 3133 of title 5, United States Code.

(f) **ASSISTANT ADMINISTRATORS.**—There shall be in NOAA at least 3, but no more than 4, Assistant Administrators. The Assistant Administrators shall perform such programmatic and policy functions as the Administrator shall from time to time assign or delegate, and shall have background, professional knowledge, and substantial experience in 1 or more of the following aspects of ocean and atmospheric affairs:

(1) Resource management, protection, and restoration.

(2) Operations, forecasting, and services (including weather and climate).

(3) Science, technology, and education.

(g) **GENERAL COUNSEL.**—There shall be in NOAA a General Counsel appointed by the President upon recommendation by the Administrator. The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of NOAA.

(h) **COMMISSIONED OFFICERS.**—

(1) The Administrator shall designate an officer or officers to be responsible for oversight of NOAA's vessel and aircraft fleets and for the administration of NOAA's commissioned officer corps under section 228 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3028).

(2) The Commissioned Officer Corps of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of October 3, 1970, is the Commissioned Officer Corps of NOAA established under this Act.

(3) All statutes that applied to officers of the Commissioned Officers Corps of NOAA on the day before the date of enactment of this Act apply to officers of the Corps on and after such date.

(4) There are authorized to be on the lineal list of the Commissioned Officers Corps of NOAA at least 350 officers, plus any additional officers necessary to support NOAA's missions and the operation and maintenance of NOAA's ships and aircraft.

(5) The President may appoint in NOAA, by and with the advice and consent of the Sen-

ate, 2 commissioned officers to serve at any one time as the designated heads of 2 principal constituent organizational entities of NOAA, or the President may designate 1 such officer as the head of such an organizational entity and the other as the head of the commissioned corps of NOAA. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(6) Any commissioned officer of NOAA who has served under paragraph (5) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him, but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

(i) **NAVAL DEPUTY.**—The Secretary of the Navy may detail a Naval Deputy to the Administrator. This position shall be filled on an additional duty basis by the Oceanographer of the Navy. The Naval Deputy shall—

(1) act as a liaison between the Administrator and the Secretary of the Navy in order to avoid duplication between Federal oceanographic and atmospheric activities; and

(2) ensure coordination and joint planning by NOAA and the Navy on research, meteorological, oceanographic, and geospatial information services and programs of mutual organizational interest.

SEC. 204. RESPONSIBILITIES OF THE ADMINISTRATOR.

In addition to administering and carrying out all activities, programs, functions and duties, and exercising those powers, that are assigned, delegated, or transferred to the Administrator by this Act, any other statute, or the President, the responsibilities of the Administrator include—

(1) management, conservation, protection, and restoration of ocean resources, including—

(A) living marine resources (including fisheries, vulnerable species and habitats, and marine biodiversity);

(B) ocean areas (including marine sanctuaries, estuarine reserves, and other managed areas);

(C) marine aquaculture;

(D) protection of ocean environments from threats to human and ecosystem health, including pollution and invasive species;

(E) sustainable management, beneficial use, protection, and development of coastal regions; and

(F) mitigation of impacts of natural and man-made hazards including climate change.

(2) partnering with and supporting State and local communities in undertaking management, conservation, protection, and restoration of ocean resources described in subsection (1).

(3) observation, analysis, processing, and communication of comprehensive data and information concerning the State of—

(A) the upper and lower atmosphere;

(B) the oceans and resources thereof; and

(C) the earth and near space environment;

(4) collection, storage, analysis, and provision of reliable scientific information relating to weather (including space weather), climate, air quality, water, navigation, marine resources, and ecosystems that can be used as a basis for sound management, policy, and public safety decisions;

(5) broadly based data, observing, monitoring, and information activities, programs and systems relating to oceanic and atmospheric monitoring and prediction, weather forecasting, and storm warning, including satellite-based and in-situ data collection and associated services;

(6) weather forecasting, storm warnings, and other responsibilities of the Secretary of Commerce and the National Weather Service under Reorganization Plan No. 2 of 1965, Reorganization Plan No. 4 of 1970, sections 3 and 4 of the Act of October 1, 1890 (15 U.S.C. 312 and 313) and the Weather Service Modernization Act (15 U.S.C. 313 note), and all other statutes, rules, plans, and orders in pari materia;

(7) providing navigation and assessment operations and services, including maps and charts for the safety of marine and air navigation, maintaining a network of geographic reference coordinates for geodetic control, and observing, charting, mapping, and measuring the marine environment and ocean resources;

(8) developing and improving geodetic and mapping methods and studies of geophysical phenomena such as crustal movement, earth tides, and ocean circulation, including estuarine areas;

(9) collecting, disseminating, and maintaining on a continuing basis information relating to the status, trends, health, use, and protection of the oceans and the atmosphere, to all interested parties, including through an integrated ocean observing system and national and regional ecosystem-based information management systems;

(10) administering, operating, and maintaining satellite and in-situ systems that can monitor global and regional atmospheric weather conditions, climate and related oceanic, solar, hydrological, and other environmental conditions, collect information required for research on weather, climate, and related environmental matters, and monitor the extent of human-induced changes in the lower and upper atmosphere and the related environment;

(11) collecting, analyzing, and disseminating environmental information, in support of environmental research and development, including data in the fields of climatology, atmospheric sciences, oceanography, biology, geology, geophysics, solar-terrestrial relationships, and the relationship among oceans, climate, and human health;

(12) undertaking a comprehensive, integrated, and ecosystem-based program of ocean, climate, and atmospheric research related to, and supportive of the missions of NOAA and which uses research products, new findings, and methodologies to develop the most current scientific advice for ecosystem-based management;

(13) conducting environmental research and development activities that are necessary to advance the Nation's ocean, atmospheric, engineering and technology expertise, including the development and operation of observing platforms such as ships, aircraft, satellites, data buoys, manned or unmanned research submersibles, underwater laboratories or platforms, and improved instruments and calibration methods, and the advancement of undersea diving techniques;

(14) conducting a continuing program of ocean exploration, discovery and conservation of significant undersea resources, including cultural resources, to benefit, inform, and inspire the American people, including communication of such knowledge to policymakers and the public;

(15) developing and implementing, in cooperation with other agencies and entities as appropriate, national ocean and atmospheric education, technical assistance, extension

services, and outreach programs designed to increase literacy concerning ocean and atmospheric issues, develop a diverse work force, and enhance stewardship of ocean and atmospheric resources and environments;

(16) ensuring the execution and implementation of national ocean, atmospheric, and environmental policy goals through a variety of ocean and atmospheric programs;

(17) undertaking activities involving the integration of domestic and international policy relating to the oceans and the atmosphere, including the provision of technical advice to the President on international negotiations involving ocean resources, ocean technologies, and climate matters;

(18) providing for, encouraging, and assisting public participation in the development and implementation of ocean and atmospheric policies and programs;

(19) conducting, supporting, and coordinating efforts to enhance public awareness of the National Oceanic and Atmospheric Administration, its purposes, programs, activities and the results thereof, including education and outreach to the public, teachers, students, and ocean resource managers;

(20) partnering with other government agencies, States, academia, and the private sector, via cooperative agreements or other formal or informal arrangements, to improve the acquisition of data and information and the implementation of management, monitoring, research, exploration, education, and other programs;

(21) partnering with other Federal agencies and with States and communities to address the issues of land-based activities and their impact on the ocean environment; and

(22) coordination with other Federal agencies having related responsibilities.

SEC. 205. POWERS OF THE ADMINISTRATOR.

(a) DELEGATION.—Unless otherwise prohibited by law or reserved by the Secretary of Commerce, the responsibilities of the Administrator may be delegated by the Administrator to other officials in NOAA, and may be redelegated as authorized by the Administrator.

(b) REGULATIONS.—The Administrator is authorized to issue, amend, and rescind such rules and regulations as are necessary or appropriate to carry out the responsibilities and functions of the Administrator. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5, United States Code.

