a cosponsor of amendment No. 174 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 176

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 176 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mrs. DOLE, her name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 187

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 187 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 188

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 188 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 192

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 192 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 199 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 236

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 236 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. LUGAR, and Mr. HATCH):

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, on October 7, 2002, the President of the United States said something very important about United Nations inspections in Iraq. He said: ''Clearly, to actually work, any new inspections . . . will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country—and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.''

The President was right on the money about inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction. Inspections are vital to stripping him of those banned weapons.

The United Nations responded properly to the President's challenge. On November 8, the Security Council adopted Resolution 1441, which provided: . . . that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi government.''

The inspectors are given unprecedented authority. But how are they to implement it? Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for people who reveal Saddam's most terrible secrets.

Maybe some can go to Europe, although both al Qaeda cells and Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

If the United States wants the world to show resolve in dealing with Saddam Hussein, however, then we must take the lead in admitting those people who have the courage to betray Saddam's nuclear, chemical, biological or missile programs. We have a large country in which to absorb those people, and, for all our problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who were involved with weapons of mass destruction, have aided a country in the sop-called ''axis of evil,'' and are bringing their families. I introduced legislation last October, therefore, to admit to our country those personnel, and their families, who give critical and reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency. On November 20, the Senate passed an amended version of that bill, S. 3079, with the strong support of the Administration; but there was not enough time for the House of Representatives to act on the legislation.

Two months have passed since inspections were resumed in Iraq. The new inspectors are gaining experience, as well as actionable intelligence from the United States and other countries. They are beginning to find unreported weapons; and every weapon destroyed is a weapon that will never be used to cause mass destruction or to attack U.S. forces.

But inspectors have had a hard time getting truthful information from the Iraqis they interview. Saddam Hussein terrorizes his people, including his weapons scientists, so effectively that they are afraid to be interviewed in private, let alone outside the country. They know that even the appearance of cooperation could be a death sentence for themselves or their families.

To overcome this obstacle, and to discover and dismantle Saddam Hussein's weapons of mass destruction,

UNMOVIC and the IAEA must interview relevant persons securely and with their families protected, even if they protest publicly against this treatment. Hans Blix may dislike running ''a defection agency,'' but that could be the only way to obtain truthful information about Saddam's weapons of mass destruction. The protests of those interviewed can actually be helpful, as they prevent Saddam from knowing which of his personnel may be willing to tell the truth once they and their families are given a secure environment.

The United States must help UNMOVIC and the IAEA to create that secure environment. So, today I am reintroducing the Iraqi Scientists Immigration Act.

I am joined by my esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, who co-sponsored the original bill, and also by the chairmen of the Foreign Relations Committee and the Judiciary Committee Senator LUGAR of Indiana and Senator HATCH of Utah. I have been assured, moreover, that the Administration remains eager to see this bill enacted. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support quick action on this legislation. Iraqis will not come forward unless we offer protection to them and their families. Those who are willing to provide truthful information will merit our protection. And their information will help disarm Saddam Hussein; it will save lives if we have to go to war; and it could even help us to disarm Saddam without a war.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law. These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am re-introducing, the ''Iraqi Scientists Immigration Act of 2003,'' will permit the Attorney General, on a case-by-case basis in coordination with the Secretary of State and the Director of Central Intelligence, to admit a foreigner and his family if such person: has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them; is willing to supply or has supplied critical and reliable information on that program to an agency of the United States Government; may be willing to supply or has supplied such information to United Nations or IAEA inspectors; and will be or has been placed in danger as a result of providing such information.

The Attorney General will also have the authority to give legal permanent resident status to persons who provide the promised information.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families. If it works and we need to enlarge the program, we can do so.

The important thing to do now is to give our country the initial authority, and to give United Nations inspectors the ability to reassure Saddam's nuclear, chemical, biological and missile experts that they and their families will be protected if they help the world to bring those programs down.

President Bush, other world leaders, and the inspectors in Iraq are trying to disarm a tyrant whose arms programs make him a danger to world peace. And they are trying to do this without going to war, even as we prepare to wage that war if necessary. We owe it to the inspectors to give them every chance to succeed. We owe it to the President to give him the tools he needs to help those inspectors. We owe it to Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs. And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small, but vital step toward those ends. I urge my colleagues to give it their immediate attention and support.

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. 205

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 ''Iraqi Scientists Immigration Act of 2003''.

SEC. 2. ADMISSION OF CRITICAL ALIENS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(W) Subject to section 214(s), an alien—

''(i) who the Attorney General determines, in coordination with the Secretary of State, the Director of Central Intelligence, and such other officials as he may deem appropriate, and in the Attorney General's unreviewable discretion, is an individual—

''(I) who has worked at any time in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

''(II) who is in possession of critical and reliable information concerning any such Iraqi program;

''(III) who is willing to provide, or has provided, such information to the United States Government;

''(IV) who may be willing to provide, or has provided, such information to inspectors of the United Nations or of the International Atomic Energy Agency;

''(V) who will be or has been placed in danger as a result of providing such information; and

''(VI) whose admission would be in the public interest or in the interest of national security; or

''(ii) who is the spouse, married or unmarried son or daughter, parent, or other relative, as determined by the Attorney General in his unreviewable discretion, of an alien described in clause (i), if accompanying or following to join such alien, and whose admission the Attorney General, in coordination with the Secretary of State and the Director of Central Intelligence, determines in his unreviewable discretion is in the public interest or in the interest of national security.''.

(b) LIMITATIONS AND CONDITIONS APPLICABLE TO ''W'' NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating subsections (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386), (o) (as added by section 1513(c) of Public Law 106–386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively; and

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

''(s) NUMERICAL LIMITATIONS AND CONDITIONS OF ADMISSION AND STAY FOR NONIMMIGRANTS ADMITTED UNDER SECTION 101(a)(15)(W).—

''(1) LIMITATION.—The number of aliens who may be admitted to the United States or otherwise granted status under section 101(a)(15)(W)(i) may not exceed a total of 500.

''(2) CONDITIONS.—As a condition for the admission, and continued stay in lawful status, of any alien admitted to the United States or otherwise granted status as a nonimmigrant under section 101(a)(15)(W), the nonimmigrant—

''(A) shall report to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

''(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission or grant of status;

''(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal or for protection under the Convention Against Torture, any action for removal of the alien instituted before the alien obtains lawful permanent resident status;

''(D) shall cooperate fully with all requests for information from the United States Government including, but not limited to, fully and truthfully disclosing to the United States Government all information in the alien's possession concerning any Iraqi program to produce weapons of mass destruction or the means to deliver them; and

''(E) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.''.

