

(d) 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 of the Interior (in this Act referred to as “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 to 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 within 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; or

(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.

(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.

### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENTE CONCURRENT RESOLUTION 130—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL MEDIATION AND CONCILIATION SERVICE SHOULD EXERT ITS BEST EFFORTS TO CAUSE THE MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION AND THE OWNERS OF THE TEAMS OF MAJOR LEAGUE BASEBALL TO ENTER INTO A CONTRACT TO CONTINUE TO PLAY PROFES- SIONAL BASEBALL GAMES WITH- OUT ENGAGING IN A STRIKE, A LOCKOUT OR ANY COERCIVE CONDUCT THAT INTERFERES WITH THE PLAYING OF SCHED- ULED PROFESSIONAL BASEBALL GAMES

Mr. MILLER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

#### S. CON RES. 130

Whereas major league baseball is a national institution and is commonly referred to as “the national pastime”;

Whereas major league baseball and its players played a critical role in restoring America’s spirit following the tragic events of September 11, 2001;

Whereas major league baseball players are role models to millions of young Americans; and

Whereas while the financial issues involved in this current labor negotiation are significant, they pale in comparison to the damage that will be caused by a strike or work stoppage: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that the Federal Mediation and Conciliation Service, on its own motion and in accordance with section 203(b) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(b)), should immediately—

(1) proffer its services to the Major League Baseball Players Association and the owners of the teams of Major League Baseball to resolve labor contract disputes relating to entering into a collective bargaining agreement; and

(2) use its best efforts to bring the parties to agree to such contract without engaging in a strike, a lockout, or any other coercion that interferes with the playing of scheduled professional baseball games.

Mr. MILLER. Mr. President, today I share with my colleagues a resolution that calls on the Federal Mediation and Conciliation Service to exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in any coercive conduct that interferes with the playing of scheduled professional baseball games.

Folks don’t agree on much around this place. But, I think we can all agree that baseball as we’ve known it, is in deep trouble.

Billion dollar owners and multi-million dollar players refusing to come together and do what’s right for the game.

Steroid use rampant, according to an article in Sports Illustrated.

And the best Senator DORGAN could get out of a June hearing from the Players Association Executive Director was for him to say “We’ll have a frank and open discussion” on the topic.

But the big problem is that the player’s labor contract expired last year and the negotiations on a new deal are going nowhere.

There have been eight different labor agreements and each time there was a work stoppage.

The last time the owners and players tried to renew their contract back in 1994, it took a 232-day shutdown of the game, including canceling the World Series for the first time in 90 years, to finally get an agreement.

Hall of Famer and U.S. Senator JIM BUNNING has an op-ed piece in this morning’s New York Times. He writes, “The last strike nearly killed the game. I am afraid the next one will.”

There are many problems. Only five out of thirty teams made a profit last season. That means 25 ended up in the red. The extreme ran from the Yankees collecting \$217.8 million and the Montreal Expos \$9.8 million.

The average player today, the average player, makes more than \$2 million a year.

Ever since Abner Doubleday invented the game, a game is played until one team wins. That was part of the enchantment of the game: theoretically it could go on forever. Unless, that is, a commissioner calls it off and goes to dinner.

Ever since baseball was declared as entertainment instead of a business in a 1922 Supreme Court decision that gave the owners exemptions from laws against collusion and other monopolistic activities, we have probably been headed to this day. These anti-trust exemptions give owners tremendous power and any proposals to change it, like Rep. JOHN CONYERS tried to do not too long ago, have gone nowhere.

And, we're not proposing that today, I'm not even sure I'm for that. I happen to think that it would kill the minor leagues.

And right now, these 160 teams are playing some of the purest baseball being played today.

So what do we do? Here's how I see it.

What would any of us do if we saw a loved one, someone you grew up with and loved like a member of your family, with a pistol in his hand, loaded with the safety off and aimed at their temple?

What if you had only a few seconds before that close personal friend blew his brains out? I'd try to stop him. And I think you would too. I'd lurch for the pistol and try to take it away from him by whatever force necessary. I'd do just about anything to save his life.

I could go on with this analogy, but I think you get the picture.

For sixty summers I've followed the game of baseball. I live for the early days of February when the catchers and pitchers report for spring training.

And when the World Series ends in the late fall, I might as well be hibernating in a cave during the winter, or serving in the Senate, because my life is so empty.

But, I digress. Back to saving the life of that good friend about to blow his brains out.

That's what this resolution attempts to do.

Its purpose is to inject the Federal Government, with all its persuasive powers, into this dispute. Hopefully, with the end result of preventing the baseball players from striking and shutting down major league baseball.

I want to save this game for those who love it as I do and for those who will come after us. I do not want to see our national pastime become our national once-upon-a-time.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4313. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; which was ordered to lie on the table.

SA 4314. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4309 proposed by Mr. GRAHAM (for himself, Mr. MILLER, Mr. KENNEDY, and Mr. CORZINE) to the bill (S. 812) supra; which was ordered to lie on the table.

SA 4315. Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, Mr. GRAMM, Mr. INHOFE, Mr. SANTORUM, Mr. GREGG, Mr. FRIST, and Mr. NICKLES) proposed an amendment to amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra.

#### TEXT OF AMENDMENTS

**SA 4313.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —IMMUNOSUPPRESSIVE DRUG COVERAGE**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the "Immunosuppressive Drug Coverage Act of 2002".

##### **SEC. 02. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.**

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) IN GENERAL.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426-1(b)(2)) is amended by inserting "(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))" after "shall end".

(2) APPLICATION.—In the case of an individual whose eligibility for benefits under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has ended except for the coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1), the following rules shall apply:

(A) The individual shall be deemed to be enrolled in part B of the original medicare fee-for-service program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) for purposes of receiving coverage of such drugs.

(B) The individual shall be responsible for the full part B premium under section 1839 of such Act (42 U.S.C. 1395r) in order to receive such coverage.

(C) The provision of such drugs shall be subject to the application of—

(i) the part B deductible under section 1833(b) of such Act (42 U.S.C. 1395l(b)); and

(ii) the coinsurance amount applicable for such drugs (as determined under such part B).

(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under such part B.

(3) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary of Health and Human Services shall establish procedures for—

(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1); and

(B) distinguishing such beneficiaries from beneficiaries that are enrolled under part B of title XVIII of the Social Security Act for the complete package of benefits under such part.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A (42 U.S.C. 426-1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Sec-

tion 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395(b)(1)(C)) is amended by adding at the end the following new sentence: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Immunosuppressive Drugs Coverage Act of 2002, this subparagraph shall be applied without regard to any time limitation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

#### **SEC. 03. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

##### **"SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2002, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

##### **"SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.**

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2002, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Coverage of Immunosuppressive drugs."

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Coverage of immunosuppressive drugs.";