(c) CONTRACTS.—The Administrator is authorized, without regard to section 3324(a) and (b) of title 31, United States Code, to enter into and perform such contracts, leases, grants, cooperative agreements, or other transactions (without regard to chapter 63 of title 31, United States Code), as may be necessary to carry out NOAA's purposes and authorities, on terms the Administrator deems appropriate, with Federal agencies, instrumentalities, and laboratories, State and local governments, including territories or possessions, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(d) GIFTS AND DONATIONS.—

(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, and subject to such conditions and covenants the Administrator deems appropriate, the Administrator is authorized to accept, hold, administer, and utilize—

(A) gifts, bequests or donations of services, money or property, real or personal (including patents and rights thereunder), mixed, tangible or intangible, or any interest therein;

(B) contributions of funds; and

(C) funds from Federal agencies, instrumentalities, and laboratories, State and local governments, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(2) USE, OBLIGATION, AND EXPENDITURE.—The Administrator may use property and services accepted by NOAA under paragraph (1) to carry out the mission and purposes of NOAA. Amounts accepted by NOAA under paragraph (1) shall be available for obligation by NOAA, and be available for expenditure by NOAA to carry out mission and purposes of NOAA.

(e) FACILITIES AND PERSONNEL.—The Administrator may use, with their consent, and with or without reimbursement, the services, equipment, personnel, and facilities of Federal agencies, instrumentalities and laboratories, State and local governments, Native American tribes and organizations, international organizations, foreign governments, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities.

(f) INFORMATION.—The Administrator shall provide for the most practicable and widest appropriate dissemination of information concerning NOAA, its purposes, programs, activities and the results thereof, including authority to conduct education, technical assistance and outreach to the public, teachers, students, and ocean and coastal resource managers.

(g) ACQUISITION AND CONSTRUCTION.—The Administrator may—

(1) acquire (by purchase, lease, condemnation, or otherwise), lease, sell, or convey, services, money or property, real or personal (including patents and rights thereunder), mixed, tangible or intangible, or any interest therein; and

(2) construct, improve, repair, operate, maintain or dispose of real or personal property, including buildings, facilities, and land.

SEC. 206. ENFORCEMENT.

(a) AUTHORITY.—The Administrator shall have the authority to enforce the applicable provisions of any Act, the enforcement of which is, in whole or in part, assigned, delegated, or transferred to the Administrator, and any term of a license, permit, regulation, or order issued pursuant thereto. The Administrator may designate any person, officer, or agency to exercise his authority under this title.

(b) USE OF STATE PERSONNEL.—

(1) IN GENERAL.—The Administrator may—

(A) utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any State agency to the extent the Administrator deems it necessary and appropriate for effective enforcement of any law for which the Administrator has enforcement authority; and

(B) designate such personnel to exercise the enforcement authority of the Administrator under subsection (a).

(2) STATUS AND POWERS.—Any personnel designated by the Administrator under paragraph (1)(B)—

(A) shall not be deemed to be Federal employees (except as provided in subparagraph (D)) and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, competitive examination, rates of compensation, and Federal employee benefits, but may be considered to be eligible for compensation for work-related injuries under subchapter III of chapter 81 of title 5, United States Code, sustained while acting pursuant to such designation;

(B) shall be considered to be investigative or law enforcement officers of the United States for purposes of the tort claim provisions of title 28, United States Code;

(C) may, to the extent specified by the Administrator, search, seize, arrest, and exercise any other law enforcement functions or authorities described in this title where such authorities are made applicable by this or other law to employees, officers, or other persons designated or employed by the Administrator; and

(D) shall be considered to be officers or employees of the Department of Commerce for purposes of sections 111 and 1114 of title 18, United States Code.

(c) **COOPERATIVE ENFORCEMENT AGREEMENTS.**—The Administrator may enter into cooperative agreements with State authorities to ensure coordinated enforcement of State and Federal laws and by such agreements assume enforcement authority under State law when the Administrator and State authorities deem it to be appropriate. When so authorized, the Administrator or the Administrator's designee may function as a State law enforcement officer within the scope of the delegation, except that Federal law shall control the resolution of any conflict concerning the employee status of any Federal officer while enforcing State law.

SEC. 207. REGIONAL CAPABILITIES.

The Administrator of The National Oceanic and Atmospheric Administration shall—

(1) organize agency activities and programs around common eco-regional boundaries identified through a process established by the Council on Ocean Stewardship, based upon recommendations of the Report of the U.S. Commission on Ocean Policy, so as to—

(A) enhance inter- and intra- agency cooperation;

(B) maximize federal capabilities in such region;

(C) develop coordinated, ecosystem-based management and research programs;

(D) develop research partnerships with States and academia;

(E) substantially improve the ability of the public to contact and work with all relevant federal agencies; and

(F) maximize opportunities to work in partnership with States in order to facilitate eco-regional management and enhance State and local capacity to manage issues on an eco-regional basis.

(2) work with other Federal agencies, including the Environmental Protection Agency, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and State agencies to—

(A) encourage similar eco-regional organization and, if appropriate, co-location of related programs and facilities to achieve goals of paragraph (1).

(B) in planning and implementing eco-regional activities to encourage early cooperation, coordination, and integration across the federal agencies and with relevant State programs, and to assure applicable Federal and State ocean policies.

(3) NOAA shall in consultation with the States, develop regional information programs as recommended by the U.S. Commission on Ocean Policy, including—

(A) coordinated research strategies;

(B) integrated ocean and atmospheric monitoring and observation activities; and

(C) establishment of service centers and coordinators to support development of innovative tools, technologies, training, and technical assistance to facilitate the implementation of ecosystem-based management.

SEC. 208. INTERGOVERNMENTAL COORDINATION.

(a) **AVOIDANCE OF DUPLICATIVE REQUIREMENTS.**—In administering the provisions of this Act, the Administrator shall consult

and coordinate with the head of any Federal department or agency having authority to issue any license, lease, or permit to engage in an activity relation to the functions of the Administrator for purposes of assuring that inconsistent or duplicative requirements are not imposed upon any applicant for or holder of any such license, lease, or permit.

(b) **AVOIDANCE OF INCONSISTENT AND CONFLICTING ACTIVITIES AND POLICIES.**—To identify and resolve inconsistent or conflicting Federal oceanic and atmospheric activities and policies, the Administrator shall—

(1) consult and coordinate with the head of any Federal department or agency on the activities and policies of that department of agency related to the functions of the Administrator;

(2) request of the head of any Federal department or agency clarification and justification of those activities and policies that the Administrator determines are inconsistent or conflicting with his functions; and

(3) issue, as the Administrator deems appropriate, reports to the President, the Council on Ocean Stewardship, the head of any Federal department or agency, and to Congress concerning inconsistent or conflicting, activities and policies of any Federal department or agency relating to ocean and atmospheric activities, including recommendations on how to reconcile inconsistent and conflicting Federal oceanic and atmospheric activities and policies throughout the Federal government.

(c) **CONSULTATION WITH ADMINISTRATOR.**—The head of any Federal department or agency and all other Federal officials having responsibilities related to the functions of the Administrator shall consult with the Administrator when the subject matter of action of activities described in this Act are directly involved, to assure that all such activities are well coordinated.

(d) **COORDINATION WITH STATES.**—The Administrator shall ensure that NOAA programs work with the States (including territories and possessions) to encourage early cooperation, coordination, and integration of State and Federal ocean and atmospheric programs, including planning and implementing eco-regional activities.

(e) **OFFICE OF INTERGOVERNMENTAL AFFAIRS.**—The Administrator shall establish an office of intergovernmental affairs to assist in implementing this section and to facilitate planning of joint programs between NOAA line offices and other Federal agencies, including the Department of Defense.

SEC. 209. INTERNATIONAL CONSULTATION AND COOPERATION.

(a) **COOPERATION WITH SECRETARY OF STATE.**—The Administrator shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to actions or activities described in this Act in which representatives of the United States and foreign countries participate.