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)—

(A) by striking ''or'' before ''(8)''; and

(B) by inserting before the period ''or (9) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(W)'';

(2) by redesignating subsection (l), relating to ''U'' visa nonimmigrants, as subsection (m); and

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

''(n) ADJUSTMENT TO PERMANENT RESIDENT STATUS OF 'W' NONIMMIGRANTS.—

''(1) IN GENERAL.—If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States (or otherwise provided nonimmigrant status) under section

101(a)(15)(W)(i) has complied with section 214(s) since such admission or grant of status, the Attorney General may, in coordination with the Secretary of State and the Director of Central Intelligence, and in his unreviewable discretion, adjust the status of the alien (and any alien who has accompanied or followed to join such alien pursuant to section 101(a)(15)(W)(ii) and who has complied with section 214(s) since admission or grant of nonimmigrant status) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) RECORD OF ADMISSION; REDUCTION IN VISA NUMBERS.—Upon the approval of adjustment of status of any alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.''.

(d) WAIVER AUTHORITY.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(W). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) in the case of such a nonimmigrant if the Attorney General considers it to be in the public interest or in the interest of national security.''.

(e) CONFORMING AMENDMENT.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking ''or (S)'' and inserting ''(S), or (W)''.

SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term ''weapon of mass destruction'' has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking ''a disease organism'' and inserting ''a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)''.

By Mr. SMITH:

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to encourage a more environmentally friendly electricity future for the United States.

The bill I am introducing would provide for a ten-year extension of the tax credit for producing electricity from wind. I believe that an extension of this length will provide stability to this important emerging energy sector.

For the past several years, we have provided short-term extensions, sometimes retroactively, of this important tax incentive. The result has been that investors and utilities have been hesitant to commit the capital necessary to bring wind projects on line.

A major European wind turbine manufacturer had planned to build its first U.S. manufacturing facility in Portland, OR. The plant was expected to provide over 1,000 family-wage jobs once operational. Unfortunately, last November, the corporation announced it would put those plans on hold and lay off more than 500 employees. This happened at a time when Oregon already had one of the highest unemployment rates in the country.

The main reason given for putting on hold this facility was the failure of the Congress to clarify the production tax credit for wind energy. Slow demand in this economic downturn was also cited.

However, our economy is going to rebound. And when it does, the demand for electricity will increase. There is already over 180 megawatts of installed wind energy capacity, with another 150 megawatts of planned development. The Stateline Wind Energy Project, which straddles the Oregon-Washington border, has over 263 megawatts of installed capacity, making it the largest wind farm to date in the western United States.

When the Senate passed national energy legislation last year, there was a strong, bipartisan commitment to renewable energy resources. We can use the tax code to encourage the development of clean, renewable sources of electricity and a new generation of advanced technology vehicles. These vehicles can reduce our reliance on imported oil because their fuel efficiency is greatly improved and there are lower emissions of greenhouse gases and ozone-forming pollutants.

I have always held that if we use technology wisely, we can improve our environmental stewardship while maintaining our human stewardship and the standard of living we enjoy in this great Nation.

I would urge my colleague to join me in cosponsoring this important legislation.

By Ms. SNOWE:

S. 208. A bill to require the Secretary of Homeland Security to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interestate commerce; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation aimed at closing the dangerous cargo security loophole in our Nation's aviation security network.

In the wake of September 11 terrorist attacks, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly.

We no longer have a system in which the financial ''bottom line'' interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the after math of September 11, we must remain aggressive. We need a ''must-do'' attitude, not excuses about what ''can't be done,'' because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is lax air cargo security infrastructure in this country. According to the GAO, a full 22 percent of all the cargo shipped by air in this country in 2000 was shipped on passenger flights and typically half of the hull of every passenger plane is filled with cargo. The Department of Transportation Inspector General has recommended that current air cargo controls be tightened, particularly the process for certifying freight forwarders and assessing their compliance with security requirements, and has warned that the existing screening system is ''easily circumvented.'' This must not be allowed to stand.

Moreover, according to a Washington Post report last summer, Internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now. The bill I am introducing today is designed to tackle this issue by directing the TSA to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to ensure that terrorists are not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers, and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set in 2001. I urge my colleagues to join me in addressing this critical matter.

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. CORNYN, Mr. LEVIN, Mr. DEWINE, Mr. COCHRAN, Mr. FITZGERALD, and Mr. ALLEN):

S. 209. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today that will enhance and encourage charitable giving in the United States. The Charitable IRA Rollover Act will allow individuals to rollover assets from an Individual Retirement Account, or ''IRA,'' to a charity without incurring income tax consequences.

One of my priorities has been to promote charitable giving and expand the role charities and faith-based institutions play in addressing social problems in the United States. I hope this legislation moves us further in that direction.

Government alone cannot solve society's most serious problems. In fact, government social programs often fail in their missions. The old welfare system is a perfect example of what often goes wrong when government tends to throw money at a problem.

Under the old system, while trying to help people, government actually encouraged them to stay on welfare. It encouraged out-of-wedlock births and discouraged fathers from living at home. Many of these unintended consequences were addressed with the welfare reform bill, which will be reauthorized this year. The success of these reforms are evident in welfare rolls, which have now dropped by half across the United States.

But government is not the solution. Charities change hearts and lives and have a superior track record to the government in tackling social ills.

America's top charities address a broad range of problems. From the Salvation Army to the Boys and Girls Clubs, and the American Cancer Society to the Red Cross, each plays a role in improving America's health, education and welfare. Their success has been documented. It has been demonstrated that mentors in the Big Brothers/Big Sisters program can cut drug abuse by 50 percent.

Charitable giving is an American tradition. Americans appreciate the role of charities and are actively involved in many philanthropic causes. Nearly half of all Americans volunteer in some capacity on a regular basis, including nearly 25 percent of Americans who are active volunteers in religious affiliated organizations. That is why it is logical to use faith-based organizations as a means of accomplishing objectives which can be more personal and tailored to the individual in need.

The legislation I am introducing today helps these organizations by making it easier for people to make charitable contributions. Individuals age 59½ and older will be able to move assets without penalty from an IRA directly to a charity or into a qualifying deferred charitable gift plan, such as a charitable remainder trust, pooled income fund or gift annuity. Current law requires taxpayers to first withdraw the IRA proceeds and pay taxes on them before contributing the remaining funds to a charity. While current law allows taxes on the withdrawal to be offset somewhat by the current charitable deduction, this ability is limited.

Americans currently hold more than $2 trillion in assets in IRAs, and nearly 40 percent of American households have IRAs. This bill would allow senior citizens who have provided well for their retirement to transfer IRA funds to charities without the government taking a slice. This will cut bureaucratic obstacles and disincentives to charitable giving and unlock a substantial amount of new funds that could flow to America's charitable organizations.

The time for promoting charitable giving has come.

This proposal benefits everyone involved. Individuals will be able to give more of their savings to charities of importance to them. Charities will benefit from increased philanthropy, enabling them to continue their important work. Those needing help will have increased access to services from these charities. And the government will have to take care of fewer of those in need as charities are better able to assume that burden.

This is not a partisan proposal. It is a common sense way to remove obstacles to charitable giving. Senators DURBIN and LEVIN are original co-sponsors of this legislation. I look forward to working with them, the White House and many other colleagues to pass this bill. I hope the Senate will join in this effort to provide a valuable source of philanthropy for our nation's charities.

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charitable IRA Rollover Act of 2003.''.

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c).

''(B) SPECIAL RULES RELATING TO CHARITABLE REMAINDER TRUSTS, POOLED INCOME FUNDS, AND CHARITABLE GIFT ANNUITIES.—

''(i) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account—

''(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

''(II) to a pooled income fund (as defined in section 642(c)(5)), or

''(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)).

The preceding sentence shall apply only if no person holds an income interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

''(ii) DETERMINATION OF INCLUSION OF AMOUNTS DISTRIBUTED.—In determining the amount includible in the gross income of any person by reason of a payment or distribution from a trust referred to in clause (i)(I) or a charitable gift annuity (as so defined), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

''(I) shall be treated as income described in section 664(b)(1), and

''(II) shall not be treated as an investment in the contract.

''(iii) NO INCLUSION FOR DISTRIBUTION TO POOLED INCOME FUND.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

''(C) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

''(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 59½, and

''(ii) which is made directly from the account to—

''(I) an organization described in section 170(c), or

''(II) a trust, fund, or annuity referred to in subparagraph (B).

''(D) DENIAL OF DEDUCTION.—The amount allowable as a deduction under section 170 to the taxpayer for the taxable year shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which would be includible in the gross income of the taxpayer for such year but for this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. DURBIN. Mr. President, I am pleased to introduce, along with Senator KAY BAILEY HUTCHISON, the charitable IRA Rollover Act of 2003. We have introduced this legislation in the last two Congresses. Senator HUTCHISON and I sincerely hope that this legislation will finally become law this year.

The IRA Charitable Rollover Act has the support of numerous charitable organizations across the United States. The effect of this bill would be to unlock billions of dollars in savings Americans hold and make them available to charities. Our legislation will allow individuals to roll assets from an Individual Retirement Account into a charity or a deferred charitable gift plan without incurring any income tax consequences. Thus, the donation

would be made to charity without ever withdrawing it as income and paying tax on it.

Americans currently hold about $2 trillion in assets in IRAs. This represents over one-fifth of Americans' total retirement market assets and will likely grow due to the increased contribution limits enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001. Recent studies show that assets of qualified retirement plans, such as IRAs, comprise a substantial part of peoples' net worth. Many of these individuals would like to give a portion of these assets to charity, but are reluctant to do so because of the tax consequences.

Under our current law, if money from an IRA is transferred to a charitable organization or into a charitable remainder trust, donors are required to recognize that as income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded. This is a huge disincentive contained in our complicated and burdensome tax code. This legislation will unleash a critical source of funding for our Nation's charities. This legislation will provide millions of Americans with a commonsense way to remove obstacles to private charitable giving.

Under the Hutchison-Durbin plan, an individual, upon reaching age 59½, could move assets penalty- and tax-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trusts, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets, which would be taxed according to normal rules. Upon the death of the individual, the remainder would be transferred to charity tax free.

There are numerous supporters of this legislation including the Art Institute of Chicago, the University of Chicago, the Field Museum, the Catholic Diocese of Peoria, Northwestern University, the Chicago Symphony Orchestra, Georgetown University, and others. There are over 100 groups in Illinois alone that support this sensible legislation.

I hope the Senate will join in this bipartisan effort to provide a valuable new source of philanthropy for our Nation's charities. I hope that our colleagues will cosponsor this important piece of legislation and that it will be enacted into law this year. I thank the Senator from Texas, Senator HUTCHISON, for working with me and my staff in this effort.

By Mr. BINGAMAN.

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to again introduce legislation to protect several important archaeological sites in the Galisteo Basin in New Mexico. This bill identifies approximately two dozen sites in northern New Mexico which contain the ruins of pueblos dating back almost 900 years. When Coronado and other Spanish conquistadors first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture with its own unique tradition of religion, architecture and art, which was influenced through an extensive trade system. We know that these sites remain occupied up through the Pueblo revolt in 1680. After that, the sites were deserted, although we still don't know why they were abandoned, after over 700 years of continuous use.

Through these sites, we have the opportunity to learn more not only about the history and culture of these Pueblos, but also about the first interaction between European and Native American cultures. The Cochiti Pueblo, in particular, is culturally and historically tied to these sites, which have tremendous historical and religious significance to the Pueblo. I am grateful for the continued support of the Pueblo de Cochiti for this legislation. This bill has strong local support, including the Santa Fe Board of County Commissioners, the City of Santa Fe, and the Archdiocese of Santa Fe. I would also like to thank the Archaeological Conservancy for its efforts over the past several years to identify and protect many of these sites, and in helping with this legislation.

Many of these archaeological sites are on Federal land administered by the Bureau of Land Management. BLM archaeologists have already provided extensive background research on many of these sites, and I was pleased that the agency supported a similar bill I introduced in the previous Congress. Last Congress the Energy and Natural Resources Committee held a hearing on this bill in Santa Fe. It was clear from that hearing that there is strong local support for protecting these sites. In fact nobody testified in opposition to the bill, at either the Santa Fe or Washington hearings.

This bill simply authorizes the BLM to work in a cooperative manner with interested landowners to protect sites on Federal and non-Federal lands. Last Congress we included several provisions to make clear that the bill did not infringe on private property rights.

Although the bill is non-controversial, we have been unable to get the legislation passed through both the House and Senate, although last Congress I was pleased that bill was favorably reported by the Energy and Natural Resources Committee and passed by the Senate as part of a larger public lands bill. In the years since I first introduced this bill, many irreplaceable archaeological resources have been lost, whether by vandalism, erosion, or other means. Enactment of the Galisteo Basin Archaeological Sites Protection Act will allow us to take the steps necessary to protect these resources and to allow for improved public understanding and interpretation of these sites.