(b) **CONSULTATION WITH ADMINISTRATOR.**—The Secretary of State and all other officials having responsibilities for agreements, treaties, or understanding with foreign nations and international bodies shall consult with the Administrator when the subject matter or activities described in this Act are involved, with a view to assuring that such interests are adequately represented.

SEC. 210. REPORT ON OCEANIC AND ATMOSPHERIC CONDITIONS AND TRENDS.

Beginning not later than 12 months after the date of enactment of this Act, the Administrator shall, in consultation with relevant Federal and State agencies, submit to the Congress a biennial report on:

(a) the status and condition of the Nation's ocean and atmospheric environments (including with respect to climate change);

(b) current and foreseeable trends in the quality, management and utilization of such environments; and

(c) the effects of those trends on the social, economic, ecological, and other requirements of the Nation.

SEC. 211. CONFORMING AMENDMENTS AND REPEALS.

(a) **REORGANIZATION PLAN NO. 4.**—Reorganization Plan No. 4 of 1970 (5 U.S.C. App.) is repealed.

(b) **REFERENCES TO NOAA.**—Any reference to the National Oceanic and Atmospheric Administration, the Under Secretary of Commerce for Oceans and Atmosphere (either by that title or by the title of the Administrator of NOAA), or any other official of the National Oceanic and Atmospheric Administration, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the National Oceanic and Atmospheric Administration established in this Act, or the position of Administrator established in this Act, respectively.

(c) **REFERENCES TO NOAA AS WITHIN THE DEPARTMENT OF COMMERCE.**—

(1) Section 407 of Public Law 99-659 (15 U.S.C. 1503b) is repealed.

(2) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(d) **CONFORMING AMENDMENT TO TITLE 5.**—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Commerce (11)." and inserting "Assistant Secretaries of Commerce (10)."

SEC. 212. SAVINGS PROVISION.

All rules and regulations, determinations, standards, contracts, certifications, authorizations, appointments, delegations, results and findings of investigations, or other actions duly issued, made, or taken by or pursuant to or under the authority of any statute which resulted in the assignment of functions or activities to the Secretary, the Department of Commerce, the Under Secretary, the Administrator or any other officer of NOAA, in effect immediately before the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act until modified or rescinded.

SEC. 213. TRANSITION.

(a) **EFFECTIVE DATE.**—The provisions of title II of this Act shall become effective 2 years from the date of enactment of this Act.

(b) **REORGANIZATION.**—The Administrator of NOAA, in consultation with the Assistant Administrator for Program Planning and Integration, shall no later than 18 months after the date of enactment of this Act, submit a plan and budget proposal to Congress setting forth a proposal for program and agency reorganization that will—

(1) meet the requirements of title II;

(2) reflect the recommendations of the U.S. Commission on Ocean Policy, particularly with respect to ecosystem-based science and management and additional budgetary requirements; and

(3) provide integrated oceanic and atmospheric programs and services for the benefit of the Nation.

TITLE III—FEDERAL COORDINATION AND ADVICE

SEC. 301. COUNCIL ON OCEAN STEWARDSHIP.

There is established in the Executive Office of the President a Council on Ocean Stewardship.

SEC. 302. MEMBERSHIP.

(a) **MEMBERSHIP.**—The Council shall be composed of at least 3 but no more than 5

members who shall be appointed by the President to serve at the pleasure of the President, by and with the advice and consent of the Senate.

(b) CHAIRMAN.—The President shall designate 1 of the members of the Council to serve as Chairman.

(c) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attachments, is exceptionally well qualified—

(1) to analyze and interpret ocean and atmospheric trends and information of all kinds;

(2) to appraise programs and activities of the Federal Government in the light of the policy set forth in title I;

(3) to be conscious of and responsive to the scientific, environmental, ecosystem, economic, social, aesthetic and cultural needs and interests of the Nation; and

(4) to formulate and recommend national policies to promote the improvement and the quality of the ocean and atmospheric environments, including as those environments relate to practices on land.

SEC. 303. FUNCTIONS OF COUNCIL.

(a) COORDINATION AND ADVICE.—The Council—

(1) shall coordinate ocean and atmospheric activities among Federal agencies and departments, particularly focusing on the policy set forth in title I of this Act and national priorities identified in section 304, while minimizing duplication, including ensuring other ocean-related agencies work together at the operation, program, and research levels in cooperation with NOAA;

(2) shall provide a forum for improving Federal interagency planning, budget and program coordination, administration, outreach, and cooperation on such programs and activities;

(3) shall ensure that all Federal agencies engaged in ocean and atmospheric activities adopt and implement the principle of ecosystem-based management and take necessary steps to improve regional coordination and delivery of services around common eco-regional boundaries;

(4) shall review and evaluate the various programs and activities of the Federal Government in light of the policy set forth in title I of this Act and national priorities identified in section 304 for the purpose of determining the extent to which such programs and activities are effective and contributing to the achievement of such policy and the overall health of ocean and atmospheric environment, including marine ecosystems;

(5) shall conduct an annual review and analysis of funding proposed for ocean and atmospheric research and management in all Federal agency budgets, and provide budget recommendations to the President, the agencies, and the Office of Management and Budget that will achieve the policies set forth in title I and address the national priorities identified in section 304, improve coordination, cooperation, and effectiveness of such activities, eliminate unnecessary overlap, and identify areas of highest priority for funding and support;

(6) shall identify progress made by Federal ocean and atmospheric programs toward achieving the goals of—

(A) providing more effective protection and restoration of marine ecosystems;

(B) improving predictions of climate change and variability (weather), including their effects on coastal communities and the nation;

(C) improving the safety and efficiency of marine operations;

(D) more effectively mitigating the effects of natural hazards;

(E) reducing public health risks from ocean and atmospheric sources;

(F) ensuring sustainable use of resources; and

(G) improving national and homeland security;

(7) shall promote efforts to increase and enhance partnerships with coastal and Great Lakes States and other non-federal entities to support enhanced regional research, resource and hazards management, education and outreach, and marine ecosystem protection, maintenance, and restoration;

(8) shall identify statutory and regulatory redundancies or omissions and develop strategies to resolve conflicts, fill gaps, and address new and emerging ocean and atmospheric issues for national and regional benefit;

(9) shall emphasize the development and support of partnerships among government agencies and nongovernmental organizations, academia, and the private sector including regional partnerships;

(10) shall expand research, education, and outreach efforts by all Federal agencies undertaking ocean and atmospheric activities; and

(11) may establish a Federal Coordinating Committee on Oceans, chaired by the Council chairman, to carry out the coordination of ocean and atmospheric programs and priorities required under this Act.

(b) CONSULTATION.—In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Administrator and with the Presidential Panel of Advisers on Oceans and Climate established under this Act to ensure input from potentially affected States, territories, and Commonwealths, the public and other stakeholders;

(2) work in close consultation and cooperation with the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisers, and other offices within the Executive Office of the President;

(3) utilize the expertise and coordinating capabilities of the National Ocean Science Committee (and any ocean-related committees formed under the Council) with respect to ocean and atmospheric science, technology, and education matters, including development of a national research strategy; and

(4) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organization, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by NOAA and other established agencies.

(c) REVIEWS AND REPORTS.—The Council shall—

(1) prepare the biennial report required by section 306 of this title; and

(2) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 304. NATIONAL PRIORITIES FOR COORDINATION.

The Council, in coordination with the National Ocean Science Committee, shall ensure that the Federal agencies conducting ocean and atmospheric activities give following areas priority attention and develop coordinated Federal budgets, programs, and operations that will minimize duplication and foster improved services and other benefits to the Nation:

(1) Prevention, management and control of nonpoint source pollution including regional or watershed strategies.

(2) An integrated ocean and coastal observing system and an associated earth observing system.

(3) Ecosystem-based management, protection, and restoration of ocean and atmospheric resources and environments, including management-oriented research, technical assistance and organization of programs and activities along common eco-regional boundaries.

(4) Ocean education and outreach.