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. 210

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Galisteo Basin Archaeological Sites Protection Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	*Acres*
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Chamisa Locita Pueblo	16
Comanche Gap Petroglyphs	764
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs/Camino Real Site	531
La Cieneguilla Pueblo	11
Lamy Pueblo	30
Lamy Junction Site	80
Las Huertas	44
Pa'ako Pueblo	29
Petroglyph Hill	130
Pueblo Blanco	878
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	133
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	5
San Cristobal Pueblo	520
San Lazaro Pueblo	360
San Marcos Pueblo	152
Upper Arroyo Hondo Pueblo	12
Total Acreage	4,591

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled ''Galisteo Basin Archaeological Protection Sites'' and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites

by publishing notice thereof in the Federal Register.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation to establish the Northern Rio Grande National Heritage Area in northern New Mexico. I am pleased that Senator DOMENICI is again joining me in sponsoring this bill. The Northern Rio Grande National Heritage Area will be established as part of a collaborative effort between local residents, Indian tribes, businesses and local governments, who are working together to preserve the area.

By establishing the Northern Rio Grande National Heritage Area, I hope to commemorate the significant but complex heritage of northern New Mexico communities and Indian tribes, from the pre-Spanish colonization period to present day. Establishing a National Heritage Area will benefit the northern New Mexico communities, local residents, students, and visitors, as well as help the local protection and interpretation of the unique cultural, historical, and natural resources of northern New Mexico.

Last Congress, similar legislation was considered and favorably reported from the Committee on Energy and Natural Resources and passed by the Senate by unanimous consent as part of a comprehensive heritage area bill. Unfortunately, the House was not able to consider the bill prior to the sine die adjournment of the Congress. Since the bill is non-controversial and has already passed the Senate, it is my hope that we will be able to move it through the Committee and to the floor as soon as possible.

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. 211

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''heritage area'' means the Northern Rio Grande Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding.

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) TRIBAL LANDS.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 8. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

By Mr. BINGAMAN (for himself, Mr. BROWNBACK, and Mr. DOMENICI):

S. 212. A bill to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that has significance for the entire Great Plains region of our Nation. It will establish a program for the hydrogeologic characterization, mapping, modeling and monitoring of the High Plains Aquifer, which extends from Wyoming to New Mexico and Texas. This legislation was the subject of a hearing last Congress before the Water and Power Subcommittee of the Senate Energy and Natural Resources Committee. It is the same as legislation that was unanimously agreed to by the full Senate last year. I am pleased to be joined by Senators BROWNBACK and DOMENICI in introducing this bill.

The High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer, extends under eight states: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. It is experiencing alarming declines in its water levels. This aquifer is the source of water for farmers and communities throughout the Great Plains region. The legislation I am introducing today is intended to ensure that sound and objective science is available with respect to the hydrology and geology of the High Plains Aquifer.

This bill, the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act,'' would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the State component of the program.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains.

The bill I am introducing today would help ensure that the relevant science needed to address this problem is available so that we will have a better understanding of the resources of

the High Plains Aquifer. I ask that my colleagues join me in once again supporting this bill.

I ask 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. 212

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term ''Association'' means the Association of American State Geologists.

(2) COUNCIL.—The term ''Council'' means the Western States Water Council.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(4) FEDERAL COMPONENT.—The term ''Federal component'' means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

(5) HIGH PLAINS AQUIFER.—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled ''Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.''.

(6) HIGH PLAINS AQUIFER STATES.—The term ''High Plains Aquifer States'' means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE COMPONENT.—The term ''State component'' means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

SEC. 3. ESTABLISHMENT.

(a) PROGRAM.—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis: (1) mapping of the hydrogeological configuration of the High Plains Aquifer; and (2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer. The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

(b) FUNDING.—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

(c) FEDERAL PROGRAM COMPONENT.—

(1) PRIORITIES.—The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(B) supporting State and local activities with scientific and technical specialists; and

(C) undertaking activities and providing technical capabilities not available at the State and local levels.

(2) INTERDISCIPLINARY STUDIES.—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

(d) STATE PROGRAM COMPONENT.—

(1) PRIORITIES—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

(2) AWARDS.—(A) Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals for multistate activities must be recommended by the State panel of at least one of the affected States.

(e) FEDERAL REVIEW PANEL.—

(1) ESTABLISHMENT.—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

(2) COMPOSITION AND SUPPORT.—Not later than 3 months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of 3 years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

(f) LIMITATION.—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than 18 percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than 50 percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

SEC. 4. PLAN.

The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON PROGRAM IMPLEMENTATION.—One year after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 4.

(b) REPORT ON HIGH PLAINS AQUIFER.—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(c) ROLE OF FEDERAL REVIEW PANEL.—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act .

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 213. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with the support of my colleague Senator DOMENICI. This bill, which passed the Senate during the 107th Congress, would assist the City of Albuquerque, by clearing its title to two parcels of land located along the Rio Grande. More specifically, it would allow the City to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the City began to develop an aquarium and botanic garden along the banks of the Rio Grande. The facilities constitute just a portion of the overall project. In pursuit of the balance of the project, the City, in 1997, purchased two properties from the Middle Rio Grande Conservancy District, (MRGCD), for $3,875,000. The first property, Tingley Beach has been leased by the City from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, has been leased by the City since 1963, and also used for public park purposes.

In the year 2000, the City's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, in had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the City and MRGCD. Both MRGCD and the City dispute the United States' claim of ownership.

This dispute is delaying the City's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay with be both indefinite and unnecessary. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, the record indicates that Reclamation had once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is very high. This bill is narrowly tailored to address this local interest, affecting only the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue which is important to the citizens of my State. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by Federal actions. I therefore urge my colleagues to support this legislation.

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. 213

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Biological Park Title Clarification Act''.

SEC 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid $3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the United States claimed title to Tingley Beach and San Gabriel Park by asserting that these properties were transferred to the United States in the 1950's as part of the establishment of the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the United States claim of title to these properties.

(5) The United States claim of ownership over the Middle Rio Grande Project properties is disputed by the City and MRGCD in *Rio Grande Silvery Minnow v. John W. Keys, III*, No. CV 99–1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Bureau of Reclamation and the United States in administering the Middle Rio Grande Project.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(4) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99–1320 JP/RLP–ACE, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce, along with my colleague Senator DOMENICI, legislation to designate Fort Bayard in New Mexico as a National Historic Landmark.

Fort Bayard is significant not only for the role it played as a military post in fostering early settlement in the region, but for its role as a nationally important tuberculosis sanatorium and hospital. During the 99 years spanning its establishment in 1866 through its closing as a Veterans Administration hospital in 1965, Fort Bayard served as the most prominent evidence of the Federal Government's role in southwestern New Mexico. Fort Bayard has recently been listed on the National Register of Historic Places in recognition of the historical significance of the site.

From 1866 to 1899, Fort Bayard functioned as an Army post while its soldiers, many of them African-American, or Buffalo Soldiers, protected settlers working in the nearby mining district. These Buffalo Soldiers were a mainstay of the Army during the late Apache wars and fought heroically in numerous skirmishes. Like many soldiers who served at Fort Bayard, some of the Buffalo Soldiers remained in the area following their discharge. Lines of headstones noting the names of men and their various Buffalo Soldier units remain in the older section of what is now the National Cemetery. In 1992, these soldiers were recognized for their bravery when a Buffalo Soldier Memorial statue was dedicated at the center of the Fort Bayard parade ground. It gradually became apparent that the Army's extensive frontier fort system was no longer necessary. By 1890, it was clear that the era of the western frontier, at least from the Army's perspective, had ended. Fort Bayard was scheduled for closure in 1899.

Even as the last detachment of the 9th U.S. Cavalry prepared to depart the discontinued post, new federal occupants were arriving at Fort Bayard. On August 28, 1899, the War Department authorized the surgeon-general to establish a general hospital for use as a military sanatorium. This would be the first sanatorium dedicated to the treatment of officers and enlisted men of the Army suffering from pulmonary tuberculosis. At 6,100 ft. and with a dry, sunny climate, the fort lay within what proponents of climatological therapy termed the ''zone of immunity.'' By 1919, the cumulative effect of over 15 years of construction and improvement projects was the creation of a small, nearly self-sufficient community.

In 1920, the War Department closed the sanatorium and the United States Public Health Service assumed control of the facility. A second phase occurred in 1922 when a new agency, the Veterans' Bureau, was created within the Treasury Department and charged with operating hospitals throughout the country whose clientele were veterans requiring medical services. As a result, in the summer of 1922 the United States General Hospital at Fort Bayard was transferred to the Veterans' Bureau and became known as United States Veterans' Hospital No. 55. Its mission of treating those afflicted with tuberculosis, however, remained the same.

By 1965, there was no longer a need for a tuberculosis facility located at a high elevation in a dry climate, and the Veterans' Administration decided to close the hospital in that year. However, in part because of the concerns of the local communities that depended upon the hospital, the State of New Mexico assumed responsibility for the facility and 484 acres of the former military reservation. Since then, the State has used it for geriatric, as well as drug and alcohol rehabilitation and orthopedic programs. Because of the extensive cemetery dating to the fort and sanatorium eras at Fort Bayard, the State of New Mexico transferred 16 acres in 1975 for the creation of the Fort Bayard National Cemetery, administered by the Veterans' Administration.

For these and many other reasons, I believe it is clear that Fort Bayard is historically significant and merits recognition as a National Historic Landmark. Fort Bayard illuminates a rich and complex story that is important to the entire nation.

Last Congress identical legislation was considered and favorably reported by the Energy and Natural Resources Committee and included in a larger package of public land bills which passed the Senate by unanimous consent. Since there is broad local support for the bill, and it has already received the approval of the Senate, it is my hope that we can expeditiously consider the bill this year.

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. 214

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Bayard National Historic Landmark Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Fort Bayard, located in southwest New Mexico, was an Army post from 1866 and 1899, and served an important role in the settlement of New Mexico;

(2) among the troops stationed at the fort were several ''Buffalo Soldier'' units who fought in the Apache Wars;

(3) following its closure as a military post, Fort Bayard was established by the War Department as general hospital for use as a military sanatorium;

(4) in 1965 the State of New Mexico assumed management of the site and currently operates the Fort Bayard State Hospital;

(5) the Fort Bayard historic site has been listed on the National Register of Historic Places in recognition of the national significance of its history, both as a military fort and as an historic medical facility.

SEC. 3. FORT BAYARD NATIONAL HISTORIC LANDMARK.

(a) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(b) ADMINISTRATION.—

(1) Consistent with the Department of the Interior's regulations concerning National Historic Landmarks (36 C.F.R. Part 65), designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.

(2) Nothing in this Act shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

SEC. 4. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the State of New Mexico, may enter into cooperative agreements with appropriate public or private entities, for the purpose of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of Mexico.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (a) in furtherance of the agreement.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mrs. FEINSTEIN (for herself, Mr. BOND, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Mrs. MURRAY, Mr. JOHNSON, Mrs. CLINTON, Mr. BREAUX, and Mr. FEINGOLD):

S. 215. A bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to give the National Guard an enhanced role in homeland security. I am pleased that Senators BOND, LEAHY, LIEBERMAN, GREGG, MURRAY, JOHNSON, CLINTON, BREAUX, and FEINGOLD join me as cosponsors of the bill.

In essence, the bill would permit each governor to create a homeland security activities plan for the National Guard in his or her State, and authorize the Secretary of Defense to provide oversight and funding for such plans.

The legislation is modeled after the existing successful National Guard counterdrug program, which was established under 32 U.S.C. sect. 112.

Under this program, the National Guard is used to provide support to law enforcement to help stop illegal drugs from being imported, manufactured, and distributed, and in supporting drug demand reduction programs.

The bill is supported by the co-chairs of the Senate National Guard Caucus, the National Governors' Association, the Adjutants General Association of the United States, the National Guard Association of the United States, and National Guardsmen across the country.

Giving the Guard an enhanced role in homeland security makes sense because the Guard connects local communities to the Federal Government, is located in almost every American community, and has the capabilities, legal authority, and structure to help respond to attacks on the homeland.

In addition, such an enhanced role would return the National Guard more to what was envisioned by the founders of this country.

Colonial militias protected their fellow citizens from Indian attack, foreign invaders, and later helped win the Revolutionary War.

And during the 19th century, the militia provided the bulk of the troops during the Mexican war, the early years of the Civil War, and the Spanish-American War.

It was not until 1903 that Congress passed legislation to increase the role of the National Guard as a Reserve force for the U.S. Army

Now, the National Guard has a dual Federal/State mission. In their role as State militias, Guard units are often activated for homeland duty under Title 32 and thus come under the command of the State governor.

In this status, they are exempt from the Posse Comitatus Act, which generally restricts law enforcement to civil authorities, and thus are used as the armed forces' primary provider of support to civil authorities.

The National Guard's access to military command and control, discipline, training, and equipment also makes it well suited to coordinate with and aid police, fire, medical, and other emergency responders.

The Army National Guard maintains over 3,000 armories around the Nation and the Air National Guard has 140 units throughout the United States.

There are about 460,000 National Guard members that train throughout the year, 353,000 Army National Guard and 106,000 Air National Guard.

The approximate numbers of National Guard in individual States run from about 1,000 to 21,000, and vary according to the population of the State and recruitment efforts.