(5) Regionally-based coastal land protection, conservation, maintenance, and restoration.

(6) Enhanced research and technology development on crosscutting areas, including—

(A) oceans and human health;

(B) social science and economics;

(C) atmospheric monitoring and climate change;

(D) marine ecosystems, marine biodiversity, and ocean exploration;

(E) marine and atmospheric hazards, including sea level rise and geological events; and

(F) marine aquaculture.

(7) Characterization and mapping of the coastal zone, coastal State waters, the territorial sea, the Exclusive Economic Zone and outer continental shelf, including ocean resources.

SEC. 305. EMPLOYEES.

(a) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—For the purpose of carrying out the functions of the Council, each Federal agency or department that conducts oceanic or atmospheric activities shall furnish any assistance requested by the Council.

(2) FORMS OF ASSISTANCE.—Assistance furnished by Federal agencies and departments under paragraph (1) may include—

(A) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

(B) undertaking, upon request of the Chairman of the Council, such special studies for the Council as are necessary to carry out its functions.

(3) PERSONNEL MANAGEMENT.—The Chairman of the Council shall have the authority to make personnel decisions regarding any employees detailed to the Council.

(b) EMPLOYMENT OF PERSONNEL, EXPERTS, AND CONSULTANTS.—The Council may—

(1) employ such officers and employees as may be necessary to carry out its functions under this title;

(2) employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this chapter, in accordance with section 3109 of title 5, United States Code, (without regard to the last sentence thereof); and

(3) accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council notwithstanding section 1342 of title 31, United States Code.

SEC. 306. BIENNIAL REPORT TO CONGRESS.

(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of this Act, the President, through the Council, shall submit to the Congress a biennial report on Federal ocean and atmospheric programs, priorities, and accomplishments which shall include—

(1) a comprehensive description of the ocean and atmospheric programs and accomplishments of all agencies and departments of the United States;

(2) an evaluation of such programs and accomplishments in terms of the national ocean policy set forth in this Act and the national priorities identified in section 304, specifying progress made with respect to the goals set forth in section 303(c)(3);

(3) a report on progress in improving Federal and State coordination on ocean and atmospheric activities, including coordination efforts required in this Act.

(4) an analysis of the Federal budget allocated to such programs including estimates of the funding requirements of each such agency or department for such programs during the succeeding 5-to-10 fiscal years;

(5) recommendations for remedying deficiencies, and for improving organization, effectiveness, and outreach of Federal ocean and atmospheric programs and services, on a regional and national basis, including support for State and local efforts that leverage public, nongovernmental, and private sector involvement; and

(6) recommendations for legislative or other action.

(b) **PRESIDENTIAL TRANSMITTAL.**—The President shall transmit the biennial report pursuant to this section to the Speaker of the House of Representatives and the President of the Senate not later than December 31 of the year in which it is due.

(c) **AGENCY COOPERATION.**—Each Federal agency and department shall cooperate by providing such data and information without cost as may be requested by the Council for the purpose of this section. Each Federal agency and department shall provide services and personnel on a cost reimbursable basis at the request of the Chairman of the Council for the purpose of accomplishing the requirements of this section.

SEC. 307. PRESIDENTIAL PANEL OF ADVISERS ON OCEANS AND CLIMATE.

(a) **ESTABLISHMENT; PURPOSE.**—The President shall establish an Presidential Panel of Advisers on Oceans and Climate. The purpose of the Presidential Panel shall be—

(1) to advise and assist the President and the Chairman of the Ocean Stewardship Council in identifying and fostering policies to protect, manage, and restore ocean and atmospheric environments and resources, both on a regional and national basis; and

(2) to undertake a continuing review, on a selective basis, of priority issues relating to national ocean and atmospheric policy (including climate change), conservation and management of ocean environments and resources, and the status of the ocean and atmospheric science and service programs of the United States.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Presidential Panel shall consist of not more than 25 members, one of whom shall be the Chairman of the Council on Ocean Stewardship, and 24 of whom shall be nonfederal members appointed by the President, including at least one representative nominated by a Governor from each of the coastal regions identified in the Report of the U.S. Commission on Ocean Policy and representatives of the States and various stakeholders.

(2) **CHAIR.**—The Chairman of the Council on Ocean Stewardship shall co-chair the Presidential Panel with a nonfederal member designated by the President.

(c) **APPOINTMENT AND QUALIFICATIONS.**—The members of the Presidential Panel shall be appointed by the President for 3-year terms from among individuals with diverse perspectives and expertise in 1 or more of the disciplines or fields associated with ocean and atmospheric policy, including—

(1) marine-related State and local government functions;

(2) ocean and coastal resource conservation and management;

(3) atmospheric or ocean science, engineering, and technology;

(4) the marine industry (including recreation and tourism);

(5) climate change;

(6) atmospheric or coastal hazards; and

(7) other fields appropriate for consideration of matters of oceanic or atmospheric policy.

(d) **VACANCIES.**—An individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Presidential Panel for more than 1 additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(e) **COMPENSATION.**—Each member of the Presidential Panel shall, while serving on business of the Commission, be entitled to receive compensation at a rate not to exceed a daily rate to be determined by the President consistent with other Federal advisory boards. Federal and State officials serving on the Commission and serving in their official capacity shall not receive compensation in addition to their Federal or State salaries for their time on the Commission. Members of the Presidential Panel may be compensated for reasonable travel expenses while performing their duties as members.

(f) **MEETINGS.**—The Presidential Panel shall meet at least twice per year, or as prescribed by the President.

(g) **REPORTS.**—

(1) **IN GENERAL.**—The Presidential Panel shall submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's ocean activities, and shall submit such other reports as may from time to time be requested by the President or the Congress. The Presidential Panel shall submit its annual report on or before June 30 of each year, beginning 2 years after the date of enactment of this Act.

(2) **COMMENT AND REVIEW BY COUNCIL.**—Each annual report shall also be submitted to the Chairman of the Council on Ocean Stewardship who shall, in consultation with the Administrator of the National Oceanic and Atmospheric Administration within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

SEC. 308. FEDERAL PROGRAM RECOMMENDATIONS.

Not later than 3 years after the issuance of the final report of the Commission on Ocean Policy established by section 3 of the Oceans Act of 2000, the President, in consultation with the Administrator, and considering the recommendations of the Commission on Ocean Policy, the Ocean Stewardship Council, and the Presidential Panel of Advisers on Oceans and Coasts, shall submit to the Congress recommendations—

(1) for the transfer of relevant oceanic or atmospheric programs, functions, services, and associated resources to the National Oceanic and Atmospheric Administration from any other Federal agency;

(2) for consolidation or elimination of oceanic or atmospheric programs, functions, services, or resources within or among Federal agencies if their consolidation or elimination would not undermine policy goals set forth in this Act; and

(3) regarding Federal reorganization, including elevation of NOAA to departmental status or the establishment of a new department that would provide increased national attention and resources to oceanic and atmospheric needs and priorities.

SEC. 309. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title; and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this title and the amendments made by this title.

SEC. 310. NO EFFECT ON OTHER AUTHORITIES.

Except as explicitly provided in this Act, nothing in this Act or the amendments made by this Act shall be construed to modify the authority of the Administrator under any other provision of law.

By Mr. HOLLINGS (for himself, Mr. STEVENS, and Mr. INOUE):

S. 2648. A bill to strengthen programs relating to ocean science and training by providing improved advice and coordination of efforts, greater inter-agency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I rise to introduce the Ocean Research Coordination and Advancement Act, which is cosponsored by my colleagues Senators STEVENS and INOUE.

The oceans remain one of the least explored and understood resources on our planet. Our Nation needs a coordinated research and education program staffed by a skilled scientific and technical workforce to further our knowledge of the oceans and ensure their health and vitality well into the future. NOAA, the lead civilian Federal agency for oceanic and atmospheric affairs, is the linchpin to this effort. However, this is also a job that the entire Federal Government must take on, since NOAA will need the cooperation and resources of a variety of other Federal agencies to achieve our common scientific and educational goals.

The U.S. Commission on Ocean Policy, established by the Congress and President pursuant to the Oceans Act of 2000, issued its Preliminary Report in April and is set to release its final report later this summer. The Preliminary Report identifies ocean research and education as a high priority and calls for the doubling of ocean research funding over five years. It also recommends formal ocean research and education programs to cultivate a new generation of ocean scientists, educators, technicians and decision-makers.

This bill directly responds to the Ocean Commission's recommendations by establishing ocean research and education priorities both within NOAA and across the federal government.

First, the bill establishes a Federal Government-wide Ocean Science Committee to provide advice on ocean science and education to two high-level entities: the existing National Science and Technology Council and the new Council on Ocean Stewardship, to be established by the National Ocean Policy and Leadership Act, which I am also introducing today. A model for such a committee already exists at the NSTC, chaired by NOAA and NSF, and this would further define the Committee's tasks. This Federal Ocean Science

Committee would oversee implementation of many cross-cutting ocean science and technology needs, including an integrated ocean and coastal observing system and improved cooperation among Federal agencies.

The bill also calls for the development of a government-wide National Strategy for Ocean Science, Education and Technology, which is to include a doubling of the Federal ocean research budget. To assist in meeting this goal, the bill strengthens and focuses the multi-agency National Oceanographic Partnership Program, which is currently chaired by the NOAA Administrator, renaming it the National Ocean Partners Program. The bill also recognizes the need to focus Federal priorities in ocean education by establishing an interagency Ocean Education Program and an Ocean Science and Technology Scholarship Program to recruit and prepare students for ocean-related careers with the Federal Government.

I am particularly pleased that the bill specifically addresses NOAA's research and education programs. It directs the NOAA Administrator to prepare a 20-year research plan, as well as a plan for ocean education. Such a long-term vision is necessary to enable the agency to take the federal lead on an effective, integrated and coordinated national ocean research, operations, and management. The Commerce Committee has already taken action on important components of this research program, including S. 1218, the Oceans and Human Health Act, which passed the Senate unanimously earlier this year.

The bill also breaks new ground, placing NOAA at the head of a 10-year national marine ecosystem research program patterned on the approach we took in creating the Global Change Research Program. We have immense and critical information needs, specific questions, and management decisions to make concerning our oceans and their resources. Responding to these needs will require a coordinated and focused Federal effort. By pulling together Federal scientific data and expertise on this specific topic, and partnering with the external research community through a research grant program, we can really get some results that will make a difference to Federal and State managers and decision-makers.

The bill also promotes and encourages NOAA's ocean education activities, which have been conducted for many years under programs such as the National Sea Grant College Program, the National Marine Sanctuaries Program, the Ocean Exploration Program, and the Educational Partnership Program. It is high time that NOAA fully and publicly take a leadership role in this area, and the bill directs the Administrator to prepare a long-term ocean education plan that will help achieve this goal.

It is critically important that we invest in improving our understanding of

the oceans, as they are the lifeblood of this planet. No greater resource exists on Earth or in space that has such a tremendous impact on our economy, weather and climate, or our environment and overall quality of life.

I hope my colleagues will join me in sponsoring this important piece of legislation.

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

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

S. 2648

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Ocean Research Coordination and Advancement Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—OCEAN SCIENCE COORDINATION AND ADVICE

Sec. 101. National Ocean Science Committee.

Sec. 102. Subcommittee on Ocean Education.

Sec. 103. Ocean Research and Education Advisory Panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

Sec. 201. National strategy for ocean science, education, and technology.

Sec. 202. National ocean partners program.

Sec. 203. Ocean and coastal education program.

Sec. 204. Ocean science and technology scholarship program.

TITLE III—NOAA PROGRAMS

Sec. 301. Research plan.

Sec. 302. Marine ecosystem research.

Sec. 303. National Oceanic and Atmospheric Administration education program.

Sec. 304. Amendment to the National Sea Grant College Program Act.

TITLE IV—AUTHORIZATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The coastal regions and marine waters of the United States are vital to the Nation's public safety, homeland security, transportation, trade, energy production, recreation and tourism, food production, scientific research and education, environmental health, and historical and cultural heritage.

(2) Coastal development, resource extraction, and other human activities, coupled with an expanding coastal population, are contributing to processes of environmental change that may significantly threaten the long-term health and sustainability of marine and coastal ecosystems.

(3) The ocean remains one of the least explored and understood environments on the planet providing a frontier for new discoveries and requiring regional, ecosystem-based management approaches.

(4) Development and implementation of education and training programs are essential to build a national scientific and technological workforce that meets the needs of growing ocean and coastal economies and better prepares the Nation for competition in the global economy.

(5) A coordinated program of education and basic and applied research would assist the Nation and the world to further knowledge of the oceans and the global climate system, ensure homeland and national security, develop innovative marine products, improve weather and climate forecasts, strengthen management of marine and coastal resources, increase the safety and efficiency of maritime operations, and protect the environment and mitigate man-made and natural hazards.

(6) Increased Federal cooperation and investment are essential to build on ocean and coastal research and education activities that are taking place within numerous federal, state, and local agencies, academic institutions and industries and to establish new partnerships for sharing ocean science resources, intellectual talent, and facilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term “Advisory Panel” means the Ocean Research and Education Advisory Panel established under section 108.

(2) COMMITTEE.—The term “Committee” means the National Ocean Science Committee established under section 101.

(3) COUNCIL.—The term “Council” means the National Science and Technology Council.

(4) OCEAN SCIENCE.—The term “ocean science” includes the exploration of ocean, coastal, and Great Lakes environments, the development of methods and instruments to study and monitor such environments, and the conduct of basic and applied research and education activities to advance understanding of—

(A) the physics, chemistry, biology, and geology of the oceans, coasts, and Great Lakes;

(B) marine and coastal processes and interactions with other components of the total Earth system; and

(C) the impacts of the oceans, coastal regions, and Great Lakes on society and manner in which such environments are influenced by human activity.

(5) STRATEGY.—The term “strategy” means the National Strategy for Ocean Science, Education, and Technology developed under section 201.

(6) SUBCOMMITTEE.—The term “Subcommittee” means the Subcommittee on Ocean Education established under section 102.

TITLE I—OCEAN SCIENCE COORDINATION AND ADVICE

SEC. 101. NATIONAL OCEAN SCIENCE COMMITTEE.

(a) COMMITTEE.—The Chair of the National Science and Technology Council, in consultation with the Chair of the Council on Ocean Stewardship, shall establish a National Ocean Science Committee.

(b) MEMBERSHIP.—The Committee shall be composed of the following members:

(1) The Administrator of the National Oceanic and Atmospheric Administration.

(2) The Secretary of the Navy.

(3) The Director of the National Science Foundation.

(4) The Administrator of the National Aeronautics and Space Administration.

(5) The Under Secretary of Energy for Energy, Science, and Environment.

(6) The Administrator of the Environmental Protection Agency.

(7) The Under Secretary of Homeland Security for Research and Development.

(8) The Commandant of the Coast Guard.

(9) The Director of the United States Geological Survey.

(10) The Director of the Minerals Management Service.

(11) The Commanding General of the Army Corps of Engineers.

(12) The Director of the National Institutes of Health.

(13) Under Secretary of Agriculture for Research, Education, and Economics.

(14) The Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

(15) The Director of the Defense Advanced Research Projects Agency.

(16) The Director of the Office of Science and Technology Policy.

(17) The Director of the Office of Management and Budget.

(18) The leadership of such other Federal agencies and departments as the chair and vice chairs of the Committee deem appropriate

(c) **CHAIR AND VICE CHAIRS.**—The chair and vice chairs of the Committee shall be appointed every 2 years by a selection subcommittee of the Committee composed of, at a minimum, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the National Science Foundation, and the Secretary of the Navy. The term of office of the chair and vice chairs shall be 2 years. A person who has previously served as chair or vice chair may be reappointed.