In light of the September 11 attacks on the World Trade Center and Pentagon as well as the October 2001 anthrax attacks on Congress and the media, many of us have come to believe that the National Guard should play a more central role in responding to terrorist attacks, particularly those with weapons of mass destruction.

In fact, the Guard has already played an important role in helping respond to these attacks, not only at the site of the attacks but also at airports, around the Capitol, and elsewhere.

For example, the National Guard currently has a number of Civil Support Teams that assess a suspected weapon of mass destruction event, advise first responders, and facilitate the assistance of additional military forces, if needed.

The National Guard is well-suited to performing an enhanced homeland security mission for many reasons. These reasons include that the fact the Guard is already: deployed in communities around the country; integrated into existing local, State, and regional emergency response networks; has ties with key players in local, State, and Federal government; is not bound by the Posse Comitatus Act while serving in Title 32 status and thus has maximum flexibility; is responsible for and experienced with homeland security missions, including air sovereignty, disaster relief, responding to suspected weapons of mass destruction events, and counterdrug operations; has existing physical, communications, and training infrastructure throughout the U.S.; has existing training facilities, distance learning training networks, and a number of highly skilled individuals who have left active forces; and helps preserve constitutional balance between State and Federal sovereign interests, given its unique dual State/Federal role.

Moreover, Department of Defense reviews and reports, including the 2001 Quadrennial Defense Review and Reserve Component Employment 2005 Study, have made clear that the National Guard should have an expanded role in homeland security.

Other experts agree. The Hart-Rudman and Gilmore terrorism commissions as well as the recent Hart-Rudman Terrorism Task Force have recommended that the National Guard be given a more direct role in the war on terrorism.

In sum, this legislation is a sensible, efficient way to make our country safer from terrorism. I look forward to working with my colleagues to pass it.

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. 215

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 ''Guaranteeing a United and Resolute Defense Act of 2003'' or the ''GUARD Act of 2003''.

SEC. 2. FUNDING ASSISTANCE FOR HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

''§ 112a. Homeland security activities

''(a) FUNDING ASSISTANCE.—(1) The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a homeland security activities plan satisfying the requirements of subsection (b).

''(2) To be eligible for assistance under this subsection, a State shall have a homeland security activities plan in effect.

''(3) Any funds provided to a State under this subsection shall be used for the following:

''(A) Pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of the State for service performed for the purpose of homeland security while not in Federal service.

''(B) Operation and maintenance of the equipment and facilities of the National Guard of the State that are used for the purpose of homeland security.

''(C) Procurement of services and the purchase or leasing of equipment for the National Guard of the State for use for the purpose of homeland security.

''(b) HOMELAND SECURITY ACTIVITIES PLAN REQUIREMENTS.—The homeland security activities plan of a State—

''(1) shall specify how personnel and equipment of the National Guard of the State are to be used in homeland security activities and include a detailed explanation of the reasons why the National Guard should be used for the specified activities;

''(2) shall describe in detail how any available National Guard training facilities, including any distance learning programs and projects, are to be used;

''(3) shall include the Governor's certification that the activities under the plan are to be conducted at a time when the personnel involved are not in Federal service;

''(4) shall include the Governor's certification that participation by National Guard personnel in the activities under the plan is service in addition to training required under section 502 of this title;

''(5) shall include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law;

''(6) shall include the Governor's certification that the Governor or a civilian law enforcement official of the State designated by the Governor has determined that any activities to be carried out in conjunction with Federal law enforcement agencies under the plan serve a State law enforcement purpose; and

''(7) may provide for the use of personnel and equipment of the National Guard of that State to assist the Directorate of Immigration Affairs of the Department of Homeland Security in the transportation of aliens who have violated a Federal or State law prohibiting terrorist acts.

''(c) EXAMINATION AND APPROVAL OF PLAN.—The Secretary of Defense shall examine the adequacy of each homeland security activities plan of a State and, if the plan is determined adequate, approve the plan.

''(d) ANNUAL REPORT.—(1) The Secretary of Defense shall submit to Congress each year a report on the assistance provided under this section during the preceding fiscal year, including the activities carried out with such assistance.

''(2) The annual report under this subsection shall include the following:

''(A) A description of the homeland security activities conducted under the homeland security activities plans with funds provided under this section.

''(B) An accounting of the funds provided to each State under this section.

''(C) An analysis of the effects on military training and readiness of using units and personnel of the National Guard to perform activities under the homeland security activities plans.

''(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

''(f) DEFINITIONS.—In this section:

''(1) The term 'Governor', in the case of the District of Columbia, means the commanding general of the National Guard of the District of Columbia.

''(2) The term 'homeland security activities', with respect to the National Guard of a State, means the use of National Guard personnel, when authorized by the law of the State and requested by the Governor of the State, to prevent, deter, defend against, and respond to an attack or threat of attack on the people and territory of the United States.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

''112a. Homeland security activities.''.

By Mr. EDWARDS:

S. 216. A bill to authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, as we all know, when terrorists struck America on September 11, 2001, the greatest loss of life occurred when the World Trade Center's two towers fell. These two towers were symbols of America's strength and prosperity, and they were reduced to rubble by the two massive blows.

As we continue securing America against terrorist attacks, we need to give more attention to the security of large buildings, especially skyscrapers and arenas. There are approximately 500 skyscrapers in the United States that are regularly occupied by at least 5000 people, and there are 250 major arenas and stadiums that hold many times more. These buildings will be primary targets of potential terrorist attack. We must do more to ensure that these buildings are secure.

That is why I am introducing today the Building Security Act of 2003. The bill does two things: first, it supports the research and funding we need so that buildings can withstand extreme assaults, including terrorist attacks. Second, the bill takes steps so that buildings will be guarded by a security workforce that is adequately prepared to respond to these dangers.

Consider the construction of large buildings. Today, many older buildings lack fire retardants and blast-resistant materials that can save hundreds of lives in a disaster. As a result of the study of the attack on the Federal Building in Oklahoma City in 1995, we know that design changes that would have increased building costs by only 1 to 2 percent might have saved as many of 85 percent of the people killed in that attack. The early reports on the World Trade Center collapse have suggested that the two towers could have endured the impact of the planes, but that the extraordinary heat generated by the explosions weakened the steel structure of those buildings. Advanced technologies in building construction would surely have slowed their collapse. On the positive side, we know that improvements in the construction of the Pentagon mitigated the loss of life; the plane struck the Pentagon on the one side of the building where the windows were blast-resistant and the structural columns had been reinforced. Those changes likely saved many lives.