(d) **RESPONSIBILITIES.**—The Committee shall—

(1) serve as the primary source of advice and support on ocean science for the Council and the Council on Ocean Stewardship and assist in carrying out the functions of the Council as they relate to such matters, including budgetary analyses;

(2) serve as the committee on ocean science for the Council and carry out its functions under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) that relate to ocean sciences;

(3) improve cooperation among Federal departments and agencies with respect to ocean science budgets, programs, operations, facilities and personnel;

(4) provide a forum for development of the strategy and oversee its implementation;

(5) suggest policies and procedures and provide support for interagency ocean science programs, including the National Ocean Partners Program;

(6) oversee the implementation of an integrated and sustained ocean and coastal observing system;

(7) establish interagency subcommittees and working groups as appropriate to develop comprehensive and balanced Federal programs and approaches to ocean science needs.

(8) coordinate United States government activities with those of other nations and with international ocean observing efforts, research and technology and education; and

(9) carry out such other activities as the Council may require.

SEC. 102. SUBCOMMITTEE ON OCEAN EDUCATION.

(a) **MEMBERSHIP.**—The Committee shall establish a Subcommittee on Ocean Education. Each member of the Committee and the Under Secretary of Education may designate a senior Federal agency representative with expertise in education to serve on the Subcommittee. The Committee shall select a Chair and one or more Vice Chairs from the membership of the Subcommittee.

(b) **RESPONSIBILITIES.**—The Subcommittee shall—

(1) support and advise the Committee and the Council on matters related to ocean and coastal education and outreach and lead development of a common perspective;

(2) provide recommendations on education goals and priorities for the strategy and guidance for educational investments;

(3) foster the development of education and outreach programs that are integrated with and based upon Federal ocean science programs;

(4) coordinate Federal ocean and coastal education activities for students at all levels, including funding for educational opportunities at the undergraduate, graduate; and post-doctoral levels;

(5) identify and work to establish linkages among Federal programs and those of States, academic institutions, museums and aquaria, industry, foundations and other non-governmental organizations;

(6) facilitate Federal agency efforts to work with minority-serving institutions, historically black colleges and universities, and traditionally majority-serving institutions to ensure that students of underrepresented groups have access to and support for pursuing ocean-related careers; and

(7) carry out such other activities as the Committee and the Council request.

SEC. 103. OCEAN RESEARCH AND EDUCATION ADVISORY PANEL.

(a) **MEMBERSHIP.**—The Committee shall maintain an Ocean Research and Education Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the chair, including the following:

(1) Members representing the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

(2) Members selected from among individuals representing ocean industries, State governments, academia, and such other participants in ocean and coastal activities as the chair considers appropriate.

(3) Members selected from among individuals eminent in the fields of marine science, marine policy, ocean engineering or related fields.

(4) Members selected from among individuals eminent in the field of education.

(b) **RESPONSIBILITIES.**—The advisory panel will advise the Committee on the following:

(1) Development and implementation of the strategy.

(2) Policies and procedures to implement the National Ocean Partners Program and on establishment of topics and selection and allocation of funds for partnership projects.

(3) Matters relating to national oceanographic data requirements, ocean and coastal observing systems, ocean science education and training, oceanographic facilities, and modernization of the nation's marine laboratories.

(4) Any additional matters that the Committee considers appropriate.

(c) **PROCEDURAL MATTERS.**—

(1) All meetings of the Advisory Panel shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information that pertains to national security, employment matters, litigation, or other reasons provided under section 552b of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Advisory Panel may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Advisory Panel shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall include a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Advisory Panel shall be available for public in-

spection and copying at a single location in the partners program office.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Panel.

(d) **FUNDING.**—The Chair and Vice Chairs of the Committee annually shall make funds available to support the activities of the Advisory Panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

SEC. 201. NATIONAL STRATEGY FOR OCEAN SCIENCE, EDUCATION, AND TECHNOLOGY.

(a) **IN GENERAL.**—The Chair of the Council, through the Committee, shall develop a National Strategy for Ocean Science, Education and Technology. The Chair shall submit the strategy to the Congress within one year after the date of enactment of this title, and a revised strategy shall be submitted at least once every three years thereafter. The initial strategy shall be based on the recommendations of the United States Commission on Ocean Policy and shall establish, for the 10-year period beginning in the year the strategy is submitted, the scientific goals and priorities for research, technology, education, outreach, and operations which most effectively advance knowledge and provide usable information for ocean policy decisions.

(b) **SPECIFIC ACTIONS.**—The strategy shall—

(1) provide for a doubling of the Federal investment in ocean science research over 5 years and for additional investments in education and outreach, technology development, and ocean exploration;

(2) identify and address relevant programs and activities of the members of the Committee that contribute to the goals and priorities, setting forth the role of and funding for each such member in implementing the strategy;

(3) establish mechanisms for accelerating the transition of—

(A) commercial or military technologies and data to civilian research, education, and operations applications; and

(B) technologies and tools developed by government and university scientists to operations, including both governmental and non-governmental uses;

(4) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities; and

(5) make recommendations for the coordination of Federal ocean science activities with those of States, regional entities, other nations, and international organizations.

(c) **ELEMENTS.**—The strategy shall include the following elements:

(1) Global measurements on all relevant spatial and time scales.

(2) Partnerships among Federal agencies, states, academia, industries, and other members of the ocean science community.

(3) Oceanographic facility support, including the procurement, maintenance and operation of observing and research platforms, such as ships and aircraft, laboratories, and related infrastructure.

(4) Focused research initiatives and competitive research grants.

(5) Technology and sensor development, including the transition of such technologies to operations.

(6) Workforce and professional development including traineeships, scholarships, fellowships and internships.

(7) Ocean science education coordination and establishment of mechanisms to improve ocean literacy and contribute to public awareness of the condition and importance of the oceans.

(8) Information management systems that allow analysis of data from varied sources to produce information readily usable by policymakers and stakeholders.

(d) **PUBLIC PARTICIPATION.**—In developing the strategy, the Committee shall consult with the Advisory Panel, academic, State, industry, and conservation groups and representatives. Not later than 90 days before the Chair of the Council submits the strategy, or any revision thereof, to the Congress, a summary of the proposed strategy or revision shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 202. NATIONAL OCEAN PARTNERS PROGRAM.

(a) **PURPOSE.**—Building on the program established under section 7901 of title 10, United States Code, the Committee shall establish and maintain a National Ocean Partners Program that identifies and carries out ocean science partnerships among the National Oceanic and Atmospheric Administration, the National Science Foundation, the Office of Naval Research and Oceanographer of the Navy, other Federal agencies, States, academia, industries, and other members of the ocean science community.

(b) **PROJECT SELECTION.**—At least annually, the Committee shall establish a limited number of topics for partnership awards and partners may submit projects on such topics for implementation under the program. Partnership projects shall be competitively reviewed, selected, and allocated funding based on the following criteria:

(1) The project is consistent with the strategy and addresses—

- (A) ocean and coastal observing systems;
- (B) ocean education;
- (C) ocean infrastructure coordination; or
- (D) interagency collaboration on national ocean science and research priorities.

(2) The project has broad participation within the ocean community.

(3) The partners have a long-term commitment to the objectives of the project.

(4) Resources supporting the project are shared among the partners.

(5) The project includes a plan for education and outreach.

(6) The project has been subject to peer review.

(c) **ANNUAL REPORT.**—Not later than March 1 of each year, the Committee shall submit to Congress a report on the National Ocean Partners Program. The report shall contain the following:

(1) A description of activities of the program carried out during the previous fiscal year, together with a list of the members of the Advisory Panel and any working groups in existence during that fiscal year.

(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

(3) A summary of projects continued from the previous fiscal year and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

(4) An analysis of trends in the Federal investment in ocean science research, education and technology development.