There are new, better construction practices and materials out there, but we are not using them as much as we should. Part of the reason is that today, our Nation's brightest scientists and most innovative companies do not have the resources needed to research, create, and implement these practices. We must enable these people to develop new methods and materials, and help industry meet the higher standards we need, and we must do all that as quickly and efficient as possible.

The bill I introduce today will provide $40 million for the National Institutes of Science and Technology, or NIST, to help improve construction standards. The needed research is happening now, but it needs to move much more quickly. This legislation will do three things: 1. undertake an intensive national research effort to determine both how to build strong buildings, and how to improve building codes and standards; 2. specifically research the question of how to ensure that these higher standards are actually met, whether by mandates, tax credits, or other incentives; and 3. provide technical guidance to builders in adopting the new standards and codes.

We also must address standards for private security officers. Our country's buildings are staffed by almost two million private security officers. While they have the critical responsibility of preventing emergencies and protecting building occupants from harm, these officers are often inadequately trained or compensated to do so. The industry suffers from low retention, deficient training, and meager salaries. The job turnover rate within the private security industry is as high as 300 percent per year. Recent studies show that 4 in 10 private security officers report no new security measures in their buildings since September 11, and 7 in 10 report that their buildings never conduct evacuation and emergency drills. And over half of the States have no clear oversight for their respective private security industries, nor do they have standards or screening requirements for new hires.

This legislation authorizes a review of the private security industry by a commission in the Department of Homeland Security that includes all those with critical knowledge of the industry. The commission is tasked with establishing industry guidelines and standards and developing a means to implement those guidelines and standards in a timely way.

Our Nation's buildings have been targeted before, and I believe that they will be targeted again. We must do much more to make these buildings secure. This bill is important step in the right direction.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 217. A bill to reinstate felony penalties for licensed gun dealers who fail to maintain records of sales; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing a bill that could have a large impact on reducing gun violence in this country.

Last fall, two snipers terrorized the Washington, D.C. metropolitan area, killing ten victims and wounding others including children. Among the weapons used by the snipers was a high powered military-style assault rifle known as a Bushmaster XM15. Following the arrest of sniper suspects John Mohammed and John Lee Malvo, this weapon was linked to killings in Maryland, Virginia,Louisiana, and Alabama.

Agents from the Bureau of Alcohol, Tobacco and Firearms traced the Bushmaster weapon to a Tacoma, Washington gun dealership, the Bull's Eye Shooter Supply. Investigators even found the empty box in which the weapon was shipped.

But What the agents did not find was any record of the sale of the weapon because the gun dealer did not keep adequate records. If the gun was bought from Bull's Eye, we do not know when because there is no record of the Sale. There is no record of a gun application or a background check for John Mohammed. Had a background check been carried out, John Mohammed would not have obtained the weapon because a domestic violence restraining order had been field against him.

What is the weapon was stolen? If the owner of Bull's Eye had kept proper records and followed Federal law, he would have reported the weapon missing or stolen when it disappeared from the store. The knowledge that a Bushmaster XM15 was missing from a Tacoma area weapons store could have greatly aided investigators looking into the case.

The sloppy recordkeeping for this particular weapon was not an isolated case. it has been learned that inspectors had uncovered record-keeping violations in audits at Bull's Eye in 1998, 2000 and 2001. A total of 160 missing guns could not be accounted for in the 2000 audit.

This type of shoddy recordkeeping is dangerous. A small percentage of licensed dealers are responsible for a disproportionate number of crime guns. Specifically, 1.2 percent of all licensed gun dealers are responsible for the original sale of 57 percent of all firearms used in crimes, according to data from the ATF.

Gun dealers are not being punished when they ignore Federal recordkeeping laws. Why? Because in 1986, the National Rifle Association pushed a law through Congress that significantly weakened penalties for poor recordkeeping reducing maximum jail time for five years to one year. This meant that the crime was reduced from

a felony to a misdemeanor. With this change, the undermanned and underfunded Bureau of Alcohol, Tobacco and Firearms and Federal prosecutors simply could not afford to bring cases against gun dealers for misdemeanor violations.

It is time we restore record keeping violations to a felony and that is what my bill does. It is not a new gun law. It is merely making the penalties tougher for violations for existing law. Regardless of whether you support or oppose additional gun laws, we all agree that we need strong enforcement of existing laws. My bill would make enforcement easier and tougher. I hope my colleagues will support this common-sense legislation. I ask unanimous consent that the text of the bill and a letter of support from the Violence Policy Center be printed in the RECORD.

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

S. 217

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

SECTION 1. REINSTATEMENT OF CRIMINAL FELONY PENALTIES FOR FAILURE TO MAINTAIN RECORDS OF FIREARMS SALES.

Section 924(a)(3) of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

VIOLENCE POLICY CENTER,
Washington, DC, January 21, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Violence Policy strongly endorses your legislation to reinstate felony penalties for firearm recordkeeping violations. That this legislation is urgently needed is highlighted by the circumstances surrounding the tragic Washington-area sniper shootings. Bull's Eye Shooter Supply, the gun dealer in Washington state from which the snipers acquired their Bushmaster XM15 assault rifle, had no record of the gun leaving its inventory. The store simply could not account for the disposition of the gun used to kill 10 and would three in a shooting spree that terrorized the Washington metropolitan area.

This is not surprising taking into account the feeble penalties that currently apply to gun dealers who fail to keep adequate records. Your legislation would simply restore the felony penalty that applied until legislation backed by the National Rifle Association reduced it to a misdemeanor in 1986.

At the time, the Reagan Administration agreed that reducing recordkeeping violations to a misdemeanor was a dangerous idea. In 1986, the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) identified this penalty change as a ''weakness'' of the legislation in which it was included. In a memorandum to the Department of the Treasury's Assistant Secretary for Enforcement, the ATF Director wrote, ''By reducing all licensee recordkeeping violations to misdemeanors, serious violations could not be adequately prosecuted and punished, i.e., a dealer's sale of firearms off-record and his willful refusal to make or maintain any required record could only be prosecuted as misdemeanors.''

It's time to put the teeth back in dealer recordkeeping enforcement. The Violence Policy Center strongly supports swift passage of the Boxer legislation to reinstate felony penalties for failure to maintain records of firearms transfers.

Sincerely,

M. KRISTEN RAND,
Legislative Director.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. KERRY):

S. 218. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to support the Coastal Zone Enhancement Reauthorization of 2003. I am pleased to have bipartisan support for this bill and to be joined by the Chair and Ranking Democrats of the Commerce Committee and the Subcommittee on Oceans and Fisheries. Senators MCCAIN, HOLLINGS, and KERRY have been instrumental in developing the wide range of support for this bill and I appreciate their interest in improving the way we manage our Nation's valuable coastal and marine resources.

In 1972, Congress responded to concerns over the increasing demands being placed on our Nation's coastal regions and resources by enacting of the Coastal Zone Management Act. These pressures have greatly increased since the Act was originally authorized.

Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, nearly 53 percent of all Americans live in these coastal regions, and more than 3,600 people are relocating there annually. This small portion of our country supports approximately 361 sea ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal States can choose to participate in the voluntary Federal Coastal Zone Management Program. States then design individual coastal zone management programs, taking their specific needs and problems into account, and then receive Federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, to protecting habitat, to coordinating permits for coastal development.

As a voluntary program, the framework of the CZMA provides guidelines for State plans to address multiple environmental, societal, cultural, and economic objectives.

The health of our coastal zone is vitally important not only to the multitude of plants and animals that inhabit this area, but also to the people and communities that are dependent on it for their livelihood. For example, coastal areas provide habitat for more than 75 percent of the U.S. commercial fisheries and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, along with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing adds another $25 billion to the economy.

The Coastal Zone Management Program can be used to help balance the conservation of fish stocks with the demands that we place on coastal areas. In my State of Maine, a $150,000 study of the State's cargo needs led to a $27 million bond issue for cargo port improvements. As a result, Bath Iron Works built a new $45 million facility, creating 1,000 new jobs. Similar work needs to be done with our fishing ports so that when fisheries stock rebound, the fishermen will be able to realize the returns.

Unfortunately our precious coastal resources are being threatened by environmental problems, including nonpoint source pollution. Although the States are currently taking action to address this problem under existing authority, the Coastal Zone Enhancement Reauthorization of 2003 encourages, but does not require them to take additional steps to combat these problems through the Coastal Community Program.

This initiative provides States with the funding and flexibility needed to deal with their specific non-point source pollution problems. The States will have the ability to implement local solutions to a broad array of local problems. Many States are actively engaged in non-point source pollution programs and all can benefit from this new tool. I'm proud to say that Maine has risen to the challenge and already spends close to 30 percent of its funding on such activities. This has led to the reopening of hundreds of acres of shellfish beds and the restoration of fish nursery areas. Even with these successes, Maine is looking forward to this new opportunity to do more.

The Coastal Community Program in this bill also aides States in developing and implementing creative initiatives to deal with problems other than on-point source pollution. It increases Federal and State support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical.

The Coastal Zone Enhancement Reauthorization of 2003 significantly increases the authorization levels for the Coastal Zone Management Program, allowing States to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2003, $141 million for fiscal year 2005 and increases the authorization levels by $5.5 million each year through fiscal year 2008. This increase in funding is necessary to allow the coastal programs to reach their full potential.

Additionally, the Coastal Zone Enhancement Reauthorization of 2003 increases authorization for the National

Estuarine Research Reserve System, NERRS, to $13 million in fiscal year 2004 with an additional $1 million increase each year through fiscal year 2008. NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership.

Currently, there are 25 reserves in 22 States. The provide an important opportunity for long-term research and education in these ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant program, section 306, serves as the base funding mechanism for the States' coastal zone management programs. The amount of funding each State receives is determined by a formula that takes into account both the length of the coastline and the population of each State.

However, since 1992, the Appropriations Committee has imposed a two million dollar cap per State on Administrative Grants. This was an attempt to ensure equitable allocation to all the participating states. Over the past eight years appropriations for Administrative Grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. By fiscal year 2000, 13 States had reached this arbitrary $2 million cap. These 13 States account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 States with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller States have enjoyed additional programmatic success due to an influx of funding, some of the larger States have stagnated.

In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure that equitable increases or decreases between funding years for each State. It further requires that States should not experience a decrease in base program funds in any year when the overall appropriations increase.

I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the States are treated fairly.

The Coastal Zone Management Program enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program over the past several years.

I would like to thank Senator KERRY, the Ranking Democrat of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee, and Senator HOLLINGS, the Ranking Democrat of the Committee, for their support of this measure and for their willingness to discharge this bill out of the committee so that we may begin working with our colleagues in the House of Representatives to enact this critical piece of legislation.

This is a solid, reasonable, and a realistic bill that enjoys bipartisan support on the Commerce Committee. It is time that we now turn to legislation reauthorizing a program with a long track record of preserving our coastal environment while allowing sensible development.

I am pleased to support this legislation that will provide the States with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st century. I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 25—DESIGNATING JANUARY 2003 AS ''NATIONAL MENTORING MONTH''

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BROWNBACK, Mr. DURBIN, Mr. DOMENICI, Mr. SPECTER, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mr. AKAKA, Mr. DODD, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas numerous studies and research document that mentors help youth augment social skills and emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some youth, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas 17,600,000 youth, nearly half the youth population, want or need mentors to help them reach their full potential.

Whereas there exists a large ''mentoring gap'' of unmet needs, as evidenced by the fact that just 2,500,000 youth are in formal mentoring relationships, leaving 15,000,000 youth still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a youth;

Whereas National Mentoring Month will encourage organizations of all kinds—businesses, faith communities, government agencies, schools, and other organizations—to engage their constituents in mentoring; and

Whereas the celebration of that month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's youth: Now, therefore, be it

Resolved, that the Senate—

(1) designates the month of January 2003 as ''National Mentoring Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring.

Mr. KENNEDY. Mr. President, it is a privilege today to join my colleagues in submitting a resolution recognizing January 2003 as National Mentoring Month. Business, community and media leaders have formed a coalition to raise public awareness about the importance of taking time to make a real difference in the life of a child.

Under the impressive leadership of the National Mentoring Partnership and the Harvard School of Public Health, the coalition is sponsoring an advertising campaign to explain the benefits of mentoring for children and mentors alike: Each of us has had adults who have made a positive difference for us, family, teachers, coaches, clergy, neighbors or caring friends who were there to listen and offer guidance. Each of us has the opportunity to offer that same gift to young persons today.

Each week with many of my colleagues in the Senate, I read with an elementary school student in the District of Columbia in the Everybody Wins program. During our lunchtime sessions, my first grade partner and I share good books and stories. Whether mentors choose reading programs or some other activity, these times are dedicated to listening and responding to the child's needs. Mentors have busy lives, and every child needs to know that we can make time for them.

In States across this country there are long lists of young persons waiting for mentors. This important project will connect new mentors to these waiting children, and enhance the quality of their lives. I urge the Senate to approve it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 246. Mr. THOMAS proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, AND Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 247. Ms. MIKULSKI (for herself and Mr. REID) proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, supra.

SA 248. Ms. STABENOW proposed an amendment to the joint resolution H.J. Res. 2, supra.