(d) **PARTNERS PROGRAM OFFICE.**—The Committee shall establish a program office for the National Ocean Partners Program. The Committee shall use competitive procedures in selecting an operator for the partners program office and supervise performance of duties by such office. Responsibilities of the partners program office shall include—

(1) support for the activities of the Committee and any working groups or subcommittees under this section;

(2) management of the process for proposing partnership projects to the Com-

mittee, including the peer review process for such projects;

(3) annual preparation and submission to the Committee of status information on all partnership projects and program activities;

(4) development and maintenance of a database on investments by Federal agencies in ocean and coastal research and education; and

(5) any additional duties for the administration of the National Ocean Partners Program or to support Committee activities that the Committee considers appropriate.

(e) **CONTRACT, GRANT, AND INTERAGENCY FINANCING AUTHORITY.**—

(1) The Committee may authorize one or more of the members of the Committee to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Ocean Partners Program, for the purpose of implementing the program and carrying out the responsibilities of the Committee. A project or activity under such program may be established by any instrument that the Committee considers appropriate, including grants, memoranda of understanding, cooperative research and development agreements, and similar instruments.

(2) The members of the Committee are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Committee for the purposes of carrying out any administrative or programmatic project or activity under the National Ocean Partnership Program, including support for a common infrastructure and system integration for an ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Committee member and the costs of the same.

(3) The Committee shall establish uniform proposal request and application procedures and reporting requirements for use by each Committee member that are applicable to all projects and activities under the National Ocean Partners Program.

(4) Projects under the program may include demonstration projects.

(f) **TRANSITIONAL PLAN.**—The Committee shall submit a plan and recommendations to the Congress for the transition of the National Oceanographic Partnership Program under chapter 665 of title 10, United States Code, to the National Ocean Partners Program established under subsection (a) of this section not later than 2 years after the date of enactment of this Act.

(g) **SUNSET OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.**—Chapter 665 of title 10, United States Code, is repealed as of the date that is 3 years after the date of enactment of this Act.

SEC. 203. OCEAN AND COASTAL EDUCATION PROGRAM.

(a) **ESTABLISHMENT.**—Consistent with the strategy, the Committee, through the Subcommittee, shall establish an interagency ocean and coastal education program to improve public awareness, understanding and appreciation of the role of the oceans in meeting our Nation's economic, social and environmental needs. The ocean and coastal education program shall include formal education activities for elementary, secondary, undergraduate, graduate and postdoctoral students, continuing education activities for adults, and informal education activities for learners of all ages.

(b) **ELEMENTS.**—The program shall use appropriate interagency coordination mechanisms and shall, at a minimum, provide sustained funding for—

(1) a national network of Centers for Ocean Sciences Education Excellence to improve

the acquisition of knowledge by students at all levels;

(2) a regional education network to support academic competition and experiential learning opportunities for high school students;

(3) teacher enrichment programs that provide for participation in research expeditions, voyages of exploration and the conduct of scientific research;

(4) development of model instructional programs for students at all levels;

(5) student training and support to provide diverse ocean-related education opportunities at the undergraduate, graduate, and postdoctoral levels; and

(6) mentoring programs and partnerships with minority-serving institutions to ensure diversity in the ocean and coastal workforce.

SEC. 204. OCEAN SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) **ESTABLISHMENT.**—

(1) The Committee shall establish a National Ocean Science and Technology Scholarship Program that is designed to recruit and prepare students for careers with Federal agencies and departments represented on the Committee (hereinafter referred to as "participating agencies"). The program shall award scholarships to individuals who are eligible to participate and selected through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(2) To carry out the program, participating agencies shall enter into contractual agreements with individuals selected under paragraph (1) under which the individuals agree to serve as full-time employees of the participating agency for the period described in subsection (d), in positions needed by the participating agency and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) **ELIGIBILITY CRITERIA.**—In order to be eligible to participate in the program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) in an academic field or discipline described in the list made available under subsection (c);

(2) be a United States citizen;

(3) at the time of the initial scholarship award, not be an employee of the department or agency providing the award;

(4) not have received a scholarship under this section for more than 4 academic years, unless the participating agency grants a waiver; and

(5) submit an application to a participating agency at such time, in such manner, and containing such information, agreements, or assurances as the participating agency may require.

(c) **SCHOLARSHIP AVAILABILITY AND LIMITS.**—

(1) The Committee shall make publicly available a list of academic programs and fields of study for which scholarships under the program may be used and shall update the list as necessary.

(2) A participating agency may provide a scholarship to an eligible individual to cover tuition, fees, and other authorized expenses as established by regulation. The dollar amount of a scholarship for an academic year shall in no case exceed the cost of attendance as such cost is determined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

(3) The participating agency may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(d) SERVICE.—

(1) Except as provided in subsection (f), the period of service for which an individual shall be obligated to serve as an employee of the participating agency is 12 months for each academic year for which a scholarship under this section is provided.

(2) Except as provided in subsection (f), obligated service under paragraph (1) may include contract employment if a full time equivalent position is not immediately available and shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(e) REPAYMENT.—

(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the participating agency, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (f). The repayment period may be extended by the participating agency when determined to be necessary.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the participating agency pursuant to subsection (f), shall be in breach of their contractual agreement. When recipients breach their agreements pursuant to this paragraph, the recipient shall be liable to the United States for an amount equal to the total amount of scholarships received by such individual under this section; plus the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(f) DEFERRAL, CANCELLATION, OR WAIVER.—The participating agency shall by regulation provide for the deferral or the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the program (or a contractual agreement thereunder) whenever the participating agency determines that such a deferral, waiver or suspension is appropriate, compliance by the individual is impossible or would involve extreme hardship, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

TITLE III—NOAA OCEAN SCIENCE AND EDUCATION PROGRAMS

SEC. 301. RESEARCH PLAN.

The Administrator of the National Oceanic and Atmospheric Administration shall develop a 20-year integrated research plan for the agency setting forth research goals and priorities, as well as programmatic actions to carry out those goals and priorities. The plan shall—

(1) articulate goals, priorities, and programmatic actions for the agency in 5-year phases;

(2) identify linkages between Administration research activities and missions;

(3) identify how Administration laboratories, joint institutes, cooperative institutes, joint centers, and the extramural scientific community will participate and assist in achieving the goals of the plan;

(4) consider the recommendations of relevant reports prepared by the National Research Council and international scientific institutions and organizations;

(5) be developed in consultation with programmatic offices, the extramural scientific community, and interested members of the public; and

(6) be revised or updated every 5-to-7 years.

SEC. 302. MARINE ECOSYSTEM RESEARCH.

(a) MARINE ECOSYSTEM RESEARCH PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the National Science Foundation, the United States Geological Survey, the Office of Naval Research, and other members of the Committee, shall establish and maintain a 10-year interagency marine ecosystem research program, including competitive research grants to the scientific community, that complements or strengthens the Federal program for the purposes of—

(1) improving national understanding of marine ecosystem status and trends, including the patterns, processes, and consequences of changing marine biological diversity;

(2) improving the linkages between marine ecological and oceanographic sciences and providing a basis for ecosystem-based management of the oceans and coastal resources;

(3) increasing the effectiveness of ocean, coastal and fisheries conservation and management through application of ecosystem-based approaches;

(4) facilitating and encouraging the use of new technological advances, predictive models, and historical perspectives to characterize and assess marine ecosystems and to investigate marine biodiversity;

(5) strengthening and expanding the field of marine taxonomy, including use of genomics and proteomics;

(6) using new understanding gained through the program to improve predictions of the impacts of human activities on the marine environment, including pollution and coastal development, and of the impacts of changes in the marine environment on human well-being; and

(7) providing Federal, regional, and State decision makers with usable information and products to support policy and technical decisions under existing authorities, including the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, and the Coastal Zone Management Act.

(b) PROGRAM ELEMENTS.—The research program established under this section shall provide for the following:

(1) Dynamic access to biological and other data through an integrated ocean biogeographic information system that—

(A) links marine databases; and manages data generated by the program; and

(B) supports understanding of marine systems required for ecosystem-based conservation and management, including analysis of biodiversity and related physical and ecological parameters.

(2) Integrated national and regional studies and products that focus on appropriate scales to support ecosystem-based management; including habitat mapping and assessment.

(3) Improved biological sensors for ocean and coastal observing systems.

(4) Investment in exploration and taxonomy to study little known areas and describe new species.

(5) Studies of earlier changes in marine populations to trace information on biological abundance and diversity to the earliest historical periods of minimum human impact.

(6) Improved predictive capability to enhance the effectiveness of conservation and management programs and to facilitate and minimize adverse impacts of human activities and natural processes on marine and coastal ecosystems.

(7) Pilot projects focused on priority information needs for critical living marine resource management decisions under existing statutory authorities.

(c) BASELINE REPORT AND BIENNIAL ASSESSMENTS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Committee, shall prepare and submit to the President and Congress—

(1) a baseline report on the state of knowledge concerning marine ecosystems and their sub-components, including recommendations for improving such knowledge base, considering the recommendations of the United States Commission on Ocean Policy and the priorities established under subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) a biennial assessment not later than 2 years after the date of submission of the baseline report required under subsection (d)(1) and every 2 years thereafter that—

(A) integrates, evaluates, and interprets the findings of the program and discusses the scientific uncertainties associated with such findings; and

(B) analyzes current trends in marine and coastal ecosystems, both human-induced and natural, and projects major trends for the subsequent decade.

SEC. 303. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EDUCATION PROGRAM.

(a) IN GENERAL.—

(1) The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop support, promote, and coordinate education activities that meet the defined program scope under section 203(b) and that enhance public awareness and understanding of the science, service, and stewardship missions of the National Oceanic and Atmospheric Administration. In planning the program, the Administrator shall consult with the Subcommittee and build upon the educational programs and activities of the National Sea Grant College Program, The National Marine Sanctuaries Program, the National Estuarine Research Reserve System, and programs relating to ocean exploration, undersea research, and oceans and human health.

(2) Authorized activities for the program shall include education of the general public, teachers, students at all levels, and ocean and coastal managers and stakeholders.

(3) In carrying out educational activities, the Administrator may enter into grants, contracts, cooperative agreements, resource sharing agreements or interagency financing with Federal, State and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations or other persons.

(b) GOALS.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the appropriate program directors, shall ensure that educational activities and programs conducted pursuant to subsection (a) shall—

(1) integrate agency science into high-quality educational materials;

(2) improve access to National Oceanic and Atmospheric Administration educational resources;

(3) support educator professional development programs to improve understanding and use of agency sciences;

(4) promote participation in agency-related sciences and careers, particularly by members of underrepresented groups;

(5) leverage partnerships to enhance formal and informal environmental science education; and

(6) build capability within the agency for educational excellence.

(c) **EDUCATIONAL PARTNERSHIP PROGRAM.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish an educational partnership with minority serving institutions to provide support for cooperative science centers, an environmental entrepreneurship program, a graduate sciences program and an undergraduate scholarship program.

(d) **NOAA OCEAN EDUCATION PLAN.**—The Administrator of the National Oceanic and Atmospheric Administration shall develop an ocean education plan setting forth ocean education goals and priorities for the agency, as well as programmatic actions to carry out such goals and priorities over the next 20 years. The plan may be prepared as part of the research plan required by section 301 or may be prepared separately and shall—

(1) set forth the Administration's goals, priorities, and programmatic activities for ocean education in 5-year phases;

(2) identify linkages between NOAA ocean education activities and NOAA programs and missions;

(3) consider the recommendations of ocean science and education experts, as well as those of professional education associations or organizations;

(4) be developed in consultation with programmatic offices, ocean science and education experts, and interested members of the public; and

(5) be revised or updated every 5-to-7 years.

SEC. 304. AMENDMENT TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C 1131(a)) is amended by adding at the end the following:

“(3) **MARINE AND AQUATIC SCIENCE EDUCATION.**—In addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), there are authorized to be appropriated for marine and aquatic science education in each of fiscal years 2005 through 2010—

“(A) \$6,000,000 in increased funding for the educational activities of sea grant programs;

“(B) \$4,000,000 for competitive grants for projects and research that target national and regional marine and aquatic science literacy;

“(C) \$4,000,000 for competitive grants to support educational partnerships under the national Coastal and Ocean Education Program to be funded through the National Ocean Partners Program or other appropriate mechanism; and

“(D) \$3,000,000 in increased funding for enhanced outreach and communications activities of sea grant programs.

TITLE IV—AUTHORIZATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) **PARTNERS PROGRAM PROJECTS AND ADMINISTRATION.**—Of the amounts authorized to be appropriated annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010—

(1) up to \$25,000,000 from each agency may be made available for National Ocean Partners Program projects under section 202; and

(2) at least \$600,000 or 3 percent of the amount appropriated for the National Oceanographic Partners Program, whichever is greater, shall be available for operations of the partners program office established under section 202(d).

(b) **NATIONAL OCEAN AND COASTAL EDUCATION PROGRAM.**—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010, up to \$25,000,000 from each agency may be made available for the National Ocean and Coastal Education Program under section 203.

(c) **SCHOLARSHIP PROGRAM.**—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration for fiscal year 2005 through fiscal year 2010, up to \$15,000,000 may be made available for National Ocean Science and Technology Scholarships under section 204.

(d) **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—

(1) **MARINE ECOSYSTEM RESEARCH.**—For development and implementation of the research program under section 302, there are authorized to be appropriated to the National Oceanic and Atmospheric Administration \$50,000,000 for each of fiscal years 2005 through 2010.

(2) **OCEAN EDUCATION.**—In addition to the amounts authorized under subsection (a), (b), and (c) and under the National Sea Grant College Program Act, there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration—

(A) \$25,000,000 for each of fiscal years 2005 through 2010 for education activities under section 303(a); and

(B) \$20,000,000 for each of fiscal years 2005 through 2010 for education activities under section 303(c).

(e) **AVAILABILITY.**—Sums appropriated pursuant to this section shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—DESIGNATING AUGUST 9, 2004, AS “SMOKEY BEAR’S 60TH ANNIVERSARY”

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

S. RES. 404

Whereas Smokey Bear's service to the United States for 60 years has protected the Nation's forests above and beyond the call of duty;

Whereas Smokey Bear has been dedicated to educating Americans of all ages and particularly America's youth, the future stewards of our forests, about the need for vigilance concerning forest health and wildfires;

Whereas Smokey Bear's message of vigilance can also be applied to the need (1) to remove unnatural accumulations of hazardous fuels from the public forests of the United States; (2) to clear defensible space around homes and escape routes in the wildland-urban interface; and (3) to suppress forest fires that threaten communities or valuable natural resources;

Whereas the Smokey Bear campaign is the longest running public service campaign in the history of the United States;

Whereas Smokey Bear was the first individual animal ever to be honored on a postage stamp;

Whereas the Forest Service of the Department of Agriculture is committed to increasing public information and awareness about wildfires and forest protection;

Whereas the Forest Service of the Department of Agriculture is devoted to changing the public's behavior concerning wildfires in an effort to maintain and protect the natural resources and wildlife of the United States; and

Whereas the Forest Service of the Department of Agriculture, the National Association of State Foresters, and the Advertising Council have provided extraordinary support and dedication to the purpose and efforts of Smokey Bear: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 9, 2004, as “Smokey Bear's 60th Anniversary”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 124—DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. BROWNBACK (for Himself, Mr. CORZINE, Mrs. DOLE, Mr. LIEBERMAN, Mr. DEWINE, and Mr. FITZGERALD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas Article 1 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide states that “the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish”;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that “in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group”;

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that the “following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicity in genocide”;

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced;

Whereas Andrew Natsios, the Administrator of the United States Agency for International Development, has predicted that 300,000 civilians in Darfur will die within the year under “optimal conditions” in which humanitarian assistance is provided, and that as many as 1,000,000 civilians in Darfur are at risk; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: