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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 26, 2001, at 2 p.m.

Senate

THURSDAY, FEBRUARY 15, 2001

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Providential Lord of History, we prepare for the forthcoming Presidents' weekend and the Senate's subsequent recess by expressing our gratitude for the way You have raised up great Presidents to lead us in each stage of our progress as a nation. Today we remember the faith in You that produced the greatness of Washington and Lincoln. Reverently, we recall Washington's confession of faith, ''Providence has at all times been my only dependence,'' he said, ''for all other sources seem to have failed us.'' And we call to mind Lincoln's declaration of dependence, ''I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go.'' The same affirmation of trust in You has been sounded by dynamic Presidents throughout our nation's history.

Thank You for Your hand upon President George W. Bush. Bless him as he expresses his trust in You in these strategic days of his Presidency. We praise You for the integrity of authentic faith expressed by the women and men of this Senate. It is with gratitude that we will say ''one nation under God, indivisible'' when we give our allegiance to the flag this morning. This is a nation You have blessed; we will rejoice and be glad to serve in it! Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 15, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader, the Senator from Oklahoma, is recognized.

THE CHAPLAIN'S PRAYER

Mr. NICKLES. Mr. President, first I wish to thank our Chaplain. He gives us daily blessings by beginning the Senate with a prayer. He does it so eloquently and so well; many of us almost take it for granted. But I wish to personally thank him for his dedication and his thoughtfulness. I think his construction of the prayers is a blessing to the Senate but, frankly, I think to our country as well.

SCHEDULE

Mr. NICKLES. Today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate can be expected to consider any number of the following matters: the bill honoring our former colleague, Senator Paul Coverdell; a resolution relative to the energy crisis on the west coast; and/or the nomination of Joseph Allbaugh to head the Federal Emergency Management Agency. Therefore, votes can be expected to occur during today's session.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a time for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN.

MEASURE PLACED ON THE CALENDAR—S. 328

Mr. NICKLES. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 328) to amend the Coastal Zone Management Act.

Mr. NICKLES. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. NICKLES. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York, Mrs. CLINTON.

Mrs. CLINTON. Mr. President, as we begin our work on the 2002 budget, we find ourselves at a crossroads, facing a very big choice. The choice we make will determine whether we pay down our national debt. It will determine our investments in priorities like education, the environment, health care and Social Security. And it will define the quality of life for millions of Americans for years to come.

The choice we face is this: Do we continue along the budgetary path that we, as a Government and a nation, have followed in recent years? Or do we make a break from that path, and return to the one we followed 2 decades ago?

Let's look, for a minute, at history. Eight years ago our budget deficit was $290 billion—the largest in our history. The national debt was $3 trillion and unemployment had surged to 7.8 percent. At the time, the Congressional Budget Office predicted that the deficit would reach $513 billion by this year.

This year, the predicted deficit is, in fact, a surplus, likely to reach $281 billion. We are scheduled to pay off $600 billion of the national debt—concluding the largest three-year debt reduction in our nation's history. As Federal Reserve Chairman Alan Greenspan once said, our ''commitment to fiscal discipline has been instrumental in achieving the longest expansion in the nation's history.''

Now debt reduction has meant lower interest rates for college, car loans and home mortgages. With Government no longer draining resources out of the capital markets, private investment in equipment and software skyrocketed, and productivity gains kept fueling prosperity.

At the same time, we have invested in America's working families. We doubled student financial aid. In New York, for example, 45,000 more children enrolled in Head Start in 1999 than in 1993 and this year New York schools will receive an additional $100 million for renovations and repairs which, based on observations during my many visits, are very much needed.

Democrats and Republicans have worked together to set aside the Social Security and Medicare Trust Fund surpluses to extend their solvency. Together, we put more police on the streets, more teachers in classrooms and moved people from welfare to work.

And we have done all of this while holding Federal income taxes, as a percentage of income for the typical American family, to their lowest level in 35 years.

And something else happened. As the information age exploded, America flourished, making itself a leader in new technologies and increasing our productivity so that once again we became competitive in this new world. It turned out that these policies were not only prudent—but they opened the doors to the changes that prepared us and our children to be successes in the 21st Century. Twenty-two million new jobs were created—nearly 1 million in New York alone—unemployment dropped to 4 percent. And those jobs are pouring more than 900 billion dollars into our economy each year. That's how we have gone so quickly from deficit to surplus. But here's the catch: If we upset the careful balance of our economy, we can lose far more than the cost of the tax cut—a tax cut recession would cost us trillions more in lost income through lost jobs.

Mr. President, I share the concerns of many of my colleagues that President Bush's extremely large tax proposal will take us back back to the days of big deficits, high interest rates, shrinking investment, and a growing national debt.

I may be old-fashioned, but as the daughter of a small businessman who did not believe in living outside our means and who even paid cash for the house where we lived, I just don't believe we should spend what we don't yet have in the bank. President Bush's extremely large tax plan would spend trillions we don't have, and may never have.

If we reverse the engines of economic growth by adopting President Bush's tax proposal, I fear that we will reverse the progress we've made—by increasing interest rates now and by saddling our children with big debts in the future.

I know and respect that President Bush supports faith-based programs, but his tax plan should not be one of them. Going forward with a huge tax proposal now is like getting a letter from Ed McMahon and going out to buy a yacht. A surplus projection is not a promise. And if the past is any guide, it's not even a likely outcome.

That is not my view alone. It is the view of many experts who have testified before the Budget Committee, on which I serve. It is the view of colleagues like the gentleman from West Virginia, Mr. BYRD and the gentleman from Florida, Mr. NELSON, both of whom voted for President Reagan's tax plans in the 1980's, only to regret those votes when those cuts plunged us deep into debt.

I encourage my colleagues to read the comments of both Mr. BYRD and Mr. NELSON in our Committee's proceedings, or speak with them personally about their historic and wise perspective.

The question before us is not whether or not we should enact tax cuts. I support tax cuts. The question is: how do we structure a responsible tax cut? A prudent tax cut that will allow us to pursue our important national values while keeping interest rates down and encouraging economic growth.

The path of fiscal discipline is marked by four signposts: It pays down the debt, it protects Social Security and Medicare, it invests wisely in children and families, and it reduces taxes in a prudent and sensible way.

I do not believe President Bush's tax plan meets those tests. It also fails the fairness test. President Bush says that, under his plan, the typical family of four will be able to keep $1,600 of their money. Citizens for Tax Justice found that when the Bush plan is fully in effect, 85 percent of families would receive a nominal tax cut of less than $1,600 or no tax cut at all.

Even if President Bush's proposal were fair to all Americans, it would not be prudent. During this time of surplus, it would leave nothing for the real reforms necessary to ensure that Social Security and Medicare are intact for future generations. The President's tax plan abandons the principle of putting first things first.

Just yesterday, some of America's wealthiest citizens came out against President Bush's estate tax repeal, saying that it was ''bad for our democracy, our economy and our society.'' And I agree.

A tax cut that is fair to all Americans needs to be part of a framework that strengthens, not weakens, our economy. In my view, we can and should have a tax cut that cuts income tax rates, but we have to give relief to those paying the payroll tax on their income as well. And I believe there is a bipartisan consensus for smart, responsible and fair tax cuts.

It is smart to include a long-term care tax credit to provide relief for families caring for elderly and disabled family members. And the college opportunity tax deduction of $10,000 a year, championed by my distinguished colleague from New York, would enable families to pay for college, graduate study, or training courses. Tax cuts like these will bring tangible relief to New Yorkers and working families everywhere.

It's also both smart and responsible to invest in our people, especially in building the knowledge economy. And I know that the President has had first

hand knowledge of that in his former position. We have to bring new technology to smaller communities across the country so they can take advantage of the well-educated workforce and higher education infrastructure that already exists in or near so many of these smaller communities.

And, we have an obligation to ensure fairness. We should not favor the richest Americans at the expense of the vast majority of Americans.

So how should we go forward? Will President Bush try to push through his one-sided and lop-sided proposals with the votes of his own party? If he does, I will respectfully have to dissent. Or will he sit down and negotiate to reduce its size and make it fairer to more Americans? If he does this then I hope I can support the outcome. Bipartisanship is a two-way street—it's not about Democrats supporting Republican proposals or even Republicans supporting Democratic proposals. It's about Republicans and Democrats working together to do what is right for the country. And the true test of leadership is not appealing to the people under the guise of bipartisanship, but actually hammering out a bipartisan compromise bill that merits the support of both sides of the aisle. That's the right way to pass a tax cut and protect our budget priorities.

And it is certainly what I hear when I meet with business leaders, workers and civic leaders in places like Rochester, and Rome, and Brooklyn and Watertown, just to name a few of the places I've been in the last week. They want a tax cut, but they also want to make sure we make the right choices for our budget.

History calls us to reject a spendthrift tax plan that would threaten our efforts to reform and modernize Medicare—including a long overdue prescription drug benefit that is voluntary, affordable and available to all beneficiaries.

I also fear a spendthrift tax plan would hurt our ability to invest in the military. As the gentleman from Connecticut, Mr. LIEBERMAN, said this week, ''the President's tax plan would consume more than 80 percent of the on-budget surplus, leaving nothing but fiscal leftovers for national security.''

I don't think any of us want that.

For me, the details of the 2002 budget have to be negotiated. But the big choice is clear. We must pass a budget that keeps paying down the debt, provides sensible tax cuts and invests in priorities that matter to the people we represent. We must stay the course that has helped us build the longest economic expansion in our nation's history. And we must avoid a course that takes us back, throws caution to the wind and risks mortgaging our children's future.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, 20 minutes shall be under the control of the Senator from Missouri, Mrs. CARNAHAN.

The Senator may proceed.

Mrs. CARNAHAN. Thank you, Mr. President.

(The remarks of Mrs. CARNAHAN pertaining to the introduction of S. 342 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. CARNAHAN. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is there an existing order with respect to morning business?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota, Mr. DORGAN, has 15 minutes under his control.

CONGRATULATING SENATOR CARNAHAN

Mr. DORGAN. Mr. President, Senator CARNAHAN just gave her first speech in the Senate. I listened to her speech. Our country has been blessed with men and women who have stepped forward to serve over many years. Some have stepped forward during times of great difficulty, none in more difficult circumstances than Senator CARNAHAN. Her husband, a candidate for the Senate, was tragically killed in an airplane crash, and she subsequently was appointed to the Senate.

I listened to her speech this morning. She will make a significant contribution to this country and to the debate on important issues such as education in the Senate. I know her late husband would be so proud today of the legacy for which she continues fighting—progress in our country's education system. I thank her for what she is doing and for her service to our country and congratulate her this morning on her statement to the Senate.

ENERGY PRICES

Mr. DORGAN. Mr. President, I rise to comment about the situation in this country with respect to energy.

Last evening I was signing letters, as is so often the case for those of us who serve in public life. We receive a great deal of mail, many phone calls, hundreds of e-mails every day, and then, of course, the old-fashioned way—we get letters actually written and stuck in an envelope and mailed to us. It is among the most important things we do, to try to respond to constituents.

Last evening, as is the case with most of my colleagues, I was spending time late in the evening reading mail and signing mail that has come from North Dakota. I came across a couple of letters I want to read to my colleagues and then describe what it is we need to be doing to respond to some of these issues.

I received a letter from a man named John. I have not contacted him, so I will not use his last name. John, from Fargo, ND, wrote the following:

> Dear Senator DORGAN,
>
> I am in complete shock after receiving my natural gas bill yesterday. I live in a modern house that is well insulated, I am careful about closing doors and ensuring that all the windows are sealed, I set my thermostat at 68 degrees (now even lower), and yet I receive a bill for natural gas alone, for over $726 for a one month period. How is that possible?
>
> Please tell me, Senator, how it is that we can live in the most technologically advanced country in the world, yet we can't maintain adequate stocks of natural gas to get us through the winter. Are we being gouged by producers?

He then asks a series of additional questions. I will not read the entire letter. I will only say that he asks a question he could ask on behalf of millions and millions of Americans who are opening their bills now to heat their homes and discovering, after 2 of the coldest first 2 months of the winter in a century in this country, it is costing a fortune to pay for natural gas bills, propane bills, home heating fuel bills. John writes a letter saying: I am doing all the right things. I have a home that is well insulated. I seal it. I keep the thermostat at 68, and my heating bill for natural gas last month is $726, and I can't afford it.

I have a second letter from another fellow also named John from North Dakota. He described what happened to him. He and his wife had purchased an older building that had been subdivided into several apartments. They took an apartment in their retirement years and were renting the others. He said he had been paying $300 a month for heat. When his February bill arrived, it was $1,091. He went to the office of the gas provider to talk to them. He said:

> I left the office wondering what to do. I didn't want to tell my wife the truth about this. She doesn't know about it yet. Today is her birthday, and tomorrow is our 53rd wedding anniversary. We have been making it okay in our retirement years, nothing to spare with the $1600 monthly income from our five apartments. This is our retirement home. We have no choice now but to sell it. Our $1,000 monthly bill would be impossible and yet they say it is going to go up even more. We don't want to move, but there is not much else we can do.

I am sure all of us are getting identical letters from around the country. What is happening? What on Earth has happened that has caused fuel bills to double, triple, and, in some cases, even quadruple? When people get fuel bills for $600, $700, $800 a month—and in

North Dakota we have had a bitterly cold winter, the first 2 months especially, and especially the last few weeks again—it is sticker shock to get bills like that.

Now I want to mention a couple of additional points. I will be very brief. First of all, we need to take some emergency action. We need more money in LIHEAP. We are out of money. We have to do a supplemental at some point, and there has to be money for the low-income energy assistance program.

No. 2, I have suggested, in legislation I have joined others in introducing, a tax credit, an income tax credit to offset about 50 percent of the increase in home heating fuel bills of this year versus last year.

That is a way, it seems to me, to use a tax credit to put some money into people's pockets to offset about 50 percent of these increased bills. That would also be helpful.

Legislation will be introduced today that would deal with weatherization, LIHEAP, conservation grants to States, and increased energy efficiency in the Federal Government. Senator BINGAMAN has been working on that along with others, and I have been working with him, as well. We have a lot of things to do, both in the short term on an emergency basis, and in the long term. We also are investigating potential causes for the natural gas price increases.

But we also need, at the same time, to understand that we have the requirement to not only find more natural gas and oil—we stopped looking when it went to $10 a barrel—and now it is at $30 a barrel and there is a great deal of exploration again. I think all the evidence indicates that there is a record amount of drilling, and we will have more natural gas and oil coming on line within 6 months, 12 months, 24 months; but that is not going to solve the problem for the next 3 months, or even 6 months, or a year. So we are doing all of that.

At the same time, we need to be more concerned about the development of both renewable energy and also about conservation. Renewable energy, such as wind and biomass, can contribute a significant amount to this country's energy future. Any energy program that makes sense also must include an element of conservation. That is why I talk about weatherization and other issues.

Most important, I think, this ought to lead us to the question of the deregulation in areas of essential service. We need to be sure we have an adequate supply and demand relationship in areas of essential services for the American people. I don't suggest we reregulate natural gas supplies, but we ought to have a safe harbor somewhere with respect to production and consumption, so we don't get into a situation where people's natural gas bills spring up two, three, four, five times over what they were previously, for causes to which they didn't contribute. So I wanted to bring attention to these two letters from two fellows named John who wrote me lengthy letters about their respective experiences.

It is painful and difficult and, in some cases perhaps impossible, for some people to pay these kinds of home heating bills. They don't have the money. We need to do something on an emergency basis to try to be helpful to them. More importantly, this country needs a long-term energy strategy that works. Under both Republicans and Democrats, we have not had an energy strategy. We are far too dependent on the Middle East and on foreign sources of oil. If, God forbid, something should happen to interrupt the pipeline of foreign oil coming into this country, and all industrial countries, we would have an emergency on our hands.

We must do something to try to escape the excessive dependence that now exists on foreign energy, notwithstanding all of the current problems we have with respect to the dislocation between supply and demand. Energy issues are critical, and we must do something about them. It is time to have a national energy policy that works, No. 1, and, No. 2, it is time this Congress understands there is an emergency in parts of this country this winter, with respect to the need for some help to pay home heating fuel bills that are exceeding the ability of some people to pay them. That emergency includes the need to provide more money for low-income energy assistance, weatherization, and other related issues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

SENATOR CARNAHAN'S MAIDEN SPEECH

Mr. BOND. Mr. President, I rise briefly to welcome and congratulate my colleague, Senator CARNAHAN, the newly elected Senator from Missouri, on her first remarks on the floor. I apologize for not being able to be here when she made the comments. I was in a Health Committee meeting asking questions about Missouri education programs of the Secretary of Education.

I understand Senator CARNAHAN was talking about education on the floor, and I know education and children's issues are going to be areas where we will work together. Yesterday, Senator CARNAHAN joined as a cosponsor on a couple measures that are very important, ensuring 100-percent deductibility on health insurance for the self-employed, which is very important to farmers and small business people in my State, and also providing relief from the draconian cuts enforced by HCFA on home health care agencies, which cost us half the home health care agencies in Missouri.

We have many areas in which we are looking forward to working together. I tell my colleagues that Senator CARNAHAN has been a long-time friend. She and her family were close associates in Jefferson City. Senator CARNAHAN was best known in Missouri as a very strong helpmate of our late Governor, treasurer, and servant, Mel Carnahan. I got to know her very well when they shared the same public housing in which we had lived, the Governor's mansion in Missouri. She was a very strong champion of the preservation of that mansion and a most gracious hostess for all the people of Missouri who came there.

After the terrible tragedy which befell her family in our State last year, she was strong and gracious and was widely respected and admired by all Missourians. I know colleagues on this side of the aisle who have not had an opportunity to get to know her and work with her will look forward to doing so. I congratulate her and wish her well after making her first speech on the Senate floor. I know there will be many other issues which affect our mutual constituents on which we will be working together.

I thank the Chair and my colleagues for indulging me as I extend a very warm welcome to Senator CARNAHAN.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 341 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the time until 11:30 a.m. shall be under the control of the Senator from Arizona, Mr. KYL, or his designee.

The Senator from Arizona.

ESTATE TAX

Mr. KYL. Mr. President, I was surprised to read the headlines in the paper this morning—and I actually saw a little bit of this on the news last night—that billionaires in the United States actually support the estate tax and oppose President Bush's plan to repeal the estate tax.

One would think for a moment that is a man-bites-dog story; that is counterintuitive. Upon reflection, it actually makes a lot of sense and makes no sense. I will discuss that today. I will get back to the billionaires in just a moment.

First, to set the stage, we all know President Bush has proposed an important and innovative set of tax relief proposals that will help working American families, will help the economy at this time when it is beginning to falter, and will provide more fairness in our Tax Code. It has three essential features. There may be some other pieces added to this by the Congress.

Primarily, it calls for reduction in marginal income tax rates. That way, everybody who pays taxes receives a tax benefit, tax rate relief.

Second, it repeals the estate tax, one of the most unfair taxes we have ever produced in this country.

Third, it largely does away with what we call the marriage penalty, which actually provides a higher rate of taxes for two people who are married and working than if they were living together without having been married.

Both the repeal of the estate tax and the elimination of the marriage penalty were passed by the Senate and the House last year. We sent those bills to President Clinton and he vetoed them. In the campaign, Governor Bush said: If you send those bill to me, I will sign them. So they represent an important part of his tax relief proposal. Mr. President, I aim to say we will send them to President Bush so he can sign them.

Because there is such momentum behind the repeal of the estate tax, people who fear now that its repeal will actually become a reality have begun to take to the air waves and get their petitions out and to get on television proclaiming that naturally this is a very important and needed tax. The ones who would get the most publicity, of course, are the billionaires who say: Look, we will be paying a lot of this tax. If we can be for it, surely, everybody else can be for it; why would you want its repeal?

It turns out there are two primary reasons. I will summarize first and then go into a little more detail.

The first is that these are the very people who can well afford, A, to pay the taxes; but, B, to pay for the multimillions of dollars to find the loopholes to avoid paying most of the tax, to do the estate planning. That is the euphemism for the term which means hire accountants and lawyers to try to figure out a way to avoid paying most of the tax—and there are ways you can do this if you are willing to pay enough money to these lawyers. And there are ways, also, if you pay enough money to insurance companies.

By the way, I got a letter from an estate planner in New York. He said: You can't do away with the estate tax. This would hurt my livelihood. I make a living finding ways for people to avoid paying the estate tax.

I didn't do this, but I felt like writing back to him and saying, if we could figure out a way to eliminate death, I would probably get a letter from a mortician saying, you can't put me out of business like this.

These people make a lot of money helping people like George Soros, Bill Gates, Sr., and other people of great wealth. By the way, I admire all of these people for what they have been able to accumulate over their life. But they make a lot of money on these people doing estate planning. Frankly, I think it would be very interesting if all of the billionaires who have signed the petition calling for a continuation of the estate tax would tell us publicly how much money they have spent on estate planning and how much money they have been able to save as a result of what they have been able to accomplish with their lawyers and accountants. I expect they have been able to save more than most people will ever pay in taxes.

The first point we should realize is with these billionaires, this is chump change. They can pay the lawyers and accountants to figure out a way to save the most money and they are still happy to pay what they have to pay because it doesn't mean that much to them, unlike what it means to most Americans. My first challenge to all of these petition signers: Please come forward and state how much you are going to actually pay in estate taxes versus how much is in your estate. Specifically, is any one of these people willing to pay the entire obligation of the estate tax without any opportunity for estate planning to save money; without taking advantage of any loophole? If they think this is such a great tax, are they willing to pay all that is due without any kind of estate planning to avoid any part of the tax on their part?

That would be very interesting to find out for these people who think this is such a wonderful tax. And I present that challenge to them today. My guess is that during their lifetime, one reason they accumulated so much wealth was because they knew very well how to manipulate the stock market, how to manipulate the currency market, how to make sound investments, all the while eliminating or reducing to the lowest possible amount taxes they would have to pay.

There is nothing wrong with that. That is how a lot of people make their living. And certainly these very wealthy people have undoubtedly taken advantage of whatever provisions we have in the Tax Code for avoiding the payment of taxes.

The second reason why, even though this seems counterintuitive, and this makes a lot of sense, is many of these same people have as one of their primary goals in life running charitable foundations; in effect, spending other people's money for their charitable giving.

It is very easy to be very charitable when you are using someone else's money. What some of these people have said is, we need the force of Federal law to make people give their money when they die or make the widows and the orphans cough up the money when the breadwinner dies. We need to take 55 percent of their estate so we can put it into our charitable foundations and hand it out and get invited to all kinds of fancy dinners and do good. We are all for the good these charitable groups do.

Let no one make any mistake about that. It is easy to be charitable with someone else's money. The question is, Are you willing to be charitable with your own money? Even if you think other people should also give, would it be better for you to ask them to give from the goodness of their heart to charity or to use the confiscatory power of government to make them give by saying, we are going to take 55 percent of everything you own when you die?

There is one way to avoid it: If you can give it all away, then you are not passing it on to your heirs.

That is the first great problem with those who defend the estate tax. They say it would prevent the concentration of wealth if we can maintain this tax. That is absolutely, 180 degrees off from the American dream. Generation after generation in this country has said: We want to leave our family better than the previous generation. We want to work hard. We want to save. We want to provide for our kids' education so when we die they have a better chance in life than we did.

What is wrong with that? That is the American dream. These people say no. What is wrong is for one generation to be able to pass wealth on to another generation. Everybody should have to start from exactly the same point in life.

There are those who would manipulate Government, and our very lives, to force equality in fact rather than equality in opportunity. That is, in effect, what these people are saying: We are going to force everybody to be exactly equal because whatever it is you accomplished in life we are going to take away from you at the end of your life so your family, then, has to start all over again.

What incentive is there for most people to save for future generations, to try to help their kids or their grandkids to have a good start in life? I want to be able to put some things away for not just my kids but my grandkids. They mean so much to me. I want to make sure they have a good start in life, that they will be able to get a good education. What is wrong with that incentive to save?

These billionaires, they don't have any problem with that. They could buy half the countries in the world. They do not have to worry about what most of us have to worry about in life, and that is putting enough aside to be able to take care of ourselves in our old age and maybe provide something for our kids and grandkids thereafter. That is the American dream. These people would destroy that dream. That is wrong. I understand it is hard for them to appreciate that problem for many Americans. But it is a very real problem. I am going to get back to that problem in just a moment.

Let me talk about the next myth these people are trying to perpetrate, that actually it will hurt poorer people because if we do away with the estate tax, we are going to have to raise other taxes to make up for the revenue. Have these people been living on another planet? Are they not aware that this Government is going to be running a $5.6 trillion surplus?

The whole notion President Bush has here, as he said when he was Governor

and running for the Presidency: We are going to have a massive surplus. We will have more than enough to have whatever we need to spend money on—save Social Security and Medicare and have enough left to have tax relief for the people. You don't have to raise taxes. That is what the surplus enables us to do. This is a specious argument. People ought to know better than to make this argument.

For the upcoming fiscal year, fiscal year 2002, the on-budget surplus is estimated to be at $142 billion, according to the CBO. We can afford, with an overtax payment of that amount, to return some of that money to the American people. And we do not have to then raise taxes somehow to do that.

The last budget of President Clinton projected estate tax revenues at $34-plus billion. That is for this fiscal year, 2002. That would represent about 1.5 percent of our revenues. So we have to keep this tax in place, a tax that produces only 1.5 percent of our revenues and causes great disruption and consternation in America's families?

Let me get back to what I said before about the problem of this business of creating wealth and the American dream. The fact is, of course, most Americans will not pay the death tax. But they still see something terribly wrong with a system that allows Washington to seize more than half of whatever is left when someone dies, that prevents hard-working Americans from passing the bulk of their nest egg on to their future generations.

Mr. President, I love a lot of things in this country. I give to charity. I love my country. But I think I love my kids and grandkids and my wife more than anything else in the world, and with this tax the Government says we cannot benefit them. We are going to force you to give that money to somebody else or to the U.S. Government. You cannot pass it on.

Most Americans see that as unfair, even if they are not going to have to pay for the tax and even if they don't have to pay a lot of money to try to avoid paying the tax through estate planning. A McLaughlin Associates poll conducted from January 26–27, just a week or so ago, found 89 percent of the people surveyed believed:

> . . . it was not fair for Government to tax a person's earnings while it is being earned and then tax it again after a person dies.

Let's understand: All the money you earned is taxed. We have an income tax in this country. So it is taxed. Then you invest it and do whatever, and you die and it is taxed again. So it is not as if this money has not already been taxed at least once.

Mr. President, 79 percent of the people in this survey approve the idea of abolishing the estate tax—79 percent. Most of them will never see any direct benefit from that, but they understand it is unfair. Most Americans are not envious. Most Americans do not want to squash everybody else down as a way of making themselves feel good. They aspire to earn more and to be able to save and maybe even have to worry about the estate tax.

Other polls have reached the same conclusion. I found one very interesting, a Gallup poll of last year, which found that 60 percent of the people supported repeal at that time, even though about three-fourths of them did not think they would ever have to pay the death tax themselves. They still favored its repeal because they are good, fair people. And fairness is what the effort to repeal the death tax is all about.

Edward J. McCaffrey—I think he would characterize himself as a liberal—a professor of law at the University of Southern California, said this:

> Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. The estate tax is an anti-sin, or virtue tax. It is a tax on work and savings without consumption, on thrift, on long-term savings.

He is exactly right. It is a tax on virtue. It punishes savings. It punishes saving something and trying to pass it on to your kids. It basically says: Spend it all because you can't take it with you. That is a lifestyle that some have, perhaps, lived in this ''me'' generation, but it is not the right lifestyle for most Americans.

By the way, it is pretty hard to calibrate anyway. Spend it all because you can't take it with you; that is the idea here. What if you live a little longer than your bank account lasts? Then you turn to the Government to take care of you for the rest of the years of your life.

Being able to save also means being able to take care of yourself and your family, another virtue. This is a tax on virtue. The professor is correct.

Economists Henry Aaron and Alicia Munnell reached similar conclusions in a 1992 study in which they said death taxes:

> . . . have failed to achieve their intended purposes. They raise little revenue. They impose large excess burdens. They are unfair.

The next myth is that the estate tax is necessary to prevent the accumulation of wealth. A lot of people have noted that after about three generations the wealth seems to dissipate. But apart from that—and I don't know of any study that can quantify that—I can at least with an anecdote tell you what happens in most cases. These are not the George Soros kinds of cases but the average case.

A family in Arizona—and I am going to mention the man's name because he is a real hero to me. He was one of the best, big-hearted givers in Phoenix, AZ, for many years. His name is Jerry Wisotsky. Jerry moved out from New York to start a printing company by himself. He gradually added employees. He couldn't say no. Every charity in town went to him. He contributed. He has boys and girls clubs named after him. I won't get into his charitable contributions. He was a mainstay for our community and supported it. He had a very successful business that could support it. He had over 200 employees when he died.

His family tried mightily to plan around that death and to avoid having to sell the business. His daughter and son-in-law wanted to continue to run the business. After 2 or 3 years, they realized it was futile. The estate tax was simply too much. They had to sell the business to pay the estate tax.

Two things happened. First of all, they sold, I think, to a big German conglomerate. So much for preventing the accumulation of wealth. This little family-owned business that turned into a very good income producer, but which was still a small business, was sold to a giant company from another country. As I say, so much for the estate tax preventing the accumulation of wealth. But it did have the intended effect of making his family less able to give, to follow in his footsteps.

So we now no longer have Jerry Wisotsky or his daughter, Pearl Marr, being able to contribute to their community as he used to do.

That gets to another myth, that we have to have the estate tax in order to force charitable giving. Apart from the lunacy of that concept—it reminds me of the Woody Allen movie ''Take The Money And Run'' where Woody Allen plays this inept crook and his parents are seen with masks on saying: We tried to beat religion into that kid. Of course, it doesn't work.

It really doesn't work to force people to give to charity either. In fact, there are some interesting statistics. It is a specious argument that we have to have the estate tax in order to support charitable giving. But I think it is especially interesting because of these billionaires now supporting the tax.

There are also some studies that demonstrate the elimination of the estate tax would actually encourage the wealthy to give more during their lifetimes but less just before they die or in their bequeath—in their wills.

A study by David Joulfaian, a former Treasury Department economist for the National Bureau of Economic Research at the Brookings Institution, found that the estate tax has an important effect on the timing of charitable gifts. It encourages the very wealthy to bunch gifts at death rather than over their lifetime. He noted that the very wealthy give much less to charity during their lifetimes than the less wealthy, and considerably more through their estate and wills and bequeaths. This suggests that the elimination of the estate tax will encourage the wealthy to give more during their lifetime and less at death but not necessarily reduce the total amount of lifetime giving.

Another study shows that the bulk of charitable giving is made by people who can't deduct such gifts from their income taxes at all. According to Giving USA, total charitable giving in 1992 amounted to $190-plus billion, and only $15-plus billion—about 8 percent—came

from bequeaths. If the goal is to encourage charitable giving, then Congress should consider an above-the-line deduction for all charitable gifts—for those who itemize as well as those taxpayers who don't itemize—rather than to continue to impose a punitive, confiscatory estate tax at the time of death when families can least afford to deal with it.

We also find charitable giving is strongly related to income and wealth. Simply put, the more income and wealth the people have, the more they tend to give charity.

William Randolph, an economist for the Congressional Budget Office, concluded from his research that charitable giving responds much less to changes in tax rates than permanent changes in income.

It is quite specious to argue that we have to have this tax for charitable giving in this country. Eight percent of the gifts come as bequeaths; the rest does not.

I also think the story today by the Los Angeles Times about the petition signed by all of these billionaires is very interesting. They say it was signed by men whose foundations ''rely heavily on charitable donations.'' This is laid bare. Basically, this is a special interest group. People who have these foundations need to have money constantly pouring in so they can force taxes from people in order to play that game. Again, I am sure that in their hands very good things come to pass. But in someone else's hands, this same charitable giving could do just as much good. I find it offensive that these people—basically special interests in this country—would use the U.S. Government to extract taxpayer dollars from people and have the threat of that kind of 5-percent rate forcing people to give in their wills to these charitable foundations. If they can't persuade people to do it on the merits from the goodness of their heart, they ought not be in the business. That is the way I look at it.

There is another myth that the wealthy don't need another tax break. Of course, a lot of wealthy don't need a tax break. Of course, these are people who invest, which is exactly what our economy needs at this time.

But I would say something else; that is, we are not talking about just these billionaires. Sure, they don't need it. I stipulate that. But there are a lot of small businesspeople and farmers and others who do need to be able to maintain what they are doing. They don't want to have to sell the family farm. They don't want to have to sell the small business that I talked about a moment ago. They would like to be able to continue the operation generation after generation.

The point here about these very wealthy people is that the way we passed the bill last year they are going to be taxed anyway. They are not going to be taxed 55 percent when they die, but they are going to be taxed on the capital gains if and when the asset is sold. Eventually all assets are disposed of. Their heirs are not going to have to pay 55 percent of the estate in taxes. But when their heirs turn around and sell those assets under the bill that we passed last year—and I suspect the bill we will put forward this year—they are going to have to pay a capital gains tax on the sale. Importantly, they are going to have to pay that without a step-up in basis, except for an exemption which is equal to a little bit larger than the exemption we provide today—about a $5 million exemption.

So nobody who is exempt today would have to pay under this legislation. Except for that exemption, we do away with the step-up in basis so just as Mr. Gates, Sr., would have to pay a capital gains tax on the original cost of his investment if he sells that asset when he eventually dies and leaves that estate to his heirs, when they sell it they are going to have to pay a tax on the gain going back to his original basis. That means their tax is much less expensive, if you are interested in that. It is going to cost the Treasury a lot less money than some people think it will, but it doesn't let these people off the hook. They will be taxed under this proposal, but at least they have the choice of when they are taxed.

Instead of having to figure out how to pay this tax right after the breadwinner in the family dies and being faced with the possibility of perhaps having to dispose of the assets right then, they can wait until they want to make the economic decision to do so knowing full well they are going to pay a tax but they can understand the economics of paying the tax at that time.

I think this is the beauty of the approach of what we passed last year, which President Clinton vetoed and which I hope President Bush will include in his estate tax repeal. Remember there is another benefit to this.

I will close with this notion: It is very difficult to try to come up with an amount of exemption that is fair around the country. Some people said: Let's not repeal the tax; let's just create a much larger exemption.

I was talking to one of my colleagues from California yesterday who said the problem with that is that property values in California are now so high, and getting so much larger, that what is a taxable estate in California wouldn't even begin to qualify as a taxable estate in another State—let's say in a Midwest or Southern State. But in California, just because of the value of the property, even if that is all you own, you could easily be kicked up into the bracket where you have to pay a capital gains tax.

There is another problem that people are finding more and more. Again, this is happening in California. There is an environmental problem there. As people find they have to sell their property in order to pay the estate taxes, we are talking about environmentally sensitive land that could be held but is now having to be sold for development. And there are always plenty of developers hanging around ready to buy this good land and develop it.

What we are finding is that more and more native habitats are being destroyed as a result. With that in mind, Michael Bean of the Nature Conservancy, observed that the death tax ''is highly regressive in the sense that it encourages the destruction of ecologically important land.'' It represents a real and present threat to endangered and threatened species and habitats. And because it tends to encourage development and sprawl, a lot of environmental organizations have joined in urging this repeal. Among those are the Izaak Walton League, the Wildlife Society, Quail Unlimited, the Wildlife Management Institute, and the International Association of Fish and Wildlife Agencies.

We see there are a lot of myths about the estate tax. That is exactly what they are, myths.

Second, we see that many Americans won't benefit directly from its repeal. There is very strong support for its repeal because Americans are fair people. They understand what will help our economy, and they understand what is fair to working families.

I think there are two motivations for retaining the tax. One of them is envy—that nobody should have more than I have. But it turns out that very few Americans support that. The other is this special interest notion that having the death tax is the only way we can make people contribute to a charity. They are going to force them to be charitable. Apart from whether or not that is a moral point of view, it certainly isn't or ought not to be the function of Government. As I said, if we want to use the power of Government to encourage charitable giving, there are much better ways to provide a deduction for charitable giving for both those who itemize and those who don't.

There are other things we can do as well. At the bottom of the day, it is not surprising that these billionaires would say: Let's keep the death tax. To them it doesn't matter. I renew my challenge. Are you willing to pay 100 percent of the death tax you owe or have you spent a lot of money to try to do estate planning to get around this? I think that would be a very interesting thing to find out. Most Americans cannot afford to do that. That is why this tax needs to be repealed.

I join President Bush in urging my colleagues to ensure that when his tax package passes, that it has the repeal of the death tax as one of its key components.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the Senator from Arizona has just been discussing; and that

is very important tax relief for hard-working American families. That is something that will be a high priority for our Congress. I appreciate his leadership in that effort.

NATIONAL SECURITY AND OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, another high priority for our Congress is our national security, making sure the men and women in the military have the tools they need to do their job, because their job is protecting our freedom. They are laying their lives on the line every day to do that. I think they deserve the respect, attention and the tools they need to be successful.

Ten years ago, President Bush, Secretary CHENEY, and General Powell, developed a plan to downsize the military while keeping it strong and ready. Their plan envisioned a leaner force, consisting of fewer troops, ships, and aircraft, but one that was 100-percent manned and supported. This is not the force we have today.

Today's military has been cut in half since 1991, but the half is not whole. Our services are struggling to recruit and to retain personnel. We are cannibalizing ships, aircraft, and other weapons systems to support deployed units. The military is completing the missions today on the backs of our overworked and overextended troops. As they have done in the past, they are spending an extraordinary amount of time and effort doing whatever it takes to get by.

Congress and the administration must work together to help our men and women in uniform. They deserve it; and America requires it. We could easily throw money at the problems and feel as if we are doing something, but the military requires more than money. It requires a national strategy and leadership from the top. In today's new world, we need to assess what we are doing, why we are doing it, and provide the assets to successfully achieve our mission.

In the future, we must ensure that our military is used wisely, not wastefully. This requires an immediate review of overseas deployments and missions. We must focus our military commitments and we must focus our objectives. Before we deploy our forces into harm's way, we must know what it is we expect to accomplish, we must define success, and we must have an exit strategy.

We also need to encourage our allies to take a broader role where they can, allowing our forces to contribute in areas where the United States has significant advantages in command and control and logistics. Leadership means convincing our allies to do their share in their own backyards and not simply accepting their threats to leave Bosnia or Kosovo unless we remain with them on the ground. We must be able to convince our allies that if they will step up to the plate, if they will exercise their responsibility, that we will be a backstop for them if an emergency occurs.

Today's military requires better pay, better treatment, and better training. In order to recruit and retain military personnel, we must improve their pay. We can no longer allow fast food restaurants to compete with the military for pay and benefits. That is hardly the standard that we should have.

Our military deserve pay commensurate with their skills. They demand highly educated recruits to operate the sophisticated weapons systems that are used today and that will be used in the future. We cannot attract our young men and women unless we provide a competitive standard of living and quality of life.

The President's initiative to add $1.4 billion in pay and bonuses will help close the gap between military and civilian pay. In addition, we must treat our military personnel and their families better. There is an old saying that we recruit the soldier, but we retain the family.

In my years in the Senate, I have focused on improving three areas in the quality of life of our military: improved military housing, including barracks and family housing; access to quality medical care; and increased support for quality schools for military children.

On Monday President Bush proposed adding $400 million to upgrade substandard housing and $3.9 billion to improve military health care. This is so important to our military personnel, especially the ones deployed overseas without their families.

I have visited with our military people on the ground in places such as Saudi Arabia, Kuwait, Bosnia, and Kosovo. I can tell you, the No. 1 item on their agenda is quality health care for their families who are back home. They need to have decent housing, access to quality medical care, and good schools when they are away. Nothing is more frustrating, nothing will drive the soldier out of the Army faster, than to call home and have to contend with medical care problems from a phone booth in Bosnia.

Finally, for too long, we have neglected the facilities where our troops work and train. Forcing people to work in 60-year-old frame buildings with little heat and no air-conditioning, and attempting to maintain sophisticated aircraft and systems when hangers are leaking around them, is certainly not conducive to retaining good people.

Our current ranges and training facilities are also a national treasure, but they need to be upgraded. Improved training facilities also affect quality of life by allowing troops to effectively and efficiently train and then return home.

Taking care of our people also involves taking care of their equipment and buying the weapons they need to win if they are called upon to go. We need to modernize existing weapons. At the same time, we need to look ahead and use America's lead in technology to build our future weapons systems. American technology has been a force multiplier in the past and will be even more important in the future. We cannot allow potential enemies to gain a technology advantage while we spend our time and money on incremental improvements.

The President has said he intends to earmark $2.6 billion of the military procurement budget for research and development. We will use technology to reduce the risk to our forces and overwhelm any enemy quickly.

The military of the 21st century must be agile, lethal, readily deployable, and require minimal logistical support. Many of our adversaries will not confront our forces directly, therefore we must be prepared for both threats posed by terrorists or blackmail by rogue nations.

Our Army and Marine Corps must be light enough to quickly deploy but heavy enough to win. Our Navy must be able to fight at sea as well as affect the fight over land, and our Air Force must have a global reach. Our defense strategy should be prepared to defend rather than react. This is why deploying an anti-ballistic missile system is so important to American security.

Missile defense is not a threat against responsible nations. Rather, it is an insurance policy that would provide doubt in the mind of a rogue state, protect our Nation, help our allies, and increase the options available to the President.

I applaud the President for sticking by his guns in saying we are going to deploy a missile defense system, and I especially appreciate what Senator THAD COCHRAN has done year after year after year to move missile defense forward.

Taking care of our military includes taking care of our veterans. We must keep the promises we make or why would anyone trust us? We must renew our commitment to our veterans. We must keep our promises to these past defenders of freedom by providing quality medical and educational benefits.

I will soon introduce a bill regarding gulf war illness. Thousands of our gulf war veterans are affected by a chronic disability. One in seven have come back from Desert Storm with a disability they did not have when they left. These men and women served our Nation honorably and deserve the care to which they are entitled.

Our veterans also deserve educational benefits second to none. Veteran education pays a high yield on our investment. The veterans of World War II became our most educated segment of society upon their return home. These men and women went on to become our leaders in business and government. Veteran education has always provided a big incentive to volunteer for service. We must renew our commitment by improving and increasing these benefits.

If we expect to recruit and to retain our best, America must provide them with the best: the best pay, housing, medical care, and other benefits. I applaud the President's commitment to improving our military and strongly support his plans to look before we leap. Our resources are limited and they must be used wisely, but we can set priorities. We can have a budget that meets our strategy, if we have a well-run military with a clear strategy.

We should deploy our troops when there is a U.S. security interest, but not over deploy or over demand their deployment. If we remember this, then we will have a military that is well funded, efficient, and will accomplish the goals we have set for them.

Of all of the areas for which Congress is responsible, national security is No. 1. It is our highest priority. It is the responsibility of the Federal Government to make sure all of those who have died in the past 200 plus years, maintaining the freedom of this country, will never, ever have died in vain. The only way we can repay them is to keep the zeal for freedom alive in our generation and in future generations.

We will keep the zeal for freedom alive if we keep our national security a No. 1 priority and we respect the military who have the job to make sure our freedom is intact today and will be for our children and grandchildren.

I applaud President Bush's initiatives. He is going to make sure we take every step in a thoughtful way. We are going to rebuild our national defense. We are going to renew our commitment to national security for the families of our country, for the protection of our allies, and for the protection of democracy, wherever there are people in the world who are trying to become free, with the example for freedom being the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, are there time limitations currently in effect for speaking?

The PRESIDING OFFICER. Senator THOMAS has time reserved until noon, and then from that point on, 15 minutes have been reserved for the Senator from Maine.

Ms. COLLINS. Thank you, Mr. President. I ask unanimous consent that I be allowed to use my 15 minutes starting now.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELPING OUR MEN AND WOMEN IN UNIFORM

Ms. COLLINS. Mr. President, I first commend the Senator from Texas for her excellent statement on the needs of our men and women in uniform. As the Senator from Texas, I had the opportunity earlier this week to accompany President Bush and Secretary Rumsfeld, as well as a number of Members of Congress, on a trip to Fort Stewart in Georgia. There we had the opportunity to talk firsthand with our soldiers. We also had the opportunity to tour their barracks.

I must say I was shocked with what I saw. We saw soldiers living three in a very cramped space, 55 square feet per soldier, housing that is an embarrassment to the United States of America.

Mr. President, there is an old statement that nothing is too good for our troops. Well, ''nothing'' appears to be exactly what they are getting in some parts of this country. We need to recommit ourselves, if we are going to solve our recruitment and retention problems, to providing quality housing, competitive pay, and good health and retirement benefits to our men and women in uniform. For that reason, I applaud the President's initiative and his announcements this week of his commitment to remedy the pay, housing, and benefit problems that were so evident on this trip.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Ms. COLLINS. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I want to say how much I appreciate the statement that has been made by the Senator from Maine. I also appreciate that she took the time to go and see for herself. She is a new member of the Armed Services Committee and she wanted to see the conditions in which our soldiers are living. I know this is now going to be a priority for her to make these improvements.

I talked to the President after that visit he made, and he was so touched by the response he got from our troops. I know he has recommitted himself to making sure our troops have the support they need to do the job we are asking them to do. So I thank the Senator from Maine for going on that very important trip and for making that statement and that commitment.

I ask unanimous consent that the time I have used not be counted against the time of the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank the Senator from Texas for her comments. I was, indeed, so impressed with the pride and professionalism of the soldiers that I met. They were so committed to their jobs and to serving our country. We simply need to do better by them.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 351 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. Mr. President, I yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 8 minutes and that that time not count against the majority's allotted time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 352 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, there are now 90 minutes under the control of the majority leader or his designee.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF JOSEPH ALLBAUGH

Mrs. HUTCHISON. Mr. President, as in executive session, I ask unanimous consent that at 1:45 p.m. today the Senate proceed to executive session to consider the nomination of Joseph Allbaugh to be Director of the Federal Emergency Management Agency. I ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination. Further, I ask that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and, finally, the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 353 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the vote on the nomination of Joseph Allbaugh be changed to occur at 1:40 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 355 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 356 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, there will be a rollcall vote in the next few minutes on Joe Allbaugh to be Director of the Federal Emergency Management Agency. Just to put everybody on alert, I think at 1:40 there will be a rollcall vote.

I rise today in support of Joe Allbaugh to be Director of the Federal Emergency Management Agency. I have had the pleasure of knowing Joe Allbaugh for a long time. He is a native Oklahoman. He is actually a native of Kay County, my home county in northern Oklahoma. I had the pleasure of knowing him at Oklahoma State where he was a member, actually, of the fraternity of which I was a member. He is a very good friend of my wife's brother Steve. I think the world of Joe Allbaugh and his wife Dianne, and I think he will do an outstanding job as Director of FEMA. He will replace James Lee Witt, a native of Arkansas, who served our country and Arkansas well in that capacity, and I am confident Joe Allbaugh will as well.

Joe Allbaugh was politically active going all the way back to Goldwater. He helped our former colleague Henry Bellmon, not only in Bellmon's campaign but also in his administration. He also worked with Governor Bush in his administration, was chief of staff, and became quite familiar with State emergencies and disasters.

When we were growing up in Oklahoma, our neighborhood was known as Tornado Alley. Actually, in Joe's hometown of Blackwell, OK, in 1955 we had a severe tornado that killed 20 people and destroyed a very significant portion of the town. I remember that tornado well. All of us do. Joe Allbaugh learned then the value of coordination of emergency responses to natural disasters.

During his tenure as chief of staff to Governor Bush, he was well aware of the natural disasters that happened throughout the State of Texas. In 1998, there was a flood in San Antonio that killed 30 people. He was involved in coordinating State responses as well as requesting Federal resources and working with Federal officials. So he has a good appreciation of the combination of what should be done on the State level and what can and should be done on the Federal level as well.

He is well prepared for this task. I think he will do an outstanding job. I think all of us will be proud to have Joe Allbaugh serve as Director of the Federal Emergency Management Agency. I urge all my colleagues to support his nomination.

EXECUTIVE SESSION

NOMINATION OF JOE M. ALLBAUGH TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency, which the clerk will report nomination.

The legislative clerk read the nomination of Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

Mr. BINGAMAN. Mr. President, I rise today in support of the nomination of Joseph Allbaugh to be the next director of the Federal Emergency Management Administration, FEMA. I was pleased to hear that Mr. Allbaugh has experience in dealing with natural disasters in Texas and in his home state of Oklahoma.

I'm sure he learned during his tenure as chief of staff to former Governor George Bush that recovering from a disaster requires great collaboration and compassion. We learned that last year in New Mexico when we were faced with numerous forest fires, including the Cerro Grande fire that started near Los Alamos.

Because of the U.S. government's role in starting a controlled burn that soon burned out of control, eventually burning hundreds of homes and thousands of acres of forest land, the New Mexico delegation drafted the Cerro Grande Fire Assistance Act, CGFAA, and got the bill signed into law on July 13 of last year.

I emphasize that this was a delegation effort because I want Mr. Allbaugh to know that the New Mexico delegation worked side-by-side on every aspect of this fire compensation legislation. When it was introduced, all five members of the delegation were present. I hope that FEMA, under Mr. Allbaugh's guidance, will recognize the importance of collaborating with all members of the New Mexico delegation when it comes to the Cerro Grande fire, or any other disasters we are faced with in the future.

Because of FEMA's strong track record under James Lee Witt of responding quickly and effectively to disasters, the CGFAA designated FEMA as the lead agency to compensate the victims of the Cerro Grande fire. FEMA responded quickly and set up an Office of Cerro Grande Fire Claims in New Mexico in August 2000.

We are now almost six months into the claims process and we are beginning to face a few problems. I would like to point out to Mr. Allbaugh that the policy section in the Interim Final Regulations—regulations that have governed the claims process thus far—says, ''It is FEMA's policy to provide for the expeditious resolution of meritorious claims through a process that is administered with sensitivity to the burdens placed upon Claimants by the Cerro Grande Fire.'' Based on the numerous complaints I have received recently about the claims process, it does not appear that the stated policy is being carried out as anticipated.

Mr. Allbaugh has been nominated for a position that carries with it enormous responsibility. I trust that he will carry out his responsibilities with respect to the Cerro Grande fire claims process with the sensitivity urged in the regulations.

Few of the fire victims have been able to begin rebuilding their lives and their homes because the final regulations are not complete. Many are hesitant to settle their claims against the federal government until the final regulations are published. Unfortunately, FEMA's 180-day deadline for settling claims is approaching for some claimants. We never anticipated that this deadline would come before the final regulations were in place. Nearly four months have passed since the comment period ended for the interim final regulations, yet we are still waiting for final regulations. I strongly urge Mr. Allbaugh to make it a top priority to ensure that the final regulations are published in the very near future.

Moreover, I urge Mr. Allbaugh to keep in mind that the Cerro Grande fire is different from most, if not all, other disasters FEMA has responded to in the past. This fire was not a natural disaster. It did not start as an act of God. Because of the federal government's involvement, the government had a responsibility to respond expeditiously and thoroughly.

The New Mexico delegation initiated that response by introducing compensation legislation. President Clinton responded by signing the legislation. It is now in Mr. Allbaugh's hands to make sure fire claims are responded to expeditiously and with compassion.

I look forward to sitting down with Mr. Allbaugh in the near future to discuss his plans for carrying out the intent of the CGFAA.

In the meantime, I will cast my vote in favor of Mr. Allbaugh.

Mr. MURKOWSKI. Mr. President, I rise to voice my sincere congratulations to Joe Allbaugh on his confirmation today as the new director of the

Federal Emergency Management Agency. I welcome him most sincerely to the Washington community.

Director Allbaugh has pledged to work closely with state and local governments. I believe this is the key to effective response. I encourage him to direct additional energies to expanding the ability of local agencies to respond immediately to those disasters that can be foreseen but not scheduled.

In my State of Alaska, we are familiar with natural disasters. We have experienced them, from storm flooding to tsunamis, to the great Alaska earthquake of 1964. We know the value of a strong federal presence during such crises.

I know that he is interested in my State. He has visited before, and I hope to be able to welcome him back as soon as possible—preferably with a fishing pole in hand, not on some less welcome occasion.

Joe Allbaugh is a big man with big skills. His reputation is that of an extremely accomplished manager with extraordinary abilities, and he has worked on campaigns that have given him knowledge of key issues in a majority of the states. These traits will be important to the smooth operation of FEMA, which is faced with extraordinary pressures in the event of a major disaster, as we have seen in past events. I am confident that he will serve our people and our communities well during times of need.

As the Governor's chief of staff in Texas, he both helped respond to immediate crises, and helped shape his state's disaster response processes. He now has the opportunity to do the same thing on a much grander scale—one which will be felt in every state of our great country. I look forward to his guidance in this critical and sensitive arena.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) would each vote ''yea.''

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—91

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Helms	Santorum
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—9

Bennett	Graham	Miller
Bunning	Gramm	Sarbanes
Crapo	Hatch	Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is tabled and the President is notified of the confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to proceed as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND DEPLOYMENT

Mr. BROWNBACK. Mr. President, I rise today to address an urgent issue in the rural parts of my State regarding a problem we are having with the digital divide being created. What is taking place is that in urban and suburban areas, they are getting access to high-speed Internet access so people can get on and get large quantities of data about which they can communicate back and forth rapidly. That is occurring and it is a good thing.

In the rural areas of my State and in many places across the country, they are not getting access to high-speed Internet. They have the old type of carrier that can get Internet access. They have Internet access, but they cannot get the high speed. Less than 19 percent of rural areas across the country have that high-speed Internet access compared to over 80 percent of the suburban areas across the country.

I will shortly be submitting a bill to try to address this inequity that is taking place and to keep this digital divide from further exacerbating the economies in suburban areas versus rural areas. The bill I put forward last year was the Regulatory Relief Act. It provides regulatory relief for those companies operating in rural areas to go ahead and deploy high-speed Internet access, and then not have to sell this new equipment at a reduced market price. It provides a regulatory relief to them to be able to do so.

I have worked on this issue for some period of time. We have worked on it in the Commerce Committee. There have been hearings held in the Commerce Committee on this. In the past, typically in the United States, when one of these sorts of situations starts to develop where rural areas get hindered because of their population being spread over wide areas versus urban areas, the Congress has frequently stepped in, the U.S. Government has frequently stepped in. Rural electrification and rural telephony come to mind, where you wouldn't have gotten distribution in the rural areas because it was just so far between people and the private companies could not make money. In this situation, we are not going to have to put resources forward but, rather, we have to put regulatory relief forward for the investment that will take place.

I have contacted a number of private sector groups that are looking at this and saying they will invest if we will provide them some regulatory relief. We will get that number up from 19 percent to a much higher number.

Last year, in the bill we put forward, and what we will put forward this year as well, is a requirement that, to get the regulatory relief, there has to be an increased deployment into the rural areas. That will be part of this as well.

It is a common theme in Washington today that broadband Internet access is revolutionizing the ways in which ever greater numbers of Americans are using the Internet. No longer a domain of simple data, graphics, and pictures, broadband access and its faster transmission speeds are transforming the Internet from a 56 bit-limited medium into a multi-megabyte medium, the practical outcome of which are functions such as video on demand, invaluable real-time telemedicine, improved distance learning, and powerful new tools for consumers and businesses alike on the e-commerce frontier.

Yet, as we revel in this technological marvel, we continue to find ourselves faced with the reality that there has been and continues to be a growing digital divide in our Nation—a separation

of our urban and rural communities into broadband haves and have nots respectively. While it may have become fashionable for us to recognize the threat of this disparity it has not been so fashionable to actually do something about it. So, as we introduce legislative proposals, hold hearings, and generally acknowledge the difficulty in advancing any particular plan to help rural America, the digital divide continues to grow.

Last year the National Telecommunications and Information Administration in conjunction with the Rural Utilities Service concluded that broadband deployment in rural areas was indeed lacking. NTIA and RUS found that cable TV companies and local telephone companies were focusing on deploying cable modems and DSL in markets with the highest population densities in order to maximize revenues. It is no wonder then that the Federal Communications Commission's most recent report on the status of broadband deployment found that a mere 19 percent of our most remote communities had at least one subscriber to high-speed Internet access.

During the 106th Congress I introduced legislation, the Broadband Regulatory Relief Act of 2000, to serve as a vehicle for overcoming this divide. My legislative efforts last Congress reflected the real and pressing need for action to insure that all Americans have access to broadband. My legislation's answer to this problem was to create an incentive for local telephone companies—already providing telephone service in our rural and remote communities—to deploy these advanced services. By providing these companies with regulatory relief we can counter the high cost of deploying broadband facilities in rural areas where populations are more dispersed than in densely populated areas.

Currently, the cable TV and competitive local telephone industries find their advanced services unencumbered by regulation. But because they have coalesced around our more densely populated regions, their marketplace freedom has not translated into rural broadband access. Yet, some members of the competitive community continue to argue that competition alone will ultimately drive broadband deployment into rural areas. As the FCC's deployment statistics bare out, this is not occurring. We can ill afford to hurry up and wait for the day when these companies see fit to include rural America in business plans currently dominated by a focus on urban businesses. The economics of broadband deployment in rural areas simply do not facilitate the type of competition we are currently witnessing in urban and densely populated suburban areas.

Meanwhile, contrasted with cable TV and CLECs, we continue to regulate broadband services offered by incumbent telephone companies as if they are part and parcel of their traditional telephone businesses. This simply is not the case. Broadband facilities being deployed throughout our cities and towns require billions of dollars of new capital investment in new infrastructure. Under the current regulatory regime, the sparse populations of rural communities diminish the return on broadband investment to such an extent that incumbent phone companies are not deploying them in those areas. By removing these incumbent regulations on what is new infrastructure in a nascent market, we will be providing local phone companies with the incentive to deploy broadband in exchange for the opportunity to pursue new revenue streams.

Let me be clear that my legislation in no way seeks to upset competition developing in our urban markets. The Broadband Regulatory Relief Act would have removed voice regulations from the advanced service offerings by incumbent local telephone companies, while preserving those same competitive measures for their traditional telephone services. The bill simply recognizes that broadband, as opposed to traditional voice service, is a new service in which no one competitor should be given a government-mandated advantage. Incumbent telephone companies started from the same zero broadband-subscribership levels as the cable TV and CLEC industry, and each of them should go forward in broadband deployment on a level playing field.

These are the principles embodied in the legislation I introduced last year, and will be embodied in legislation I intend to introduce shortly. I remain convinced that, before seeking out alternative solutions, we must look to deregulation as the best, most expedient means of insuring rural America is not left behind. The power of industry to innovate and deploy products and services to the public once government is removed from the marketplace is awesome, as proven by the impressive growth of the wireless industry, the Internet and e-commerce—both representing industries largely spared from Government interference.

Some have suggested alternatives such as tax incentives or fixed wireless solutions to achieve rural broadband deployment. While we can and should seek out alternative means of deploying these services throughout the Nation, we cannot afford to delay in enabling currently available solutions from working now. We can always seek out new alternatives and when confronted with marketplace developments that threaten the interests of consumers, we can certainly enact measures to protect them. But the challenge facing us most immediately in this matter is to be unafraid to rely on our industries, responsible for the long period of economic growth we have enjoyed, to do what they do best: innovate, and offer new products and services to the public.

I recognize that others have differing views and there exists a range of opinions on how best to promote broadband deployment in rural areas. While I may disagree with some of the views and proposals existing in the marketplace of ideas on this matter, I remain keenly interested in working with those who advocate them in the further interests of rural America. I am heartened by the knowledge that whatever our philosophical or policy-based disagreements, we all share the common goal of extending this vitally important technology to rural America. I look forward to working with all interested parties to seek a solution on how best to deliver these important services to rural and remote communities, and I am confident we can work together to achieve our common goal.

The kind Senator from West Virginia has been willing to allow me to come here, even though he has patiently waited on the floor to make his statement. I appreciate his generosity in allowing me to do so. I appreciate his kindness and generosity and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have some remarks to make in connection with the reconciliation process, but I understand the leadership wishes to proceed with a little business transaction, so I shall yield the floor and not proceed with my statement until the leadership has been able to transact that business.

In the meantime, I ask that I have control of the time until my speech has been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAUL D. COVERDELL PEACE CORPS HEADQUARTERS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 360 introduced earlier today by myself and a number of other Senators.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 360) to honor Paul D. Coverdell.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 360) was passed, as follows:

S. 360

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

SECTION 1. PEACE CORPS HEADQUARTERS.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the headquarters offices of the Peace Corps, wherever situated, shall be referred to as the ''Paul D. Coverdell Peace Corps Headquarters''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the headquarters or headquarters offices of the Peace Corps shall, on and after such date, be considered to refer to the Paul D. Coverdell Peace Corps Headquarters.

SEC. 2. WORLD WISE SCHOOLS PROGRAM.

Section 603 of the Paul D. Coverdell World Wise Schools Act of 2000 (title VI of Public Law 106–570) is amended by adding at the end the following new subsection:

''(c) NEW REFERENCES IN PEACE CORPS DOCUMENTS.—The Director of the Peace Corps shall ensure that any reference in any public document, record, or other paper of the Peace Corps, including any promotional material, produced on or after the date of enactment of this subsection, to the program described in subsection (a) be a reference to the 'Paul D. Coverdell World Wise Schools Program'.''.

SEC. 3. PAUL D. COVERDELL BUILDING.

(a) AWARD.—From the amount appropriated under subsection (b) the Secretary of Education shall make an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of the Biomedical and Health Sciences at the University of Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2002.

Mr. LOTT. Mr. President, I thank all my colleagues for their cooperation in clearing this resolution. For those Members who may want to speak on the resolution, we are providing time on Monday, February 26, and some additional time on Tuesday, February 27, if necessary.

I know that Senator GRAMM and Senator MILLER, perhaps Senator REID, Senator DODD, and others may want to speak on this resolution. I am pleased we have been able to clear this bill honoring Senator Paul Coverdell.

Mr. REID. Mr. President, if I could just briefly respond to the leader, Senator MILLER and Senator CLELAND wish to speak on this bill. But they have agreed that they will do it when we come back after the recess. Senator MILLER wants to speak for 1 hour, and Senator CLELAND wants to speak for half an hour.

Mr. LOTT. Mr. President, I thank Senator REID for making sure Members understand that these Senators would like to speak, including Senator CLELAND. I thank Senator REID, Senator DASCHLE, and again Senator DODD for their fairness in being able to work through this. We will continue to work to make sure this whole area is properly attended to.

Mr. DODD. Mr. President, will the majority leader yield?

Mr. LOTT. Yes.

Mr. DODD. Mr. President, I don't expect the leader to stay for some remarks I will give at the conclusion of the majority leader's presentation. But I want him to know and others of my colleagues that I considered Paul Coverdell to be a very good friend of mine. We worked very closely together chairing or being ranking member on the committee that dealt with the Peace Corps during his tenure. In fact, I arranged and handled his confirmation process to become Director of the Peace Corps and feel very strongly about the relationship I had with him.

The concerns I raised over the last days have nothing whatsoever to do with my admiration and respect for Paul Coverdell. They have to do with an institution with which I have been closely identified and affiliated for 40 years, the Peace Corps. I am the only Member of this Chamber who served as a Peace Corps volunteer. In fact, I was the first Member of the U.S. Congress elected to serve in the Peace Corps as a volunteer along with Paul Tsongas of Massachusetts some 33 years ago.

My concern and my involvement with this organization are deeply felt. The remarks I will give this afternoon have to address that, as well as the larger issue to which the majority leader has referred; that is, the issue of the naming process that goes on around town for which I believe a number of my colleagues share a common concern. Maybe at some point we might draft some legislation that allows for a deliberate process to be used rather than sort of racing to the finish line as to who gets to put a label on some building or monument.

I appreciate his listening. But I want him to know that over these last several days as I raised my objection yesterday—the Senator from Nevada had an objection—I really wanted to have some time to pause and think this process through. But I appreciate and I know how closely the majority leader was to Paul Coverdell and how much his friendship meant to him. I hope he understands that what I was engaged in in no way was meant to be any disrespect at all for our former colleague but went to a deeper issue, one about which I feel strongly.

Mr. LOTT. Mr. President, let me say to the Senator from Connecticut that while they are appreciated, his assurances in that regard are not necessary. I remember quite well the speech the Senator from Connecticut gave on the floor after Senator Coverdell's death. I remember it particularly because it was so good and it was so passionate.

Second, we all know of the Senator's investment in and his commitment to the Peace Corps, and nobody would ever question that he cares about it, is interested in it, and will continue to be a supporter and guardian.

Lastly, the Senator from Connecticut, of all Senators, never has to say to us that he wouldn't be properly respectful of another colleague or a former colleague. The Senator from Connecticut has proven over and over again that when it comes to his colleagues in the Senate, his respect for them as individuals and his respect for them when they leave this institution is unwavering.

The Senator didn't have to make that statement. We never doubt it, and he was very courteous in the way he handled it. I appreciate that very much.

Mr. LEAHY. Mr. President, as we pass this resolution to name the Washington headquarters of one of President Kennedy's greatest legacies, the Peace Corps, after Paul Coverdell, Senators should recall that we already honored our departed friend and colleague last year. In addition to the programs that were named for Senator Coverdell last year that have already been identified by Senator DODD, we honored Senator Coverdell by placing his name on another major Government program and to the legislation that established it—the Paul Coverdell National Forensic Sciences Improvement Act of 2000.

We were all shocked and saddened last July by the untimely passing of our friend, Paul Coverdell. As I said at the time, he was one of the kindest people to grace this floor, and there was a certain peacefulness about him that was always pleasantly contagious. In a sometimes very divisive Senate, that peacefulness was so respected.

All of us who worked with Paul liked him; we missed him, and we wanted to honor his memory in an appropriate way. I think we did that. On October 26, 2000—just a few months after his sudden passing—the Paul Coverdell National Forensic Sciences Improvement Act of 2000 sailed through the Senate by unanimous consent. The House passed the bill a few months later, and President Clinton signed it into law on December 21. I worked closely with Senator SESSIONS to ensure passage of that legislation last year.

The Paul Coverdell National Forensic Sciences Improvement Act calls for an infusion of Federal funds to improve the quality of State and local crime labs. Passage of this important legislation was a fitting tribute to the former senior Senator from Georgia, who had been a leader on similar legislation in the past. Paul Coverdell was committed to ensuring that justice in this country is neither delayed nor denied, and he understood that existing backlogs in our Nation's crime labs were denying the swift administration of justice.

In his last years in the Senate, Paul Coverdell made the improvement of forensic science services one of his highest priorities. Rather than renaming

more programs or buildings in Paul's honor, we should be funding the important legislation that he championed, and that we already passed in his memory.

Let me say a few words about this legislation, which I strongly supported.

The use of quality forensic science services is widely accepted as a key to effective crime-fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 80 cases in this country, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 10 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, forensic science services like DNA testing are critical to the effective administration of justice in 21st century America.

Forensic science workloads have increased significantly over the past 5 years, both in number and complexity. Since Congress established the Combined DNA Index System in the mid-1990s, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitations on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, VT. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better.

The Paul Coverdell National Forensic Sciences Improvement Act—if and when it is fully funded—will give States like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. It allocates $738 million over the next 6 years for grants to qualified forensic science laboratories and medical examiner's offices for laboratory accreditation, automated equipment, supplies, training, facility improvements, and staff enhancements.

We do not honor our colleague's memory by establishing a program in his name and then leaving it unfunded. I urge my colleagues on both sides of the aisle to support full and immediate funding of the Paul Coverdell National Sciences Improvement Act.

Mr. GRAMM. Mr. President, I am honored to be an original cosponsor of legislation to memorialize our friend, Senator Paul Coverdell. Paul served the citizens of the State of Georgia and the United States for over three decades as a State legislator, Peace Corps director, and U.S. Senator. I believe that this bill is a fitting and appropriate way to memorialize Paul and his work.

This legislation has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell. The legislation reaffirms language approved at the end of last year to ensue that the Peace Corps' World Wise Schools program will carry his name as well. Paul created the program during his tenure as Peace Corps director. The World Wise Schools initiative links Peace Corps volunteers serving around the globe with classrooms here in the United States. Paul correctly saw that such an effort would promote cultural awareness and foster an appreciation for global connections. Finally, the legislation authorizes an appropriation of $10 million, to be augmented by $30 million of state and private funds, to construct the Paul D. Coverdell Building for Biomedical and Health Sciences at the University of Georgia. Paul Coverdell was a tireless supporter of education in Georgia, and this building will be a living memorial to him and an unparalleled resource for the students, researchers, and educators of his State and our Nation.

The legislation consists of measures agreed upon by a bipartisan group of Senators assigned by Senator LOTT and DASCHLE to review the many worthy ideas proposed to honor Paul. After considering many suggestions, Senators HARRY REID, ZELL MILLER, MIKE DEWINE, and I agreed on the three provisions included in the legislation which has today been introduced by the majority leader and passed by the Senate. I believe that there can be no more fitting tribute to Paul and to all he achieved for the people of Georgia and the country that he loved and served until the day he died.

Mr. MILLER. Mr. President, I am honored to rise today to speak of our dear friend and colleague, Paul Coverdell.

We were all shocked and saddened last July when Paul died so unexpectedly. Georgia had lost one of its greatest public servants—a soft-spoken workhorse who served the people first and politics second. In a public career spanning three decades—from the Georgia Senate to the Peace Corps to the U.S. Senate—Paul served with dignity and earned everybody's respect along the way.

Immediately upon his death, folks in Washington and in Georgia began to think how we could remember this great Georgian in a worthy and enduring way.

Senator LOTT, our majority leader and one of Paul's greatest admirers, appointed a four-member committee of Senators to sort through the many ideas for memorializing Senator Coverdell. There were two Republicans—PHIL GRAMM of Texas and MIKE DEWINE of Ohio—and two Democrats—Minority Whip HARRY REID of Nevada and myself.

We quickly agreed that there should be two memorials for Senator Coverdell—one in Washington and one in Georgia.

In December, in a letter to party leaders Senator LOTT and Minority Leader TOM DASCHLE, we outlined the two memorials we thought were most fitting for Senator Coverdell.

In Georgia, we have chosen to honor Paul's commitment to education, research and agriculture at the State's flagship university with The Paul D. Coverdell Building for Biomedical and Health Sciences. This state-of-the-art science center will let scientists from different fields collaborate on improving the food supply, cleaning up the environment and finding cures for disease.

This will be a joint project with the Federal Government, the State of

Georgia and the university. We will be asking Congress to allocate $10 million for the building. Georgia Governor Roy Barnes will ask the Legislature for a $10 million appropriation. And the university will raise the remaining $20 million for the building.

I was so glad that Senator Coverdell's widow, Nancy, joined us in announcing this memorial last month.

It is my hope that the scientists who gather in this center under Senator Coverdell's name will make great discoveries to improve the quality of life in Georgia and around the world.

In Washington, we have chosen to honor Senator Coverdell's legacy at the Peace Corps, where he served as director from 1989 to 1991. Paul's appointment to the Peace Corps was met with great skepticism at first. But he quickly gained respect by demanding professionalism and by shifting the agency's focus so that more money was spent actually getting volunteers where they were needed.

When the Berlin Wall came down, Paul seized the opportunity to move the Peace Corps into Eastern Europe to promote freedom and democracy. This move not only broadened the agency's mission, but also increased its prestige around the world.

Senator Coverdell also established the widely acclaimed World Wise Schools Program. Under this program, Peace Corps volunteers who have returned to the United States visit schools to give students their impressions and lessons from their overseas service.

To honor Paul's legacy at the Peace Corps, we are recommending that the Peace Corps headquarters offices in Washington be named the ''Paul D. Coverdell Peace Corps Headquarters.''

We also are recommending the designation of the Peace Corps' World Wise Schools Programs as the ''Paul D. Coverdell World Wise Schools Programs.''

Paul's dignity and decency inspired countless young people to serve their fellow man in far-away places. It is our hope that we can honor his legacy at the Peace Corps in this lasting way.

Mr. President, I hope that my colleagues will join me in supporting this memorial for our friend Senator Paul Coverdell, and I yield the floor.

JOHN JOSEPH MOAKLEY U.S. COURTHOUSE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 559 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 559) to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the John Joseph Moakley United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 559) was read the third time and passed.

Mr. LOTT. Mr. President, I should note that Senators KENNEDY and KERRY, I believe, will be prepared to speak on this resolution. This is a resolution designating the U.S. Courthouse in Boston after Congressman JOHN JOSEPH MOAKLEY. He is an outstanding individual. Senator DODD and I both had the privilege of serving on the Rules Committee in the House with him the famous Rules Committee—and have known him for, I guess, 25 years.

I am delighted and pleased that this bill will name this courthouse after Congressman MOAKLEY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleagues for taking such swift action to pass the legislation for the naming of the Federal courthouse in Boston after my very good friend and beloved figure in Boston, MA, Congressman JOE MOAKLEY, to rename the Federal courthouse in Boston after him. This measure is a fitting tribute to a wonderful friend, and an outstanding leader, for his long and brilliant career in public service.

Earlier this week, JOE MOAKLEY announced his decision not to seek reelection next year because of a serious illness that has just been diagnosed. In the brief time since his announcement, the outpouring of support and affection for JOE has been extraordinary. The reason is obvious, JOE MOAKLEY is one of the most beloved political leaders of our time. All of us in Massachusetts are especially fond of him. We admire his strength, his wisdom, his leadership, and his dedication to the people of Boston, our State, and our Nation.

JOE and his wife Evelyn made a wonderful team together, and we admired and loved them both very much. Vicki and I have such wonderful memories of the dinners we had together with them.

In addition to this well-deserved tribute today, I hope in the coming months we can return some of the loyalty, the affection, spirit, and support that Joe has given to so many of us throughout the years.

JOE MOAKLEY has always been a fighter. He was a boxer in college and a football star in high school. At the age of 13, he was with his father who was driving through south Boston, when they saw a neighborhood bully beating up a local child. JOE's father pulled the car over to the side of the road and asked his son what he was going to do about that situation. JOE jumped out of the car and went to the aid of the child and stopped the bully.

In all the years we have worked with him in Congress, that is the JOE MOAKLEY we know and love—always fighting for the underdog and all of those who need our help the most—fighting to provide better jobs, better education, better health care, better lives, better opportunities for the people of south Boston, and Massachusetts, and the Nation. The whole world knows of his magnificent leadership in protecting democracy in El Salvador.

The naming of the Federal courthouse in Boston for JOE is an especially fitting tribute because no one has done more to revitalize the area of south Boston than JOE MOAKLEY. As a child, JOE was a budding entrepreneur. I heard him tell the story about how he and his friends from south Boston used to race down to the railyard, where the courthouse now stands, to meet the trains that delivered farm products to the city. They collected the fruit that fell off the trains and then would sell it in the neighborhood. Their favorite fruit was watermelon because it had the highest resale value.

In half a century, and more, since then, JOE never lost his touch or his commitment to economic development in south Boston. As a Congressman, he has fought vigorously to revitalize the entire community and its neighborhoods for the past 30 years; and what an outstanding job he has done. Thanks to JOE MOAKLEY, the watermelons have long since made way for a beautiful new Federal courthouse, a convention center, the World Trade Center, and several new hotels. South Boston is booming today thanks to JOE MOAKLEY.

When he was not working to revitalize south Boston's economy or clean up Boston Harbor, JOE MOAKLEY was teaching his pride and joy—his french poodle named Twiggy—to sing. I understand JOE and Twiggy used to sing a famous duet to the tune of ''Everybody Loves Redheads.'' JOE sang and Twiggy howled, and everyone loved them both.

When I think about all JOE MOAKLEY has done for Boston and Massachusetts, I also recall how long and hard and well he fought for funds to rebuild the Central Artery, to build the South Boston Piers Transitway, to clean up Boston Harbor, to modernize the Port of Boston, and to preserve Massachusetts's many historic sites—the Old State House, the Old South Meeting House, the U.S.S. Constitution, Dorchester Heights, and our famed historic marketplace, Faneuil Hall. JOE MOAKLEY' efforts to protect and preserve these extraordinary parts of our heritage guarantee they will be part of our State's history for generations to come.

In Congress, no one is more effective on the front lines or behind the scenes than JOE. The dean of our delegation has touched the hearts of all our people, and he has made a remarkable difference in their lives and hopes.

He is a voice for the voiceless, and an inspiration to all of us who know him. He champions the cause of hard-working families and the middle class. And all of us are proud to stand with him in all these battles.

The poet Yeats said it well:

Think where man's glory most begins and ends, and say my glory was I had such friends.

We love you, JOE, and we are very proud of you.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, I thank you and express my gratitude to Senators LOTT, DODD, and KENNEDY for their courtesy and their assistance in helping to bring us to the point where this important resolution has been adopted by this Congress with respect to JOE MOAKLEY.

I thank my colleague for his comments with respect to Joe that we just shared.

In these last hours since JOE MOAKLEY announced his retirement from Congress, we have had the opportunity in our State—and I think many people down here in Washington—to share in a unique outpouring of support and emotion, all surrounding our friend and our colleague, the dean of the Massachusetts congressional delegation.

Today, with this resolution in Congress, we have had the opportunity not only to forever honor JOE, through the John Joseph Moakley United States Courthouse, but to also share our affection and our perceptions of this very special public servant, public person, this special representative of the people of Boston. We have been able to share that with all of our colleagues in the Congress and, indeed, with our fellow citizens in this country.

On Monday, as Senator KENNEDY just described, JOE shared with his constituents—with all of our State—that he has been diagnosed with an incurable form of leukemia, and that he will retire after he serves his current term in the House of Representatives.

JOE made this announcement together with friends and supporters at the courthouse that he helped to build in Boston, and he made it with a remarkable level of candor, of courage, and with a great, great sense of humor.

When JOE told us of the severity of the illness—and people learned of the severity of that illness—and the nature of the battle that still lies ahead for JOE, I think it reminded all of us of all of the battles that he has fought and, indeed, of the degree to which JOE MOAKLEY is a fighter, a special kind of fighter for the things he believes, and which, most of all, is doing what is right for his fellow citizens.

In all of the endeavors he has undertaken, all the years he has been in Congress, all the important people he has met, and all the important things he has done, this is a man who has never lost his sense of direction, his compass, if you will, which in his case is a special one with a unique sense of direction.

JOE has—I think everyone will agree—come out on the winning side of almost every fight he has ever fought.

He was born and raised—and living a lifetime—in south Boston, MA. JOE is not just from south Boston; he is of south Boston.

He wears those roots proudly as a badge of honor, never shy to admit that, in the end, this is a man who still knows how to settle an argument.

He is a member of a group of citizens we have proudly called our Greatest Generation. He earned his stripes as a member of that generation in a way that was not completely atypical but which I think sort of demonstrates the special nature of his patriotism and his sense of duty.

When he was 15 years old, JOE rose to the call of service to his country by falsifying his birth certificate so he could enlist in the U.S. Navy. He fought for his country, with honor, in World War II.

When he returned home from the South Pacific, he received his education at the University of Miami in Florida, but believe me, south Boston was never far from his heart or his consciousness. He returned home and went to law school at night at Suffolk University. Then he went to work for the people of Massachusetts.

He began his career in public life in the Massachusetts State Legislature at the age of 25, and then, before his election to the House of Representatives in 1972, he served in the State senate and on the Boston City Council. In both his approach and his effectiveness, JOE followed the path that was laid down by his great mentor in the Congress, former Speaker Tip O'Neill, a man who knew himself, who knew what he believed, and who knew there were things worth fighting for every single day.

That is what JOE has done the entire time he has served in Congress. As chairman of the Rules Committee, he did more than steward the course of important legislation and the operation of the House. He fought for an agenda, and he secured its passage into law. He built a reputation as a tough and effective legislator with a real ability to work across party lines and achieve consensus on so many issues. He put many of his opponents in the unenviable position of having to explain themselves to the gentleman from south Boston, a fight that people soon learned they were smarter to avoid.

JOE made it clear there were no borders, no limits that would apply to the fights he would embrace, and he insisted—and I think this is one of the most interesting things about JOE MOAKLEY—that foreign policy was not something foreign, even to the work of a bread-and-butter Democrat from south Boston, but an extension of the ideals he brought to work for his own constituents.

In 1983, JOE was among the first in the Congress to understand the simmering injustice in El Salvador. When he gathered with a small group of refugees from the brutal fighting in that country and listened to their stories, he was moved again to service. Those refugees told JOE they were in danger of being deported to El Salvador. That lit a fire under JOE MOAKLEY. He understood that being deported back to that country for those people, given their history, would mean death.

A Congressman from south Boston wasted no time in helping people from the southern part of our hemisphere. He sent his top aide, JIM MCGOVERN, to find answers. And, as always, JOE, himself, personally followed through, traveling again and again to El Salvador, heading up the Moakley commission and working to make it possible not just for those refugees to stay in the United States but also to address the broader questions of human rights abuses in Central America.

For more than a decade, JOE kept at it. For 10 long years plus, when a lot of people turned their attention elsewhere, JOE MOAKLEY continued to understand the difference between right and wrong. He fought against hundreds upon hundreds of deportations and, finally, he won an amendment barring them altogether in 1989.

Later that year, when six Jesuit priests were murdered in El Salvador, he led an investigation that pointed to elements of the U.S.-backed military as the murderers. It was quite fascinating, when we listened to JOE at the courthouse in Boston announcing the end of his career within the U.S. Congress—it was fascinating that even as he described himself as a bread-and-butter Democrat and a person who cared always about the issues of all of his constituents in his home city as well as in the rest of his constituency, measured against all the things he had done, he thought he was proudest of what he had done in El Salvador. He thought it so because it was a reflection of the kinds of things he learned from his constituents and from his home, and it reflected the depth of who he was as a citizen of south Boston.

JOE has been delivering for south Boston and the Nation for almost half a century, and he has done it the only way he knows—with hard work, with a smile, and with a special brand of humor. Whether it has been finding money for the ''Big Dig,'' project after project, or for a whole host of other projects in Boston, he has been a national leader on issues from Central America to our relationship with Cuba.

JOE will tell you his secret, whether it is in a senior center in south Boston or when meeting with the heads of state around the world. It is his ability to listen and to remember who he is and from where he comes. And when he completes his 15th term in the House and retires, we will miss his service, his friendship, and his passion, but we will also know that until his last day in office, JOE MOAKLEY will continue to be a giant, caring first and foremost for the people he represents, living by Tip O'Neill's old adage—all politics is local—and with a special Moakley corollary that certain values and commitments are global as well.

He has used his remarkable clout to do what is right for Massachusetts and the Nation. And knowing JOE, having watched him and learned from him, as so many of us have, I know that in these next 2 years this courthouse will not be the only way he will be honored. The fights he will continue to wage for all that he believes, for working people, for jobs, for social and economic justice, will be the ultimate testimony to the full measure of the man whom we pause to honor today, and it will be the real measurement of those values by which JOE MOAKLEY has served.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

COMMEMORATING THE 5TH ANNIVERSARY OF THE 1996 TELECOM ACT

Mr. LOTT. Mr. President, recently we celebrated the fifth anniversary of the passage of the 1996 Telecom Act. This legislation—a comprehensive overhaul of our nation's laws governing communications—was the product of approximately ten years of hard work by many people. The intent of Congress in passing the Act was to spur competition, promote innovation, and provide new services at lower prices to consumers.

I hoped at the time that we passed the Act that it would have a tremendous impact on the economy, and my hopes were realized. Hundreds of thousands of new jobs were created in the communications sector in the first four years after passage of the Act, and this sector has been a major contributor to the nation's real economic growth since the Act's passage.

The blueprint of the 1996 Act provided industry and the markets the necessary certainty to foster and encourage investment in the telecommunications sector. This investment has occurred despite significant delays in the Act's implementation on the part of the FCC, and more disturbingly, delays related to the litigation of the Act in the courts. I am encouraged by the birth and growth of the competitive local telecommunications industry. Furthermore, I am pleased that two of the regional Bell companies satisfied the checklist required by section 271 of the Act in several states, thus indicating that these states are fully open to local competition. By opening these particular markets fully to local competition, these Bell companies are now able to offer long distance service in these states.

While I am pleased with these positive developments since the passage of the '96 Act, I believe it is time to review the '96 Act to determine whether it needs to be modified to fully achieve its purpose. While competition in many sectors of the telecommunications industry has undoubtedly increased, I believe that the Congress should consider how to create additional incentives for increased competition in those sectors of the telecommunications industry which remain dominated by a small number of competitors.

While we have seen the new competitive companies emerging in the marketplace with a particular focus on business clients, perhaps there are measures which would make it more attractive to these new companies to aggressively pursue the market for local service to consumers' homes. Although a few states are now fully open to local competition pursuant to the '96 Act's conditions, we need to do more to make it attractive for additional markets to be opened, especially rural markets. Additional inducements may be necessary to speed the process of opening more and more states for local competition, as it appears the promise of allowing the incumbent local carriers to enter the long distance service market may not be a sufficient motivating factor in many states.

I am also concerned, however, that there are significant deficiencies in the enforcement of the '96 Act. While there were encouraging developments in the telecommunications industry resulting from the passage of the Act, I have serious concerns about the health of the new competitive local telecommunications industry and a perception that true competition for incumbent local carriers has not been achieved due to such enforcement failures. For this reason, I believe that the 107th Congress should look closely at these enforcement issues, with a view towards possible tweaks that may be necessary to ensure full implementation of the Act as it was originally envisioned.

I was a strong supporter and key sponsor of the '96 Telecom Act, and I believe that its principles remain relevant and solid. However, a bit of fine-tuning may be in order as we learn from our experiences under the first five years of the Act and look forward to a telecommunications sector which thrives under additional competition, innovation, and consumer choice in the years to come.

FLUNKING AMERICAN HISTORY

Mr. BYRD. Mr. President, every February our Nation celebrates the birth of two of our most revered presidents—George Washington, the father of our Nation, who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided Nation toward a more perfect Union. Sadly, I fear that many of our Nation's school children may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed of that appreciation—robbed by a school system that no longer stresses a knowledge of American history. In fact, study after study has shown that many of the true meanings of our Nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—are lost on the majority of young Americans. What a waste. What a shame.

In 1994, the National Assessment of Educational Progress assessed fourth, eighth, and twelfth-grade students' knowledge of U.S. history. The results of this study are deeply disturbing. The study divided students into three groups—advanced, proficient, and basic—based on their ability to recall, understand, analyze, and interpret U.S. history. Only 17 percent of fourth graders, 14 percent of eighth graders, and 11 percent of twelfth graders were judged to be ''proficient''. Over one-third of fourth and eighth graders failed to reach the ''basic'' level and more than half of the twelfth graders surveyed could not even achieve the ''basic'' category in the history of their own Nation.

The questions were not overly difficult, especially not for a twelfth grader. One question asked students to name the document that contains the basic rules used to run the Government of the United States of America. Only 27 percent selected the U.S. Constitution as the correct answer. Imagine that—27 percent! How can we ever survive as a country, if more than ⅔ of our high school seniors are so ignorant about our basic charter? This deplorable record indicates that too many American children lack even the most rudimentary grounding in U.S. history.

Even more disturbing were the results of a study released last year by the American Council of Trustees and Alumni that tested the knowledge of college seniors who were on the verge of graduation. The organization gave students from fifty-five of our Nation's finest colleges and universities a typical high school-level American history exam. Nearly 80 percent—80 percent!—of these college seniors—the future leaders of our Nation—earned no better than a ''D.'' A mere 23 percent could identify James Madison as the principal Framer of the Constitution; more than a third did not know that the Constitution established the separation of powers in American government; a scant 35 percent could correctly identify Harry S. Truman as the President in office at the start of the Korean Conflict; and just 60 percent could correctly select the fifty-year period in which the Civil War occurred—not the correct years, or even the correct decade, but the correct half-century.

These results are shameful and appalling. Not only are our grade-school students ignorant about their own history, so are our college students. Our children are being allowed to complete their formal educations without any semblance of historical context. To put it simply, young Americans do not know why they are free or what sacrifices it took to make us so.

An American student, regardless of race, religion, or gender, must know

the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. They should be taught about our Nation's failures, our mistakes, and the inequities of our past. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful experiment in representative democracy. Without the lessons learned from the past, how can we ensure that our Nation's core ideals—life, liberty, equality, and freedom—will survive? As Marcus Tullius Cicero stated, ''to be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it is woven into the life of our ancestors by the records of history?''

Last session, fearing that our children were being denied any sense of their own history, I added an amendment to an appropriations act that I believe will be a starting point for a partial solution to this egregious failure of the American educational system. This amendment appropriated $50 million to be distributed as competitive grants to schools across the Nation that teach American history as a separate subject within school curricula—no lumping of history into social studies. Schools that have previously sought to teach American history should be commended, and schools that wish to add this critical area of learning to their curriculae should be helped to do so. It is my hope that this money will serve as seed corn, and that future funding will be dedicated to the improvement and expansion of courses dedicated to teaching American history on its own, unencumbered by the lump sum approaches of ''social studies'' or ''civics.''

The history of our Nation is too important to be swept under the bed, locked in the closet or distorted beyond all recognition. The corridors of time are lined with the mistakes of societies that lost their way, cultures that forgot their purpose, and Nations that took no heed of the lessons of their past. I hope that this Nation, having studied the failures of those before it, would not endeavor to test fate's nerve.

Thucydides, the Greek historian, understood that the future can sometimes best be seen through the prism of the past. The following is an excerpt from the funeral oration of Pericles as reported by Thucydides in his ''History of the Peloponnesian War.''

Fix your eyes on the greatness of Athens as you have it before you day by day, fall in love with her, and when you feel her great, remember that this greatness was won by men with courage, with knowledge of their duty, and with a sense of honor in action . . . So they gave their bodies to the commonwealth and received, each for his own memory, praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by. For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives. For you now it remains to rival what they have done and, knowing the secret of happiness to be freedom and the secret of freedom a brave heart, not idly to stand aside from the enemy's onset.

STELLERS SEA LION CRISIS

Mr. STEVENS. Mr. President, the Steller sea lion crisis continues to be a serious issue for Alaska fishermen and the families and communities that depend on them. A recent guest columnist piece in the Seattle Post Intelligencer contains a good description of the flawed regulatory process that led us to this point. I ask unanimous consent that this piece be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

[From the Seattle Post-Intelligencer, Feb. 8, 2001]

LET'S DO RIGHT BY STELLERS SEA LION AND FISHERMEN

(By Glenn Reed)

In mid-December Sen. Ted Stevens, R–Alaska, was able to pass legislation that places requirements on the federal government's latest Biological Opinion dealing with interaction between fishing activity and the Stellers sea lion. Two of these requirements are that the government's opinion will undergo the legally required public review process as well as an independent scientific review. The legislation also requires the placement of protection measure for the Stellers sea lions, which the National Marine Fisheries Service has said will eliminate any negative impacts that might be caused to the sea lions by fishing activity.

This legislation also avoids a virtual shutdown of the fisheries and the resulting negative impact to the Washington-based fleet and Alaskan communities.

The senator's action also provides $30 million in new research money to the NMFS so that it can conduct the research necessary to determine if Alaska's fisheries are having an impact on Stellers—something that government scientists theorize, but that they have failed to even test after the industry has suffered through 10 years of increasingly severe harvest restrictions.

How did we get to this point? In 1990 the western population of Stellers sea lions was listed as a threatened species. In 1997 the western population of Stellers were listed as endangered. The cause of the Stellers' decline has never been determined. In the case of Stellers, the only regulatory steps available to the National Marine Fisheries Service were to progressively move commercial fisheries further and further out of their traditional areas. In the past decade the amount of fishing in the areas adjacent to sea lion rookeries and haulouts has been reduced to a fraction of historic levels (from 60 percent of the harvest in 1997 to under 15 percent in 2000). Fishing seasons have also been drastically altered in an attempt to help Stellers.

With all the costly restrictions that have been placed on fishing it would be logical to ask, ''What benefits have sea lions realized over the past decade as a result of the redesigned fishery?''

Unfortunately, NMFS has conducted no studies to determine if any of the restrictions have had a positive effect, a negative effect or no effect. And it is worth noting that there is a body of opinion in the scientific community that argues that the government's actions over the past 10 years have been just as likely to cause more harm to Stellers than to have helped.

The basis for the government's placement of restrictions on fishing is a theory known as ''localized depletion.'' The theory surmises that fishing activity is competing with sea lions for prey and is making it more difficult for Stellers to catch the fish they need. The theory has been rejected by the scientific advisers to the North Pacific Fisheries Management Council. Scientific arguments that run counter to the government's theory have been peer-reviewed and published, but largely ignored.

So why has the estimated sea lion population decreased so dramatically? Some things that leading marine mammal scientists outside the government consider most likely are listed below.

First, the stocks of those fish species which have historically provided Stellers with their greatest dietary benefit are far lower now than in the 1950s and 1960s when Stellers populations were very high. It could be that Stellers populations have declined because the ecosystem cannot support as large a population as it once did.

Also, the greatest population decline of sea lions occurred between the mid-1970s and the late '80s. During much of this time the taking (killing) of sea lions was commonplace and was at times encouraged by the government. Killer whales also prey on sea lions, and mariners have noted that killer-whale populations have increased sharply. Estimates of the impact of these activities in the period of the decline are able to account for a large portion of the overall decline.

NMFS admits in its Nov. 30 Biological Opinion that Alaska's fisheries aren't posing imminent harm to Stellers. There is time to study the effects of the actions that have been taken since 1990 to determine if they are helping sea lions or harming them. NMFS also admits that there is no threat of extinction for the next 100 years, and the agency is receiving more than $30 million this year alone to work on better understanding the situation. It would be particularly encouraging if the conservation community would participate in the support of scientific research designed to better understand and help the Stellers sea lion.

The legislation passed in December will provide an opportunity for public and scientific review to ensure the right decisions are made. NMFS does not need to take the ''ready-shoot-aim'' approach. We have time to find the right answers.

How will history judge us if in an attempt to save the Stellers sea lion we take actions that are ultimately responsible for causing them further harm?

ONE YEAR LATER

Mr. LEVIN. Mr. President, over the course of the next few weeks, the people of my home state of Michigan will memorialize the death of a little girl named Kayla Rolland.

Kayla Rolland was killed by a classmate in their own first-grade classroom at Buell Elementary School near Flint, Michigan almost one year ago. This well publicized school shooting sparked outrage across our state and nation and helped lead hundreds of thousands of mothers to march in Washington for safer gun laws.

Over the course of the year, we have learned more details about the shooting of the young girl. Police reports released just a few months ago reveal that the six-year-old boy who shot and killed Kayla had concealed the handgun in his pants pocket. He pulled the gun out of his pocket and pointed it at Kayla, who told the boy, ''Jesus doesn't like you to point guns at someone.'' The young boy responded, ''So? I don't like you'' and fired the gun that killed the young girl. Just before she collapsed, she turned to her classmate and said, ''I'm going to die.''

For Kayla's mother and family, the pain from those few moments will last forever. At the Million Mom March, Kayla's mother spoke just a few days after what would have been Kayla's seventh birthday. She said:

These are hard times for me and Kayla's brothers, sisters, and her father, and for the rest of my family. Kayla's death was devastating. There is not a day that goes by that I do not cry as I go on with my life without my daughter. A part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh or play again. I can never hold her and kiss her again. Or see her grow up, get married, and have a happy life. The gun that killed my daughter in her first grade classroom was a gun that could be loaded by a 6-year-old child, concealed by a 6-year-old child, and held and fired by a 6-year-old child. Please, don't ever forget that. This is proof that there is need for gun safety devices and gun control. I come here today, two days after what would have been her seventh birthday. I am a Mom with a terrible tragedy, and I hope it never, ever happens again.

One year after the death of Kayla Rolland, after hundreds of thousands of families marched in Washington at the Million Mom March, and after countless other shooting tragedies, Congress cannot guarantee that it never happens again because one year later Congress has not worked seriously to reduce youth access to guns or to pass legislation that will make our nation's children safer.

CONFIRMATION OF JOE ALLBAUGH

Mr. DOMENICI. Mr. President, Mr. Joe Allbaugh is fully qualified to serve as the next FEMA Director, and I will vote to confirm his nomination.

Most recently, Mr. Allbaugh served as the national campaign manager for President Bush. Prior to that Mr. Allbaugh was then-Governor Bush's chief of staff. In that capacity, he was responsible for management of crises and emergency response. On many occasions, he worked closely with FEMA and the related state agencies. Clearly, Mr. Allbaugh has the management experience needed to run this important federal agency.

The position of FEMA Director is very important to me and the people of New Mexico. Nine months ago the Los Alamos community was devastated by fires accidentally started by the U.S. Park Service. More than 400 homes were destroyed and many businesses were affected. Last summer, we worked hard to pass legislation to compensate the victims.

FEMA was charged with the task of processing the victims' claims, and in part they have tackled this undertaking admirably. However, the number of complaints has been mounting as the February 26 deadline for some final settlements fast approaches. Frankly, I am greatly concerned about the delays and mishandling of some of the claims—a concern shared by Mr. Allbaugh.

Mr. Allbaugh assured me that this issue would be addressed expeditiously. I am confident that he will make it a top priority to resolve these complaints and carry out FEMA's duties under the legislation. I look forward to working with him, and I believe he will be a superb FEMA Director.

THE CTBT AND A NATIONAL NON-PROLIFERATION POLICY

Mr. AKAKA. Mr. President, I rise today to discuss the Comprehensive Test Ban Treaty and how it fits into an integrated national non-proliferation policy. We all agree that proliferation of nuclear weapons is a bad thing. Slowing or halting new countries from acquiring nuclear weapons, or keeping current nuclear states from developing new, more powerful weapons is not a Democrat or Republican—it is a necessity. It also is not a new idea.

Since the end of World War II, every president has worked on ways to reduce other countries' access to nuclear weapons and their reasons for trying to acquire them. By mutual security alliances and numerous international agreements, we have succeeded in slowing the development of nuclear weapons. But, the game has changed. A number of smaller states may see nuclear weapons, and other weapons of mass destruction, as the only way to counter the unparalleled superiority of American conventional military power. Therefore, the United States has more reason than ever to lead global efforts to stop proliferation.

A national non-proliferation program needs to include diplomatic, economic, scientific and military tools, all honed and accessible for particular proliferation problems. One such tool should be the Comprehensive Test Ban Treaty, CTBT. It is time for a responsible, calm reconsideration of the CTBT. Former Joint Chiefs of Staff chairman General Shalikashvili's recent report addresses many of the questions and concerns raised in objection to the CTBT. I urge any of my colleagues who have not had a chance to read his report to do so. General Shalikashvili states that the CTBT ''. . . is a very important part of global non-proliferation efforts and is compatible with keeping a safe, reliable U.S. nuclear deterrent . . . an objective and thorough net assessment shows convincingly that U.S. interests, as well as those of friends and allies, will be served by the Treaty's entry into force.''

The CTBT does not mean an end to the threat of nuclear war or nuclear terrorism or nuclear proliferation. It is, however, a step in the right direction of containing these threats. Of course there are risks, but they exist with or without the CTBT. These risks can be better managed with the treaty than without it. An integrated and comprehensive non-proliferation strategy is required, of which the CTBT is a crucial part. In his report, General Shalikashvili outlines recommendations to make such a strategy.

Is the CTBT verifiable? With or without the CTBT, we will always need reliable information about nuclear testing activity. The CTBT gives us new sources of information and creates greater political clout for uncovering and addressing suspected violations. There is more to the verification regime than the International Monitoring System, which by itself will be an impressive network of 321 stations and 16 laboratories. There are also stations and satellites owned and operated by governments, research institutions, universities, and commercial companies.

A report by the Independent Commission on the Verifiability of the CTBT concludes that when all the resources are put into place, they will be able to detect, locate and identify all relevant events. Monitoring and verification will involve a complex and constantly evolving network, which any potential violator will have to confront. A treaty evader would need to muffle the seismic signal, ensure that no signature particles or gas escape the cavity, as well as avoid the creation of surface evidence, such as a crater. And, all test preparations, such a making a cavity or buying materials, would have to be done without causing suspicion. Only the United States and the former Soviet Union have ever been able to carry off such a test. How likely could an emerging nuclear weapon state do so? Some have argued that advancing technology would make hiding such a test easier, but that assumes all monitoring and detection technology will stand still. New technologies and the expansion of a global monitoring regime will make it more difficult to conceal such tests.

What about the safety and reliability of our nuclear weapon stockpile? General Shalikashvili, former Secretary of Defense Cohen, former Secretary of Energy Richardson, the Commander in Chief of U.S. Strategic Command, the directors of the three nuclear weapon laboratories, and numerous experts agree that the nation's nuclear stockpile is safe and reliable and that nuclear testing is not needed at this time.

In the Armed Services Committee Department of Energy oversight hearing last week, Secretary of Energy Abraham stated ''. . . that the results of the most recent process, which was just completed in January, enjoys the full confidence of the lab directors and the certification that just took place by my predecessor and the immediate past Secretary of Defense, another one of our former colleagues, is one that I have high confidence in.'' The United States has no alternative to the Stockpile Stewardship Program unless we want to return to the level of nuclear testing prior to the testing moratorium. The annual certification process provides a clear, candid and careful assessment of each nuclear weapon type in the stockpile.

I am especially concerned about recent news reports that President Bush wants to cut back funds for the Stockpile Stewardship Program. During the presidential campaign, President Bush stated that, while he was in favor of the nuclear weapon testing moratorium, he was opposed to CTBT ratification because it ''is not enforceable'' and it would ''stop us from ensuring the safety and reliability of our nation's deterrent, should the need arise.'' For the Stockpile Stewardship Program to work, it must have both sufficient funds and a strong commitment from the Congress and Administration.

I do not believe that the American public wants to see resumed nuclear weapon testing, nor do they want any other country to do so. We all agree that the spread of weapons of mass destruction is one of the greatest national security threats we face. The CTBT establishes an international norm against nuclear testing while preserving the undisputed U.S. advantage in nuclear weapon technology. It reduces the likelihood that significant new threats will arise from proliferating nations while enhancing the already formidable U.S. monitoring capability. Finally, it strengthens our ability to persuade other nations to respect the obligations of the nuclear Non-Proliferation Regime.

We need to examine all the risks in a careful and deliberate manner, just as General Shalikashvili has done. Two days before the Senate's October 1999 vote against ratification of the CTBT, 62 of our colleagues sent a bipartisan letter to their respective leaders requesting that consideration of the Treaty be postponed until the next Congress. It is now sixteen months later. Let us work together to discuss how, not if, the U.S. should lead global efforts to deal with nuclear proliferation.

MINNESOTA FATALITIES IN THE OAHU ARMY HELICOPTER CRASH

Mr. DAYTON. Mr. President, I had planned to deliver this morning my first formal Senate remarks about the urgent need to provide prescription drug coverage for America's senior citizens. It is a crisis affecting many Minnesota seniors, and I will return to the floor very soon to address its urgency.

However, I have decided to defer my first address, to show my deep respect for the courageous soldiers killed in the recent crash of two Army Black Hawk helicopters. Two of the victims were native Minnesotans: Sergeant Thomas E. Barber and Major Robert L. Olson.

I offer my deepest condolences to the families and friends of Major Olson, Sergeant Barber, and the four other soldiers who gave their lives in the service of our country. We join with you in mourning their deaths, and we pay tribute to them for their ultimate sacrifice on behalf of our national defense. My prayers also extend to the eleven (11) other soldiers, who were injured in the accident. May they be graced with swift and complete recoveries.

As President Abraham Lincoln stated in his famous address at Gettysburg, ''The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.''

This tragedy should remind us that, even during times of peace, our freedom and our security are neither free nor secure. They must continually be earned and protected, in order to be assured. For these always awesome, often invisible, and usually thankless responsibilities, we rely upon our Armed Forces, and especially upon the men and women in uniform.

They risk their lives, so that we can enjoy our lives. And sometimes, they are called upon even to give up their lives, in order to safeguard our lives. They make the ultimate sacrifice; they pay the ultimate price; they commit the ultimate acts of heroism, so that we might be safe, secure, and free.

All of us Americans owe these two Minnesotans, Major Robert L. Olson and Sergeant Thomas E. Barber, and their fellow soldiers a debt which we can never repay. We owe their families and friends our lifelong gratitude, support, and assistance for the burdens they must now bear on all our behalf. And we can only stand in awe and admiration as we witness such courage, such heroism, and such devotion as the men and women who serve their great country with their abilities and who protect it with their lives.

LITHUANIA'S NATIONAL DAY

Mr. DURBIN. Mr. President, Friday, February 16th is Lithuania's National Day marking the day in 1918 when the Lithuanian National Assembly declared independence after World War I.

But Lithuania was not ''new'' in 1918; it simply took its place among modern, democratic nation-states after an ancient history of a distinct culture and people. The Baltic peoples settled in the Baltic region during the second millennium BC, and the Medieval Lithuanian empire stretched for a time from the Baltic to Balkans and lasted hundreds of years.

But February 16th carried a special meaning for Lithuanians during the dark days of Soviet occupation. Lithuanians carried their hopes and dreams for freedom, democracy, and independence in their hearts and marked that special day silently or risked persecution by the KGB. Woe to those who showed the Lithuanian flag or celebrated on February 16th. They risked being hauled off to jail or into exile.

On March 1, 1990, Lithuania re-asserted its independence from the domination of the Soviet Union. Lithuania led the way for other Soviet Republics to throw off the yoke of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

This declaration was not without cost. In January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier. Five hundred people were injured during these attacks. Just last month, Lithuanians commemorated the tenth anniversary of those tragic events.

But these courageous Lithuanians did not suffer and die in vain. Lithuania has now become a vibrant democracy. It has established a free-market economy and the rule of law. Lithuania wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization.

The United States always refused to recognize the Soviet domination of the Baltic states. The U.S. position was that it would only recognize a free and independent Lithuania, Latvia, and Estonia. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Lithuania, Latvia, and Estonia are admitted into NATO as an unequivocal statement that we will never again tolerate domination of the Baltic states.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues

can agree on the importance of Lithuania's contribution to freedom and independence for the former Soviet Republics and will join me in congratulating Lithuania on its National Day.

I am honored that my mother was born in the tiny Lithuanian village of Jurbarkas many years ago; that she came to this country proud of her heritage, but determined to be an American citizen. My late brother, Bill, and I visited Lithuania a few years ago and found that we have cousins in Jurbarkas that we had not known we had. For our family, the Iron Curtain literally cut off the Lithuanian branch from their American cousins. This Senator, the son of that proud Lithuanian mother, now serves in this great body and takes pride in being able to rise and salute the Lithuanian people on their independence.

MINNESOTA CELEBRATES BLACK HISTORY MONTH

Mr. DAYTON. Mr. President, This month in Minnesota and across the country we celebrate ''Black History Month''—a time when our nation rightfully recognizes the many and varied achievements of African Americans and the positive contributions they have made to American society and to our way of life.

In 1926, Carter Woodson—considered by many to be the ''Father of Black History''—created Negro History Week, which became Black History Week in the early 1970s. In 1976, February was chosen to be Black History Month, because it included the birthdays of Frederick Douglass and Abraham Lincoln, both of whom made heroic contributions to the lives of African Americans in this country.

Today, Americans of all races recognize Black History Month as an important way to celebrate the achievements of African-Americans in Minnesota and the United States.

However, today, and throughout our history as we honor this commemoration, we must also remember that we have a long way to go to ensure full and equal rights, opportunities, and benefits for all Americans.

We must be bolder in our efforts to ensure that all Americans—of every race—have the opportunity to share in—and contribute to—our economic prosperity. That means a quality education, adequate housing and health care for all Americans. And it means that our tax and budget policies must spread their benefits across all social and economic lines.

We must renew our commitments to ensure that all American—of every race—can fully share in—and contribute to—our economic prosperity. That means quality education, housing, and health care for all Americans. It means a good job with living wages, so that everyone can earn the American dream. And it means our tax and budget policies must spread their benefits across all social and economic lines.

We must increase our efforts to ensure that our justice system is color blind when it comes to enacting and enforcing our laws. Racial profiling, hate crimes, prejudice, and discrimination must be eliminated now and forever.

Ever since a Minneapolis Mayor named Hubert Humphrey challenged the consensus of the Democratic Party on civil rights in 1948, the women and men who have lead and shaped my party have made tremendous contributions to achieving these national goals. But this work is yet unfinished, and it is now, during Black History Month, that all members of this new Congress and our new President must rededicate ourselves to these causes.

I voted against confirmation of our new Attorney General, John Ashcroft, because I did not think he was adequately committed to upholding our nation's long and hard-fought tradition—forged by Democrats and Republicans alike—on civil rights. Now that he has been confirmed, however, I hope he will demonstrate through his actions that he truly is interested in justice for all Americans, regardless of race.

I intend to hold him to the promises he made during his confirmation process that he will not repeat his past actions that demonstrated a racial insensitivity which not only divided many communities, but also the work of this Senate.

The Bush Administration's recent announcement that it will appoint an African American as Attorney General Ashcroft's top deputy is a good start to healing some of these rifts, but we must see action.

Minnesota takes great pride in the African Americans who have made our state and our country a better place to live, work, and recreate. Their contributions to the arts, business, politics and culture are numerous.

Starting back in the Civil War, Black Minnesotans were involved in important undertakings that contributed to the good of the nation. In 1860, although there were only 259 residents of African descent in the state, 104 Black men served in the Union army. Despite being paid less and suffering from racial prejudice, they fought courageously along with their white brethren.

Minnesotans also played important roles in more recent civil rights advances. The U.S. Postal Service recently honored St. Paul native Roy Wilkins as the 24th American honored in the Black Heritage Commemorative Stamp Series. As a leader of the NAACP when this country made significant civil rights advances, his legacy is felt today across this country.

Alan Page was first known to most of us as an all-pro Hall of Fame lineman for the Minnesota Vikings. However, Alan has often said he takes more pride in his subsequent career as a Special Assistant Attorney General and an Associate Justice on the Minnesota Supreme Court.

Nellie Stone Johnson has had a long and distinguished record of public service in support of the advancement of minority concerns, the rights of workers, and equal opportunities for all people. Her life is chronicled with a series of ''firsts.'' As a leader of organized labor in the 1930s and 1940s, she was the first woman vice president of the Minnesota Culinary Council and the first woman vice president of Local 665 of the Hotel and Restaurant Employees Union. She was also the first African American elected to citywide office in Minneapolis when she won a seat on the Library Board in 1945.

Sharon Sayles-Belton, another of Minnesota's greatest mayors, has for almost eight years led initiatives to make our state's largest city a better place to live, work, do business and educate our children.

And Billy McGee, a Public Defender who passed away last year, was a tireless champion of civil and human rights in the Twin Cities community. Everyone knew that they could call Billy at all hours and be assured of his help.

Minnesota native Dave Winfield and World Series hero Kirby Puckett were both voted into the Major League Baseball Hall of Fame last year. Not only are they great athletes, they are greatly respected and enormously contributing civic leaders.

And William Finney is the distinguished Chief of Police of our capitol city, St. Paul. He has successfully integrated that police force, combatted crime afflicting citizens of all races and nationalities, and helped lead the way for racial and social advances in his city.

Those are just a few of the Minnesotans who have and continue to set examples for the rest of us. There are many more women and men who are giving their very best to improve our state. As we celebrate Black History Month, we can all do well to look to their examples of activism and excellence. And we can strive to follow their leadership in making this country all that it should be for all our citizens.

ADDITIONAL STATEMENTS

HONORING CHASKA POLICE OFFICERS BRADY JUELL AND MIKE KLEBER

• Mr. WELLSTONE. Mr. President, I rise today to honor two Minnesota heroes.

Chaska police officers Brady Juell and Mike Kleber saved the lives of more than a dozen residents as fire burned through an apartment building.

On the morning of Tuesday February 6, 2001 a fire broke out in an apartment building in Chaska, Minnesota. With little regard for their own safety, Officers Juell and Kleber searched and found resident after resident. In some instances they literally pulled people to safety.

Officers Juell and Kleber did their job. But they did so much more: they inspired us because they showed how great and how selfless we can be.

The community will be honoring these brave men on March 3, but I wanted the Senate today to recognize these good and noble men who saved lives and provided us a glimpse of who we can be as a people.

I ask that the following articles from the Minneapolis Star Tribune and the Chaska Herald be printed in the RECORD.

[From the Minneapolis Star Tribune, Feb. 7, 2001]

POLICE OFFICERS SAVE PEOPLE FROM BURNING CHASKA APARTMENT

(By Chris Graves)

As he lay choking on smoke and unable to see, Brad Bandas saw the glimmer of a flashlight through the sooty black smoke filling his Chaska apartment building.

The 22-year-old man hoped that whoever was on the other side of the light saw his hand frantically waving.

Out of the smoke came a hand. Then Bandas was on his feet. Then he was outside, standing—and coughing—in the crisp, predawn air.

''The officer just clutched my hand and pulled me out and gave me the boost I needed,'' Bandas said. ''I could have been dead. Smoke kills you.''

He was one of more than a dozen apartment residents saved by Chaska police officers Brady Juell and Mike Kleber as fire lapped up the side of the three-story stucco building in the 600 block of Ravoux Rd. about 4 a.m. Tuesday.

One resident, Robert A. Ebert, 38, died in the blaze after he broke out his garden-level apartment window to try to escape.

Chaska Police Chief Scott Knight said a bystander tried to pull Ebert out of his burning apartment, but he fell backward and died in the blaze.

Knight said preliminary findings indicate the fire, which started in Ebert's apartment, was caused by an electrical malfunction and was an accident.

Knight beamed like a father about his officers' actions.

''They are heroes. I know we would have many more deaths,'' he said, ''with the people sleeping and the rapid spread of fire and smoke.''

Bandas had made it down to a first floor hall before collapsing. His fiancee, Jackie Gallipo, 19, watched from their third-floor apartment as he was pulled out of the building. The officers, as well as Bandas, were yelling at her to jump. The officers assured her they would catch her.

And they did.

''I climbed out the window and was hanging off the sill. I didn't want to jump,'' she said. ''But I didn't want to burn up . . . so I jumped.''

Knight said the two officers crawled through the smoke, banged on apartment doors and yelled to awaken residents. Several times, the two men used their shoulders to break down doors.

''They reluctantly accept the title 'hero,' '' Knight said. ''They said they were doing nothing short of what their peers would have done. But I have to tell you, they are heroes. ''I'm beaming with pride.''

[From the Chaska (MN) Herald, Feb. 7, 2001]

ONE DEAD IN FIRE; POLICE HELP SAVE OTHERS

(By Mark W. Olson)

Dave Cooper's first migraine in six months kept him awake early Tuesday morning. He was flipping from channel to channel when he heard glass breaking. Cooper looked out his Creekside Apartment window at the other Creekside Apartment building across the parking lot. Flames were shooting from a sub-level apartment of the three-story complex, at 625 Ravoux Road, and windows had shattered from the heat, Cooper said.

Cooper called 911, ran outside and into the west entrance of the blazing building and began pounding on doors. His girlfriend, Donna Busch, ran to the east side of the building and began yelling at residents from outside the apartment. By the time Cooper reached the second floor, the building was filled with smoke, he said.

Chaska Police Officers Brady Juell and Mike Kleber arrived about a minute after receiving the 3:54 a.m. call.

The fire began in Robert Andrew Ebert's sub-level apartment. He had apparently broken the bedroom window of his flame-filled apartment to escape and another resident had tried to reach for him, said Chaska Police Chief Scott Knight. By the time police officers arrived, flames six to 10 feet high were coming out of Ebert's apartment windows. Ebert, 38, died in the fire.

Ebert was the only occupant in the apartment. Knight said Ebert had a son, who did not live with him, and relatives in Watertown and Waconia.

The fire may have been ''electrical in nature,'' according to Knight. Preliminary investigations by the State Fire Marshal point to it starting in Ebert's living room in the vicinity of the VCR and television. There is a continuing investigation into the exact cause.

The apartment building could be a complete loss, Knight said. There were 21 occupants in the building, according to apartment manager Brad Bandas. Residents suffered from smoke inhalation and one occupant sprained an ankle, Knight said.

Knight credited officers Juell and Kleber with saving many lives during the fire. ''I can tell you that I am fiercely proud of these men,'' Knight said, at a Tuesday afternoon press conference. ''I'm here to tell you they're heroes.''

The officers entered the smoke and fire-filled building to get people out, experiencing ''conditions we can't imagine,'' Knight said.

In one case, the officers saw a hand reach out from the darkness for help. The officers shouted at occupants to walk toward their flashlights. For one brief moment the officers lost each other in the smoke, Knight said. ''They had to crawl and shout and came upon people by feel,'' Knight said.

Bandas, and his fiancée Jackie Gallipo, woke to the sound of smoke alarms. Their apartment was so full of smoke, Bandas said he couldn't see a television across the room.

He headed out the door of his third-floor apartment, thinking Gallipo was right behind him. ''I couldn't see a damn thing,'' Bandas said. He felt his way out of the building by following stair railings. A police officer pulled him out the door. ''All I could do was gasp for air,'' he said. Emergency crews gave him oxygen.

Meanwhile, Gallipo popped out a screen and jumped out a third-story window, into the arms of two awaiting police officers. ''I'm just glad everyone got out,'' Bandas said.

''We thought someone's (clock) alarm was going off at first,'' said Al Knadel. Knadel and his girlfriend, Missy Schumacher, threw on shoes and jackets and headed for the door. By the time they left, flames were coming from under one of their apartment's doors.

''We just moved in a week ago,'' Knadel said. ''Time to pack everything up and start at square one again.''

Tuesday morning Bill and Virginia Standke, volunteers with the American Red Cross of Carver County, were helping the residents find temporary places to stay, and finding out what clothes and other supplies residents needed.

Firefighters from Chaska, Chanhassen, Shakopee, Victoria and Carver all fought the fire.

Chaska's last apartment building fire, on Jan. 15, 2000 at 123 W. 2nd Street in downtown Chaska, left 11 people homeless. There were no fatalities in the 2nd Street blaze. The historic 1891 F. Hammer building, made of Chaska brick, as since been repaired.●

TRIBUTE TO ED JOHNSON

● Mr. VOINOVICH. Mr. President, this past Monday, the Ohio agriculture community lost a dear friend with the passing of Ed Johnson. He was not only a friend of mine, he was a wonderful human being.

Ed Johnson grew up on a dairy farm in Fairfield County, Ohio. From the time he was a young boy, Ed realized that the only way to get ahead in life was through honest, hard work. This philosophy translated itself into a tremendous work ethic, which, combined with his robust energy and love for farming, made Ed an enthusiastic and well-regarded spokesman for Ohio farmers.

With a background in agricultural economics and agricultural education, Ed started out his professional life as a teacher before joining the Ohio Farm Bureau as Organizational Director for Fairfield, Pickaway and Ross Counties. He worked hard on behalf of ''his'' farmers and was a great source of agricultural information for both farmers and non-farmers alike. It was while he served at Ohio Farm Bureau that he discovered he had a real knack for radio, reporting on Farm Bureau events, then sporting events and farm market news.

Ed, it seems, had found his niche. He took his love of farming, combined it with his communication skills, and became a true media entrepreneur. He assumed the risk of starting up his own radio network, ABN, Agri Broadcasting Network, and developed a multi-state service to small stations by delivering market news and covering agricultural events. It wasn't long before Ed became an accomplished radio personality. As his success grew, he developed an early industry service of up-linking and down-linking sporting events for major radio, WBNS Columbus being one such station.

Ed also branched out into television, hosting his own weekly morning show, Agri Country, which aired in Ohio and three other states. With Ed at the helm, Agri Country has been popular to both farming and non-farming audiences since 1982.

In addition to his radio and television work, Ed advanced agriculture with ''Ohio's Country Journal,'' a monthly publication that, even though it struggled for its first few years, has blossomed as readership numbers shot

up. It is now ''the'' farm publication for Ohio's agriculture.

Ed's great contributions to agricultural media were surpassed only by his humanitarian giving in terms of his leadership and his time. His unselfish dedication to further the causes of his alma mater, the Ohio State University, the 4–H Foundation, the Future Farmers of America, and all Ohio farmers for that matter, were unparalleled.

Ed's personal caring and concern for society and his fellow man made him an outstanding communicator. Ed could talk with anyone—rich man or poor man; farm hand or a nation's president—he had an uncanny ability to put anyone he talked to totally at ease.

Throughout the years, I came to rely on Ed's knowledge of Ohio agriculture and his viewpoint on the agricultural situation throughout the state of Ohio. I appreciated his tireless efforts to promote agribusiness both within the state and nationwide.

Because of Ed's contribution to agriculture in the State of Ohio, I was pleased to induct him into Ohio's Agriculture Hall of Fame in 1997. On that occasion, I said ''I don't think there's anyone in the state who is more readily identifiable with agriculture by the average person than Ed.'' Indeed.

I've often said that it's not the number of years that one lives, but what one does with those years that counts. In his sixty-three years, Ed lived his life to the fullest, and in so doing, touched the lives of countless individuals. Ed took risks, celebrated his successes and learned from his defeats, and, through it all, Ed never lost his focus, his positive attitude, nor his ever-present grin. There is no one comparable, and the void his loss has created in Ohio will not soon be filled.

Ed Johnson has been taken from us too early, and I will miss him. It is my hope that his wife, Marilyn, his children, Julie and Bart, his foster daughter Julie, his grandchildren—Adam, Eric, Nathan, Sarah, Elizabeth, Gage and Lauren—his brothers and sister and his entire family will take comfort in the knowledge that Ed is with our Father in Heaven.●

TRIBUTE TO PAUL NASH

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to and honor Paul Nash. Paul has been a highly-valued member of my legislative staff for more than 4 years, and I wanted to take this opportunity to publicly thank him for all his years of hard work and dedication to the people of South Dakota. Paul will no longer be working on my staff after next week, and I, along with my entire staff, will miss his contributions greatly.

Paul was one of the original members of my Senate staff when I began serving in this body in January of 1997. Paul has worked on a number of issues in my office, and for the past several years has been my legislative assistant responsible for staffing my Banking Committee assignment, as well as taxes, telecommunications, campaign finance reform, government employees and labor issues. Paul has been an instrumental part of some of my key legislative accomplishments since I have had the honor of serving in the Senate, including passage of the Johnson amendment to the Financial Services Modernization Act, and legislation to provide access to local television stations for rural satellite owners. Paul has also been actively involved in helping to produce bipartisan legislation in the past Congress and at the start of this Congress to reauthorize the Export Administration Act. His efforts have earned him the respect of many people he has worked with, including other Senators and staff of the Banking Committee.

Paul has also worked closely with members of the South Dakota financial services community, and I know he will be missed by them as well. Paul's efforts on telecommunication issues for rural America, as well as his hard work on many other issues, such as campaign finance reform and tax policy have also been important contributions to my legislative efforts of the past 4 years. He has been a true public servant for me, the people of South Dakota and the Nation.

I know Paul's parents, family, friends and colleagues are all very proud of him. Paul has a very bright future, and I know he will continue to succeed at whatever he chooses to do. On behalf of my wife Barbara and I, and my entire staff, I want to thank Paul Nash for his dedication and years of hard work for me and the people of South Dakota.●

JOHN HARRIES' 107TH BIRTHDAY

● Mr. INHOFE. Mr. President, it is my privilege to stand before you today to honor a man who has lived to see three centuries. On February 23, 2001, Mr. John Harries, of Edmond, Oklahoma, will be 107 years old.

Born on a farm twelve miles west of Waukegan, Illinois, in 1894, John has witnessed many major events throughout his lifetime, including two world wars. Showing true patriotism, he left dental school and joined the army at the onset of World War I. While fighting in France, he was exposed to mustard gas, which severely damaged his lungs. But the sacrifices he made in the name of freedom did not go unnoticed. Recently, France awarded him the French Legion of Honor for his service. This is the highest medal that the French award to foreigners.

Retiring in 1967, John spent most of his professional life at Salerno Baking Company in Chicago, where he was chief salesman. He was married to his wife, Mildred, for 66 years until her death in July, 2000. He then moved to Oklahoma, where he now lives with his niece, Nancy Pruett. I am proud to honor John Harries for his service and dedication to our country and his long life. Please join me in wishing him a wonderful 107th birthday.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 328. A bill to amend the Coastal Zone Management Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–668. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the Russian Federation and the Ukraine; to the Committee on Foreign Relations.

EC–669. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority for Parts 17 and 18 [T.D. ATF–436]'' (RIN1512–AB99) received on February 12, 2001; to the Committee on Finance.

EC–670. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority for Part 25 [T.D. ATF–437]'' (RIN1512–AC20) received on February 12, 2001; to the Committee on Finance.

EC–671. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority for Parts 20, 21, and 22 [T.D. ATF–435]'' (RIN1512–AC13) received on February 12, 2001; to the Committee on Finance.

EC–672. A communication from the Federal Register Liaison, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury'' (RIN1550–AB43) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–673. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation. transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in

Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plan; Interest Assumptions for Valuing and Paying Benefits'' received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–674. A communication from the Director of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–675. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Mitigation of Impacts to Wetlands and Natural Habitat'' (RIN2125–AD78) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–676. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV) Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date'' ((RIN2126–AA51)(RIN2126–AA44)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–677. A communication from the Deputy General Counsel of the Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Instant Criminal Background Check System Regulation'' (RIN1110–AA02) received on February 12, 2001; to the Committee on the Judiciary.

EC–678. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Update of the list of countries whose citizens are ineligible for transit without visa (TWOV) privileges to the United States under the TWOV Program'' (RIN1115–AF81) received on February 12, 2001; to the Committee on the Judiciary.

EC–679. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Removing Burma from the Guam Visa Waiver Program'' ((RIN1115–AF95)(INS2099–00)) received on February 12, 2001; to the Committee on the Judiciary.

EC–680. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Update of the list of countries whose citizens or nationals are ineligible for Transit Without Visa (TWOV) privileges to the United States under the TWOV program'' ((RIN1115–AF81)(INS2020–99)) received on February 12, 2001; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. DODD, Mr. CONRAD, Mr. AKAKA, Mr. KENNEDY, Mr. REID, Mr. LEAHY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. JOHNSON):

S. 340. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KOHL, and Mr. DORGAN):

S. 341. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

By Mrs. CARNAHAN:

S. 342. A bill to assist local educational agencies by providing grants for proven measures for increasing the quality of education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 343. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BAUCUS, Mr. MCCAIN, and Mr. INOUYE):

S. 344. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

By Mr. ALLARD (for himself, Mr. HARKIN, Mr. WARNER, Mr. DASCHLE, Mr. AKAKA, Mr. SMITH of Oregon, Mr. KENNEDY, Mr. LEVIN, Mr. KOHL, Mr. LEAHY, Mr. GREGG, Mr. KYL, Mr. TORRICELLI, Mr. DORGAN, Mr. SMITH of New Hampshire, Mr. KERRY, Mr. SCHUMER, Mr. REID, Mr. JEFFORDS, Mr. SARBANES, Ms. STABENOW, Mr. BAYH, Mr. FITZGERALD, Mrs. BOXER, Mr. DEWINE, Ms. COLLINS, Mr. WYDEN, Mr. LUGAR, Mr. FEINGOLD, and Mr. BROWNBACK):

S. 345. A bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. INHOFE, and Mr. SMITH of Oregon):

S. 346. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

S. 347. A bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON:

S. 348. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, Mr. SMITH of Oregon, Mr. THOMAS, Mr. BINGAMAN, Mr. SARBANES, Mr. FEINGOLD, and Mr. JOHNSON):

S. 349. A bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. BOXER, Mr. WARNER, Mr. BAUCUS, Mr. SPECTER, Mr. GRAHAM, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, and Mr. WYDEN):

S. 350. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. KERRY):

S. 351. A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. SCHUMER, Mr. BREAUX, Mr. DURBIN, Mr. KERRY, Mr. DAYTON, Ms. CANTWELL, Mr. CORZINE, Mrs. CLINTON, Mr. REID, Mr. AKAKA, Mrs. CARNAHAN, Mr. JOHNSON, Mr. CONRAD, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KOHL, Mr. NELSON of Nebraska, Mr. REED, Mr. LIEBERMAN, and Mr. BAYH):

S. 352. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRAMM, Mr. KYL, Mr. SESSIONS, and Mr. BINGAMAN):

S. 353. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN:

S. 354. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. SANTORUM, Mr. BREAUX, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JOHNSON, Mr. LEVIN, Mr.

LIEBERMAN, Mr. NELSON of Florida, Mr. REID, Ms. STABENOW, Mr. TORRICELLI, Mr. BROWNBACK, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORZINE, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, and Mrs. CARNAHAN):

S. 355. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, and Mr. BREAUX):

S. 356. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. FRIST):

S. 357. A bill to amend the Social Security Act to preserve and improve the medicare program; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. FRIST):

S. 358. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes; to the Committee on Finance.

By Mr. SHELBY:

S. 359. A bill to amend title 10, United States Code, to provide eligibility for members enlisting in a regular component of the Armed Forces to enroll for advanced training in the Senior Reserve Officers' Training Program; to increase the maximum age authorized for participation in the Senior Reserve Officers' Training Corps financial assistance program; and for other purposes; to the Committee on Armed Services.

By Mr. LOTT (for himself, Mr. GRAMM, Mr. MILLER, Mr. REID, Mr. DEWINE, Mr. CLELAND, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. KYL, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. VOINOVICH, and Mr. WARNER):

S. 360. A bill to honor Paul D. Coverdell; considered and passed.

By Mr. MURKOWSKI (for himself, Mr. INHOFE, and Mr. ENZI):

S. 361. A bill to establish age limitations for airmen; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. DASCHLE, and Mrs. LINCOLN):

S. 362. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. DASCHLE, Mrs. LINCOLN, and Mr. HARKIN):

S. 363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. DASCHLE):

S. 364. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

By Mr. THOMAS:

S. 365. A bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. CLELAND, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 366. A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Ms. SNOWE, Mrs. CLINTON, Mr. CHAFEE, Mr. REID, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, Mr. FEINGOLD, and Mr. SPECTER):

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 368. A bill to develop voluntary consensus standards to ensure accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. ENZI):

S. 369. A bill to amend the Internal Revenue Code of 1986 to allow a written agreement relating to the exclusion of certain farm rental income from net earnings from self-employment; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 370. A bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps; to the Committee on Finance.

By Mr. REED:

S. 371. A bill to establish and expand child opportunity zone family centers in public elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. WELLSTONE, and Mrs. MURRAY):

S. 372. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 373. A bill to provide for the professional development of elementary and secondary school educators; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. COCHRAN):

S. 374. A bill to authorize the operation by the National Guard of counterdrug schools, and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. HARKIN, Mr. FEINGOLD, Mr. REED, Mr. JEFFORDS, and Mr. KERRY):

S. 375. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself and Mr. DEWINE):

S. 376. A bill to amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States counterdrug efforts, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS:

S. 377. A bill to strengthen the role of the Federal Government in helping to identify children with reading deficiencies and to provide grants to State and local governments to implement early reading intervention programs; to the Committee on Health, Education, Labor, and Pensions.

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

S. 378. A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the ''Paul Simon Chicago Job Corps Center''; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. LEAHY, Mr. DURBIN, Mr. KOHL, Ms. COLLINS, Ms. LANDRIEU, Mr. MCCAIN, and Mrs. CLINTON):

S. 379. A bill to establish the National Commission on the Modernization of Federal Elections to conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. KOHL (for himself and Mr. HARKIN):

S. 380. A bill to amend the Consolidated Farm and Rural Development Act to provide that agricultural producers that suffer or are likely to suffer substantial economic injury as the result of a sharp and significant increase in certain costs are eligible to receive emergency loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD (for himself and Mrs. HUTCHISON):

S. 381. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Ms. COLLINS, Mr. DEWINE, and Mr. ENZI):

S. 382. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 383. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

By Ms. SNOWE:

S. 384. A bill to amend the Internal Revenue Code of 1986 to make the dependent care

credit refundable; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. GRAHAM):

S. 385. A bill to amend title 10, United States Code, to remove a limitation on the expansion of the Junior Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

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

S. 386. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 387. A bill for the relief of Edwardo Reyes, Dianelita Reyes, and their children, Susy Damaris, Reyes, Danny Daniel Reyes, and Brandon Neil Reyes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. CLELAND):

S. Res. 25. A resolution designating the week beginning March 18, 2001 as ''National Safe Place Week''; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. SCHUMER, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, and Mrs. BOXER):

S. Res. 26. A resolution stating the sense of the Senate regarding funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

By Mr. HELMS:

S. Res. 27. A resolution to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWNBACK:

S. Con. Res. 15. A concurrent resolution to designate a National Day of Reconciliation; to the Committee on Rules and Administration.

By Mr. CHAFEE (for himself and Mr. REED):

S. Con. Res. 16. A concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Washington (Mrs. MURRAY), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. ALLARD), the Senator from New York (Mrs. CLINTON), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 41, supra.

S. 60

At the request of Mr. BYRD, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 82

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 82, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 83

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 83, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 84, a bill to increase the unified estate and gift taxes and the tax credit to exempt small businesses and farmers from estate taxes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

S. 94

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 126

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 126, supra.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Indiana (Mr. LUGAR), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 161

At the request of Mr. WELLSTONE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 161, a bill to establish the Violence Against Women Office within the Department of Justice.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 218, a bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes.

S. 223

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 223, a bill to terminate the effectiveness of certain drinking water regulations.

S. 226

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 226, a bill to establish a Northern Border States-Canada Trade Council, and for other purposes.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986

to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 295

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 315

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. GRAMM), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 315, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 321

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Michigan (Ms. STABENOW), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 325

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 325, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 326

At the request of Ms. COLLINS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 12

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

S. RES. 22

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. DODD, Mr. CONRAD, Mr. AKAKA, Mr. KENNEDY, Mr. REID, Mr. LEAHY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. JOHNSON):

S. 340. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, earlier this week I had the honor and pleasure of meeting with the presidents, faculty and student leaders from South Dakota's tribal colleges to talk about the educational needs of Native Americans and the crucial role tribal colleges play in strengthening tribal communities. It was a fascinating conversation.

We sat around a table in my office in the United States Capitol building talking about the hopes and aspirations of the next generation of Native American leaders. Every one of those young people had good ideas and the poise and self-confidence to express them.

As the participants spoke of the importance and the power of education as the key to unlock the promise of the future, the story I heard was not one of bricks and mortar, but rather one of enduring spirit, sense of community and hope for a better quality of life. Listening to the discussion and observing the people in the room, I had no doubt that the future of Indian Country is in good hands.

Tribal colleges and universities play a critical role in educating Native Americans across the country, and I have come to believe they may well be the best kept secret in higher education. For more than 30 years, these institutions have been instrumental in providing a quality education for Native American students, many of whom our mainstream educational system previously had failed.

Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few who did, only one or two would graduate with a degree.

Then tribal colleges emerged, offering curricula that is culturally relevant and focused on a tribe's particular philosophy, culture, language and economic needs. With this focus and a clear mission, these institutions have had a high success rate in educating Native American and Alaska Native people, and tribal college enrollment has increased 62 percent over the last six years.

The track record of tribal colleges is impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduation. Over the last ten years, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 55 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, additional challenges remain before the future of these institutions is assured. These schools rely heavily on federal resources to provide educational opportunities for their students, and federal spending trends for these schools have been woefully inadequate. It is imperative that the bipartisan effort to provide additional core and facilities funding to tribal colleges continue.

In addition to resource constraints, tribal college administrators and faculty have expressed to me a particular frustration over the difficulty they experience in attracting qualified teachers to Indian Country. Geographic isolation and low salaries have made recruitment and retention particularly difficult for many of these schools, and this problem has been exacerbated by rising enrollment.

As a matter of public policy, it simply makes sense for Congress to help tribal college administrators overcome these serious barriers to the recruitment and retention of qualified faculty. Today, with the support of the South Dakota delegation of Tribal Colleges, the American Indian Higher Education Consortium, and the National Indian Education Association, and the co-sponsorship of my colleagues Senators BINGAMAN, CONRAD, BAUCUS, AKAKA, REID, KENNEDY, LEAHY, DODD, and JOHONSON, I am pleased to introduce the Tribal College or University Loan Forgiveness Act, which will provide forgiveness on federal student

loans to individuals who commit to teach for up to five years in one of the 32 tribal colleges nationwide. Under this proposal, individuals who have Perkins, Direct or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness, which will help tribal colleges attract qualified teachers and encourage Native American students to fulfill their promise.

The Tribal College or University Loan Forgiveness Act will benefit individual students and their communities. By expanding opportunities for Native American students to develop valuable skills, it will not only allow individuals to maximize their human potential, but also spur economic growth and help facilitate self-sufficiency in communities that desperately need it.

I believe our responsibility as legislators was perhaps best summed up by one of my state's historic leaders, Sitting Bull, who said: ''Let us put our minds together and see what life we can make for our children.'' This message still resonates loudly and applies today, and is reflected in the life's work of Sitting Bulls' great-great-great grandson, Ron McNeil, the president of Sitting Bull College, with whom I met on this very subject earlier in the week.

Mr. President, I look forward to working with Ron McNeil and his fellow educators across the country to familiarize the public with the accomplishments and the promise of the tribal college movement. And I look forward to working with my colleagues in the Congress to pass the Tribal College or University Loan Forgiveness Act as quickly as possible. I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 340

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

SECTION 1. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This Act may be cited as the ''Tribal College or University Teacher Loan Forgiveness Act''.

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking ''or'' after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(J) as a full-time teacher at a tribal College or University as defined in section 316(b).''; and

(B) in paragraph (3)(A)(i), by striking ''or (I)'' and inserting ''(I), or (J)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

''SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act, who—

''(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

''(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

''(b) QUALIFIED LOAN AMOUNTS.—

''(1) PERCENTAGES.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

''(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

''(B) 20 percent of such total amount, for the third or fourth year of such employment; and

''(C) 30 percent of such total amount, for the fifth year of such employment.

''(2) MAXIMUM.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

''(3) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

''(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

''(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

''(f) DEFINITION.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.''.

SEC. 2. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this Act shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KOHL, and Mr. DORGAN):

S. 341. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, on behalf of Senator STEVENS, Senator HUTCHISON of Texas, Senator INOUYE, Senator KOHL, Senator DORGAN, and myself, I send to the desk a bill, the Children's Protection From Violent Programming Act.

Mr. President, it has been a 50-year learning process. I am reminded of Peter, Paul, and Mary, singing that song about, ''Where have all the flowers gone? When will they ever learn?'' The truth of the matter is that we have learned. We have had hearings starting back in the early 1950s with Senator Kefauver. We have had Surgeon General reports, American Medical Association reports, American Psychological Association reports, National Cable Television Association reports, Kaiser Family Foundation reports—reports, reports, reports, again, again, and again; and only this yet to be introduced ''Youth Violence: A Report of the Surgeon General,'' which I quote, among other findings, from page 93:

Research to date justifies sustained efforts to curb the adverse effects of media violence on youth.

We have had Attorney General Janet Reno, along with other legal scholars, attest to the constitutionality of the safe harbor approach. The truth of the matter is that everybody is talking about bipartisanship. We have had it with respect to TV violence and its effect on children. In the last three Congresses, safe harbor has been reported out of committee almost unanimously, with only one dissenting vote in each Congress, 16–1, 19–1, 17–1, after a series of hearings in the Commerce Committee. Then it gets to the full Senate's calendar and it stops.

On Thursday, January 25, a thirteen year old boy was sentenced to life in prison for the killing of a six year old family friend. Why did he do it? To imitate pro wrestling he had watched on television. In this instance, the defendant punched, kicked, and threw a 48 pound little girl against a metal staircase after asking her ''Do you want to play wrestling?'' His defense attorney stated: ''He wanted to emulate them. . . . Like Batman and Superman, they were his heroes.'' He added, that the defendant ''didn't understand that he could hurt the 48-pound girl if he punched her and threw her because he had seen pro wrestlers do that hundreds of times without injuring each other.'' Apparently, the death was one of at least four cases in 1999 in which pro wrestling inspired the killing of one child by another.

The day after this sentencing, another thirteen year old boy suffered second and third degree burns when he tried to imitate an MTV personality who set himself on fire as part of the

show ''Jackass,'' which airs on that music network. The injured teen, who was from Torrington, CT, allowed his friend to douse his pants and shoes with gasoline and then light them on fire mistakenly assuming that he would not be injured. His burns, and required hospitalization tell another tale.

Mr. President, enough is enough. And yet, we can never bring ourselves to act. Remember, it was over three years ago, in Paducah, Kentucky, when a fourteen year old savagely murdered three teenage girls and shot five others who had just completed their morning prayer meeting at school. Prosecutors alleged the defendant plotted his killings after watching ''The Basketball Diaries,'' a movie in which a tormented student dreams of brutally slaying his tormentors in the classroom. In the scene in which the killings take place, popular rock music resonates in the background and students high-five each other and laugh while their friend guns down multiple students and the classroom teacher.

And we all are familiar with the incident in which a young boy burned down his home, thereby killing his sister, while imitating the ritualistic pyromaniac practices that were glorified on the popular cartoon show ''Beavis and Butthead.'' A few years before that, in 1991, a thirteen year old boy in Jerusalem accidentally killed himself when he imitated a TV hanging he had witnessed on one of his favorite action-adventure programs. His friends discovered him dead, hanging from the stairway bannister in his home.

How much copycat violence will it take? How many violent acts have to be committed, how much vandalism, destruction, injury, and death has to occur, before we act here in Congress? As we have seen in Littleton, Colorado, and in Paducah, Kentucky, violence in our culture is begetting violence by our youths. Violence is everywhere, it is readily accessible, and it is a source of corporate profits. As a Washington Post article entitled ''When Death Imitates Art'' stated two years ago—''For young people, the culture at large is bathed in blood and violence . . . where the more extreme the message, the more over the top gruesomeness, the better.'' This assessment is based on established evidence and facts. We know from the Congressional Research Service that before completing elementary school, the average child will witness 8,000 murders and 100,000 other acts of violence on television alone. By the time he or she graduates from high school, the exposure will rise to 40,000 televised murders. Often accompanied by popular music, portrayed in a glorified light, and delivered without reference to the negative consequences of such dire actions, television violence has a direct, adverse impact on our children.

The legislation I offer today provides an opportunity for us to act responsibly to lessen that impact, by limiting our children's exposure to the poisonous effects of televised, glorified, violence. We need to take advantage of that opportunity. The purveyors of violence in corporate America will no doubt criticize this effort and seek the mantle of the First Amendment while espousing the virtue of self-regulation. What they won't say is that U.S. law already restricts the broadcasting of indecent programming on television, a restriction the federal courts have upheld as consistent with the First Amendment. A similar approach for violence is also likely to be upheld, as has been demonstrated in previous Congresses through the hearing testimony of the U.S. Attorney General, the Chairman of the Federal Communications Commission, and numerous constitutional scholars. As for self-regulation, it has been proven unequivocally that such an approach will never work so long as it is pitted against the allure of the almighty dollar.

Mr. President, this is an issue about accountability and responsibility. Those responsible for supplying and distributing video programming have been entrusted with public resources—through grants of government spectrum and public rights of way—that allow them to deliver their programming to America's children. Notwithstanding the responsibility that accompanies the grant of this public trust, we know from the studies that there is more violence on television during prime time, during ''sweeps weeks'' and even on weekend afternoons. Why? Because violence sells and money talks. And no amount of self- regulation, and no number of antitrust exemptions is going to change that profit incentive.

Moreover, we know that no issue is more developed, more researched, and more debated than this one. Allow me to lay out the history.

We were in the last days of the Truman Administration when a House Subcommittee first looked at the issue of violence on radio and television.

The Senate Judiciary Committee and Senator Estes Kefauver began to examine media and youth violence in hearings in 1954 and the Senate Commerce Committee began hearings in 1960. In the Senate Commerce Committee alone we have held twenty two hearings on the issue of media violence.

In 1972, the Surgeon General's report concluded that there is a causal link between viewing violence as a child and subsequent violent or aggressive behavior.

In 1982, the National Institute of Mental Health, after ten years of research, found that ''the consensus among most of the research community is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs.''

Congress finally responded to this overwhelming evidence in 1990, when we granted the industry an antitrust exemption to meet and develop ways to reduce violence on television. In response to that legislation, the TV networks issued standards for the depiction of violence on broadcast television. Let me quote from those standards:

> All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. Gratuitous or excessive depictions of violence, (or redundant violence shown solely for its own sake), are not acceptable. Programs should not depict violence as glamorous, nor as an acceptable solution to human conflict. . . . Realistic depictions of violence should also portray, in human terms, the consequences of that violence to its victims and its perpetrators.

The goals articulated by these network standards are good ones—they are the same goals I hope to achieve with this legislation. Unfortunately, the standards developed pursuant to the 1990 antitrust exemption were never adhered to by the networks. Instead, the television industry ignored and violated those standards, thereby rendering the antitrust exemption meaningless. We know this because an industry commissioned study by the National Cable Television Association tells us as much. That NCTA study, issued in 1998, reported that:

> The way that most TV violence is portrayed continues to pose risks to viewers . . . Much of TV violence is still glamorized. . . . Most violence on television continues to be sanitized. Television often ignores or underestimates what happens to the victims of violence . . . Much of the serious physical aggression on television is still trivialized.

The NCTA report could not put it more plainly. The networks failed to heed their own standards. I hope we have learned our lesson: no antitrust exemption is going to protect children from the harms associated with television violence.

With respect to the causal impact of exposure to televised violence, the NCTA report was equally illuminating. It stated:

> Prior to this study, it had already been well established that television influences many kinds of attitudes and behaviors by modeling them as appropriate and/or desirable. A highly successful multi-billion dollar advertising industry is built on that premise. More specifically, violence on television has been shown in hundreds of studies to have an influence on aggressive behavior. Over the past 20 years, numerous respected academic and public health organizations and agencies—including the American Psychological Association, the American Medical Association, the U.S. Surgeon General, and the National Institute of Mental Health—have reviewed the existing body of evidence in this area and have unanimously affirmed the validity of that conclusion.

Finally, several weeks ago, the Surgeon General released a preliminary report that concludes— yet again—that there exists a scientific link between violent television programming and increased aggression in children. The report states: ''A diverse body of research provides strong evidence that exposure to violence in the media can increase children's aggressive behavior in the short term.'' The report notes further that a smaller body of reports demonstrates that ''long-term effects exist, and there are strong theoretical reasons that this is the case.'' Finally, the report concludes that ''Research to date justifies sustained efforts to curb

the adverse effects of media violence on youths.''

So there you have it. We have come full circle with two significant surgeon general reports almost thirty years apart and scores of studies in between. In the interim, Congress and the Federal Communications Commission have tried to address this problem with a mix of regulation and self regulation. These attempts have been unsuccessful. In the 1970s, FCC Chairman Dick Wiley attempted to cajole industry to adopt a family hour, but that ultimately was abandoned. Then, in addition to the failed 1990 antitrust exemption, we acted in 1996, as part of the Telecommunications Act, to require televisions to be equipped with a V-Chip. We know today, however, almost five years since that provision was passed, that the V-chip is not working. For example, an April 2000 survey by the Kaiser Family Foundation demonstrates that only 9 percent of parents of children aged 2–17 own a television with a V-Chip. Moreover, only one-third of these parents (3 percent of all parents) have programmed the chip to block unsuitable programming. Finally, the survey indicated that 39 percent of parents of children aged 2–17 had never heard of the V-Chip.

As if that was not bad enough, we know further that the industry developed ratings system designed to work in conjunction with the V-chip is failing as well. To be specific, although almost all broadcast and cable channels now encode their programs with ratings, many violent programs are in fact not specifically rated ''V'' for violence—thereby rendering the system ineffective. The most recent survey by the Kaiser Family Foundation on this subject found that 79 percent of shows with violence did not receive the ''V'' rating. If the V-Chip and the ratings system do not provide enough protection, it is our responsibility to fill in the gap.

Last year, the Senate Commerce Committee held two high profile hearings to examine an issue related to televised violence—that of marketing violence to children. At those hearings we reviewed industry practices as outlined in a Federal Trade Commission report that found that the entertainment industry as a whole routinely marketed violent fare to children that was in fact rated as inappropriate for those same children. I raise this subject because some members of industry responded to the FTC report and our hearings by choosing to limit the advertising of violent material on television to certain hours of the day. In other words, they too believe that it is better to shield children from exposure to violent images when they are likely to comprise a substantial portion of the audience. While I applaud those voluntary actions, they do not go far enough, and as a result, we in Congress have to do more. If it is good for children to limit violent advertisements, it follows that it should be good for children to limit violent programming.

A recent study by Stanford University supports this conclusion. Released last month, the study determined that aggression by children can be reduced by limiting their exposure to media violence—exactly the approach advocated in our Safeharbor legislation.

Mr. President, that is why I am introducing my legislation today. My bill takes a two track approach to television violence. First, it would require the FCC to study whether the V-Chip and the content-based ratings system can capably meet the compelling government interest in protecting children from the harms associated with their exposure to violence on television. The FCC is to complete this determination within 12 months of enactment and is directed to continue an ongoing annual assessment of this issue. If the FCC at any time determines that the V-Chip and the ratings do not constitute an effective means of satisfying the government's compelling interest in protecting children, then it must institute a Safeharbor to shield children from violent programs when they are likely to comprise a substantial portion of the audience. While this legislation would apply to broadcast television and basic satellite and cable programming, it would exempt pay-per-view and premium cable and satellite programming from the Safeharbor.

Prior to the imposition of any safeharbor, the legislation directs the FCC to develop rules penalizing broadcasters and cable and satellite programmers for distributing violent programming on television that is not blockable by the V-Chip. These penalties will be triggered if violent shows are not in fact rated ''V'' for violence as required by the ratings system. This provision will increase the incentive for programmers to rate their shows accurately, and responds to evidence that most violent programming is in fact not specifically rated for violence, and therefore is not blockable by the V-Chip.

This legislation was reported favorably by the Senate Commerce Committee last year by a 17–1 vote. I look forward to moving the bill out of Committee again this year, and I hope that we can secure enactment of this measure for the first time in this Congress.

Mr. President, the evidence is in, we know the results, and we have a solution. Its time to enact a safeharbor for television violence.

Mr. President, I refer to page 23 of volume 3 of ''A History of Broadcasting in the United States.'' It alludes to the year 1949 and the production of the program ''Man Against Crime,'' starring Ralph Bellamy. I begin right on page 23:

''Man Against Crime was sponsored by Camel Cigarettes. This affected both writing and direction. Mimeographed instructions told writers, ''Do not have the heavy or any disreputable person smoking a cigarette. Do not associate the smoking of cigarettes with undesirable scenes or situations plot wise.''

Cigarettes had to be smoked gracefully, never puffed nervously. A cigarette was never given to a character to calm his nerves, since this might suggest a narcotic effect. Writers received numerous plot instructions.

Listen carefully because this is the instruction that the writers were given 50 years ago:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is from the History of Broadcasting.

The industry knows that violence is a moneymaker. Ten years ago, the distinguished Senator from Illinois said: No, no, wait a minute, don't rush into this thing; freedom of speech, freedom of speech. We don't want to damage the originality of the producers. So we gave an antitrust exemption so they could work together because Senator Simon said they could not work together and regulate because of antitrust provisions in the Federal statute. We gave them that protection.

Then came a very interesting study from cable television. Every time I speak in the Chamber, they give me another study. That is why I wish I could sing: When will they ever learn?

This study, done a few years ago, was financed by the National Cable Television Association, but it was done by the University of California at Santa Barbara, the University of North Carolina at Chapel Hill, the University of Texas at Austin and the University of Wisconsin at Madison. It included, amongst other council members, the American Federation of Television and Radio Artists, the Producers Guild of America, the Writers Guild of America West, the Caucus for Producers, Writers and Directors, the American Bar Association, and the Directors Guild of America. Point: The very people who are doing the producing found that violence begets children's violence.

Three weeks ago, a 13-year-old was sentenced to life in prison for bludgeoning to death a 48-pound 8 year old. He had seen this on a cable wrestling show. These wrestlers jumped on each other, they beat each others' heads against a post, and then flung opponents out of the ring. That was the undisputed record: That the 13-year-old saw wrestling matches where everybody got up and walked away unharmed and came back the next week.

Just last month, someone else emulated a stunt on MTV showing how people could be set on fire and then walk away unharmed. The individual saw the MTV program, tried it, and got first- and second-degree burns all over his body.

I will never forget years ago on the ''Johnny Carson Show,'' they had a fellow with a tie around his neck, and he dropped through a trap door and hung and, again, just walked away. The next day a couple found their young teenager hanging from the bedroom fan. He

had tied himself up, got on the edge of the bed, and jumped off and hanged himself.

We know monkey see-monkey do, and it begets violence. This country, the industrial country of the United States, has more violence than all other countries combined.

What have the other countries done? For years on end they have had a safe harbor in Europe, in Australia, and in New Zealand, and other places. They have a time set aside when children dominate the audience and thou shalt not have violent shows during that time. It works. Their children do not shoot up classrooms, they do not emulate violence, or kill little girls. That does not go on in Europe, but it continues to increase in our country, according to the Surgeon General's report just about to be released. We see it on the increase.

The Kaiser Family Foundation counters with: Oh, well, you have to get the V-chip. Under legal decisions, you have to use the least intrusive method of regulating so-called free speech. So we put the V-chip into the 1996 Telecommunications Act. That was supposed to allow parents to take charge. We constantly hear that when we know it is not the case.

Sixty-two percent of young single women are in the workforce with latchkey children at home. We have tried that V-chip. One, 40 percent of those interviewed under the Kaiser Family Foundation have never even heard of the V-chip—what are you talking about? Two, less than 10 percent have ever had the V-chip, and, three, less than 3 percent have ever used it.

It is impractical. You have to run around to the three or four TVs in the house and say: I have the program, and before I go to work this morning, I am going to put in the chip. Come on, that is unreal, but that is the political solution which has not worked.

I do not want to be put aside. I have been put aside. I offered an amendment a couple of years ago to the juvenile justice bill. Some colleagues said: Fritz, I would vote for your amendment, but I don't want any amendments on the juvenile justice bill, or we have not tried the V-chip. They gave any putoff they could think of.

We found out that we ought to just include it in a statute. In this bill, we direct the Federal Communications Commission to have hearings on this matter and determine whether or not the V-chip is effective and, if it is not, to promulgate a safe harbor.

Constitutionally, the Federal Communications Commission has been given that authority on indecency. Why not on violence? These programs have not been properly rated. We prescribe in this measure that the industry start rating violence—V for violence—on these shows. If they do not, there is going to be a penalty.

A Stanford University study has just been issued whereby they have tested the diminution of violence on television and there has been a diminution then in children's violence in that particular community. We will bring that to the floor. We are ready to debate this legislation. This is a bipartisan bill. We have had Republican and Democrats in the last three Congresses join in, but we have never had a fair hearing on the floor.

We have done this in a deliberate, measured fashion so that we can get it considered in this Congress.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of Senator Hollings' Children's Protection from Violent Television Programming Act. I thank Senator HOLLINGS for his leadership and hard work on this important issue shielding our children from excessive violence in the media.

This proposal is vital to ensure that the promise of the V-chip is fulfilled, that our public airwaves cannot be used and abused to the detriment of our families and our children. But today, in spite of the V-chip, our children are still being exposed to ultra-violent programming on television, even during the early prime time period known as ''family hour.''

Since my first term in office, I have fought to limit the amount of violence that our children are exposed to on television, in video games, in the movies and in music. Although I have focused on the video game industry encouraging the manufacturers to create and implement a ratings system I was also a vocal supporter of the V-chip provision included in the Telecommunications Act of 1996.

The V-chip legislation required the installation of blocking technology in most televisions. That technology is used in conjunction with a television ratings system so that parents can restrict their children's access to violent programming at all times. We know that parents can't realistically look over their children's shoulders every minute they're in front of the television. But the V-Chip allows them to configure their television to do essentially that.

Since January 2000, V-chip technology has been installed in every television measuring over 13''. More than 25 million televisions have a V-chip now. However, a recent study by the Annenberg Public Policy Center revealed that nine in ten parents do not know about the television ratings system, and of parents who own and know about their V-chip, only half actually use the blocking technology.

Clearly, having a V-chip in a television is just not good enough. It has to be combined with a good, easily understood ratings system and a real commitment by manufacturers, retailers and broadcasters to educate parents. Without these elements, having a V-chip in your television is about as effective at protecting your child as requiring car seats but letting toddlers sit in the front seat without a seatbelt.

Mr. President, my first preference is to have V-chip technology that works and that parents trust. But if it seems otherwise, we will not stand idly by. This legislation presents a step-by-step approach: it asks the Federal Communications Commission (FCC) to gauge the success and public awareness of the V-chip. And if success is limited and public awareness is low, this measure vests the Commission with the power to remedy it.

So let's pass this legislation, and let's find out if the V-chip is really helping parents shield their children from violence on television. And if not, let's give the FCC the power to do something about it. Our families and especially our children deserve nothing less.

By Mrs. CARNAHAN:

S. 342. A bill to assist local educational agencies by providing grants for proven measures for increasing the quality of education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CARNAHAN. Mr. President, I come to the floor today to speak about an issue that is close to my heart and one that is essential to the Nation's future—the education of our children.

Education was a priority for my husband, the late Mel Carnahan, throughout his career, and it was a driving force during his two terms as Governor of Missouri.

I recall that one of the things he enjoyed most as he traveled around the State was visiting schools. He would come home excited about the good things that were happening in Missouri schools.

His Outstanding Schools Act, passed during his first term as Governor, brought major improvements to classrooms throughout our State. He dreamed of doing even more. As he traveled across Missouri seeking election to this body, he called for a new national commitment to the education of America's children.

Though he did not live to pursue that dream, I am proud to stand here in his place in the U.S. Senate to introduce my first bill—a bill imprinted with his hopes, a bill that fulfills his pledge to the citizens of Missouri, and a bill that reinforces the President's promise ''to leave no child behind.''

Though teachers, students, and parents are trying harder than ever, schools are facing difficult times.

My concern, and the focus of this legislation, is the classrooms of America: Classrooms that are severely crowded and housed in deteriorating facilities; classrooms where disorderly and sometimes violent students are disrupting learning; classrooms in need of math, science, and reading specialists.

As a result of these conditions, far too many students are failing to learn and are falling behind in comparison with students in other developed nations.

Increases in student population across the Nation further heighten the

problems, as does the loss of teachers to retirement or other professions. According to the 1998 National Assessment of Education Progress, one-quarter of our students are still being taught in classes of more than 25 students.

As we watch class sizes grow, we see the physical condition of our older classrooms fall into dangerous disrepair. In Missouri alone, we face the daunting prospect of $4 billion in construction needs for our public schools over the next decade.

The threat and frequency of violence and disruptions in our classrooms remain at unacceptable levels. A recent study by the Educational Testing Service made this observation:

School discipline * * * problems are critical factors in student achievement. Without order in our classrooms, teachers can't teach and students can't learn.

Our national leaders have been bemoaning the condition of public schools for many years. Over 50 years ago, President Truman said:

The schools in this country are crowded and teachers underpaid. One of our greatest national needs is more and better schools.

Later, President Eisenhower noted:

Millions of children were receiving substandard education because of unsanitary, overcrowded, and unsafe classrooms. * * * It was evident to many of us, but not all, that in view of the financial positions of many states and school districts, the federal government would have to help.

Yet decades after these remarks, the Federal Government still provides a mere 7 percent of the national education budget.

I understand there are many who are weary of increased Federal education funding because they fear that with such funds comes Federal control of local schools. While this is a legitimate concern, it need not be a paralyzing fear that prevents us from moving ahead with much needed classroom improvements.

There is a way for us to fund public schools without adding redtape, burdening our school districts, or enabling Federal bureaucrats to dictate local education policy.

The legislation I introduce today—the Quality Classrooms Act—will do just that. It calls for a new commitment of $50 billion over the next decade to our local schools.

These funds would flow directly from the Federal Government to local schools districts and would be dedicated exclusively to helping schools provide what parents, teachers, and students most desire—more intensive, individualized, face-to-face instruction in the classroom.

It recognizes that different school districts have different needs. Some may need to reduce class size, others to improve classroom conditions. In an attempt to provide more flexibility to each school district and to keep decisionmaking at the local level, this bill allows school districts to use the funding for one, or a combination of purposes. Each of the five options addresses class size or conditions—a formula that has led to improved student performance in the past.

Funds under the Quality Classrooms Act would be used to do one or more of the following: Hire new classroom teachers to reduce student-teacher ratios; build or renovate classrooms to relieve overcrowding; hire experienced teaching specialists, focusing on basics such as reading, science, and math; establish alternative discipline programs for the education of chronically violent and disruptive students; and provide a year-round schedule.

This menu of choices allows schools to retain flexibility, yet leaves parents and taxpayers with the comfort of knowing that resources are being spent on measures with proven success.

The bill provides added flexibility and innovation by setting aside 10 percent of the available funding for a competitive grant program. These ''Innovation Grants'' would encourage schools to develop creative approaches to quality instruction.

Grant recipients are required to evaluate these newly developed programs to determine what approaches enhance student performance. Aside from this evaluation, however, school districts will not be required to file burdensome reports or abide by new Federal mandates.

This proposed legislation makes sure that money goes to schools, teachers, and students, not the education bureaucracy. It requires the Department of Education to spend only the bare minimum necessary to operate the grant program. Funds flow directly from the Federal Government to local school districts.

I present this legislation knowing that education improvement is going to be one of the predominant themes in the 107th Congress. An important part of this theme is the discussion about how to make our schools more accountable. These discussions are centered around proposals by the President, my colleagues, Senators BAYH and LIEBERMAN, and others. Accountability must be a part of our education debate, and I look forward to participating in those efforts.

But even as we pursue that goal, we must make sure that all our public school students are learning in modern facilities, with skilled teachers, in classrooms with an appropriate number of well disciplined students.

To achieve these goals, we need a greater Federal investment in education. Families wanting to provide a better future for themselves and their children know the wisdom of investing in a home, a savings account, or a pension plan. It is a lesson worth noting as we ponder the future of public education. To shortchange America's children not only disheartens educators, parents, and communities, it violates our national interests and the vision that has marked us as a people.

I strongly urge my colleagues to consider this legislation designed to strengthen student achievement by promoting quality classrooms all across America.

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

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

S. 342

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 ''Quality Classrooms Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to support local educational agencies by awarding grants for—

(1) the implementation of specific measures, as selected by local educational agencies from a local accountability menu, that have been proven to increase the quality of education; and

(2) the conduct of other activities that local educational agencies demonstrate will provide enhanced individual instruction for the students served by the agencies.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

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

SEC. 4. GRANT PROGRAMS.

(a) LOCAL ACCOUNTABILITY MENU GRANTS.—

(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to local educational agencies to be used for the activities described in paragraph (3).

(2) APPLICATION.—

(A) IN GENERAL.—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) AUTHORIZED ACTIVITIES.—Grant funds awarded under this subsection may be used for one or more of the following measures, collectively established as the local accountability menu:

(A) Reduction of student-teacher ratios through the hiring of new classroom teachers.

(B) School construction assistance for the purpose of relieving overcrowded classrooms and reducing the use of portable classrooms.

(C) Hiring of additional experienced teachers who specialize in teaching core subjects such as reading, math, and science, and who will provide increased individualized instruction to students served by the local educational agency.

(D) Alternative programs for the education and discipline of chronically violent and disruptive students.

(E) Assistance to facilitate the local educational agency's establishment of a year-round school schedule that will allow the agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities.

(4) ADMINISTRATIVE CAP.—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

(b) INNOVATION GRANTS.—

(1) PROGRAM AUTHORIZED.—The Secretary shall reserve 10 percent of the amount made available to carry out this Act in each fiscal year to award grants, on a competitive basis, to local educational agencies for the local educational agencies to carry out the activities described in paragraph (3).

(2) APPLICATION.—

(A) IN GENERAL.—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) AUTHORIZED ACTIVITIES.—Each local educational agency receiving a grant under this subsection shall use the amounts received under the grant for one or more activities that the local educational agency sufficiently demonstrates, as determined by the Secretary, will provide enhanced individual instruction for students served by the agency, but that are not part of the local accountability menu described in subsection (a)(3).

(4) LIMITATION.—No funds awarded under this subsection shall be used for tuition payments for students at private schools or for public school choice programs.

(5) ADMINISTRATIVE CAP.—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

SEC. 5. ALLOCATION.

(a) ADMINISTRATIVE CAP.—The Secretary shall expend not more than 0.25 percent of the funds made available to carry out this Act on administrative costs.

(b) FUNDING TO INDIAN TRIBES.—From the amount made available to carry out this Act for any fiscal year, the Secretary shall reserve 0.75 percent to awards grants to Indian tribes to carry out the purposes of this Act.

(c) FORMULA.—From the amount made available to carry out this Act for any fiscal year, and remaining after the reservations under subsections (a) and (b) and under section 4(b)(1), the Secretary shall distribute such remaining amounts among the local education agencies as follows:

(1) 80 percent of such amount shall be allocated among such eligible, local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available as compared to the number of such children who reside in the school districts served by all eligible, local educational agencies for the fiscal year involved.

(2) 20 percent of such amount shall be allocated among such eligible local educational agencies in proportion to the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(d) LIMITATION ON CARRYOVER.—Not more than 20 percent of the funds allocated to a local educational agency for any fiscal year under this Act may remain available for obligation by such agency for 1 additional fiscal year.

SEC. 6. SANCTIONS.

If the Secretary determines that the local educational agency has used funds in violation of the provisions of this Act or the regulations promulgated by the Secretary pursuant to section 8, the Secretary may impose an appropriate sanction that may include reimbursement or ineligibility for additional funds for a period of years, depending upon the severity of the misuse of funds.

SEC. 7. REPORT AND DOCUMENTATION.

(a) REPORT TO THE SECRETARY.—At such time as the Secretary deems appropriate, and not less than once each year thereafter, each recipient of a grant under this Act shall submit to the Secretary a report that includes, for the year to which the report relates—

(1) a description of how the funds made available under this Act were expended in correlation with the plan and budget submitted under sections 4(a)(2) and 4(b)(2), as applicable; and

(2) an evaluation of the effectiveness of the grant received under this Act, as required by sections 4(a)(2)(B) and 4(b)(2)(B), as applicable.

(b) DOCUMENTS AND INFORMATION.—Each recipient of a grant under this Act shall provide the Secretary with all documents and information that the Secretary reasonably determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this Act.

SEC. 8. REGULATORY AUTHORITY.

The Secretary shall issue such regulations and guidelines as may be necessary to carry out this Act.

SEC. 9. NOTICE.

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide specific notification concerning the availability of grants authorized by this Act to each local educational agency.

SEC. 10. ANTIDISCRIMINATION.

Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability, or to modify or affect any right to enforcement of this Act that may exist under other Federal laws, except as expressly provided by this Act.

SEC. 11. MAINTENANCE OF EFFORT.

Funds made available under this Act shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $50,000,000,000 for the 10-fiscal year period beginning on October 1, 2002.

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

S. 343. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, though there are glimmers of hope in Native communities, most Native Americans remain racked by unemployment, mired in poverty, and rank at or near the bottom of nearly every social and economic indicator of well-being that is tallied.

For years the Committee on Indian Affairs has made strengthening Indian economies a top priority. Healthy tribal economies and lower unemployment rates are imperative if tribes are to achieve the goals of self-sufficiency and true self-determination.

Although federal economic development assistance has been available for years, poverty, ill-health, and unemployment remain rampant on most Indian reservations.

One reason for the lack of success, despite spending billions of dollars promoting Indian economic development, is the absence of a consistent and consolidated federal mechanism that targets development resources to the areas and projects that are most promising. Indian business, economic, and community development programs span the entire federal government and for any given project undertaken by a tribe there may be 6 to 8 or more agencies involved. This fragmentation and lack of coordination is not producing the kind of results Indian country so badly needs.

To begin to remedy this problem, today I am pleased to introduce legislation that builds on the most successful federal Indian policy to date, Indian self-determination, and seeks to expand the principles of self-determination, and seeks to expand the principles of self-determination to the economic development realm.

The Indian Self-Determination and Education Assistance Act of 1975 authorizes Indian tribes and tribal consortia to ''step into the shoes'' of the federal government to administer programs and services historically provided by the United States.

This act has worked as it was intended and has resulted in improved efficiency of program delivery and service quality; increased tribal administrative acumen; better managed tribal institutions; stronger tribal economies; and a positive and healthy shift away from federal control over Indian lives to more flexible decision making and local control.

What began as a demonstration project in 1975 has blossomed into an every-increasing number of tribal governments that have come to realize the benefits of self-governance.

As of 1999, nearly 48 percent of all Bureau of Indian Affairs, BIA, and 50 percent of all Indian Health Service, IHS, programs and services have been assumed by tribes pursuant to Indian Self-Determination Act contracts and compacts.

The legislation I introduce today will launch the second phase of the self-determination experiment by assisting Indian tribes in their use and maximization of existing resources for purposes of economic development.

By authorizing tribes and tribal consortia to consolidate and target existing funds for development purposes, this bill will promote a more efficient use of those resources. Perhaps more importantly, this legislation will lay the foundation for a coordinated development strategy that looks to employment creation, investment and improved standards of living in Indian country rather than how much money is spent by the federal government as the real measure of a successful development policy.

One goal of this bill is to eliminate inconsistencies and duplication in federal policies that continue to be a barrier to Indian development through the issuance of uniform regulations and policies governing the use of funds across agencies.

Similar to the demonstration project that will be authorized by this bill is the 477 Program which was created by Public Law 102–477. Under the 477 Program, tribes are eligible to consolidate all federally funded employment training and related services into a single, fully integrated program. This integration promotes tribal flexibility and efficiency, and has been one of the few successes in federal Indian economic development.

By authorizing federal-tribal arrangements to combine and coordinate resources, this bill will make the best use of existing programs to assist tribes in attracting private investment and capital into Indian reservations.

In the 106th Congress, the Committee on Indian Affairs held a hearing on an almost identical version of this bill. At the hearing, the committee received testimony strongly supporting the type of consolidation and coordination of federal resources represented in this legislation.

I am hopeful that the legislation introduced today will signal a new day for how the federal government assists Native communities in creating jobs and building a better future for their members.

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. 343

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

SECTION 1. TITLE.

The Act may be cited as the ''Indian Tribal Development Consolidated Funding Act of 2001''.

SEC. 2. FINDINGS; PURPOSES.

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

(1) A unique legal and political relationship exists between the United States and Indian tribes that is reflected in article I, section 8, clause 3 of the Constitution, various treaties, Federal statutes, Supreme Court decisions, executive agreements, and course of dealing.

(2) Despite the infusion of substantial Federal dollars into Native American communities over several decades, the majority of Native Americans remain mired in poverty, unemployment, and despair.

(3) The efforts of the United States to foster community, economic, and business development in Native American communities have been hampered by fragmentation of authority, responsibility, and performance, and by lack of timeliness and coordination in resources and decision-making.

(4) The effectiveness of Federal and tribal efforts to generate employment opportunities and bring value-added activities and economic growth to Native American communities depends on cooperative arrangements among the various Federal agencies and Indian tribes.

(b) PURPOSES.—The purpose of this Act are to—

(1) enable Indian tribes and tribal organizations to use available Federal assistance more effectively and efficiently;

(2) adapt and target such assistance more readily to particular needs through wider use of projects that are supported by more than 1 executive agency, assistance program, or appropriation of the Federal Government;

(3) encourage Federal-tribal arrangements under which Indian tribes and tribal organizations may more effectively and efficiently combine Federal and tribal resources to support economic development projects;

(4) promote the coordination of Native American economic programs to maximize the benefits of these programs to encourage a more consolidated, national policy for economic development; and

(5) establish a demonstration project to aid Indian tribes in obtaining Federal resources and in more efficiently administering those resources for the furtherance of tribal self-governance and self-determination.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term ''applicant'' means an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, that submits an application under this Act for assistance for a community, economic, or business development project, including a project designed to improve the environment, housing facilities, community facilities, business or industrial facilities, or transportation, roads, or highways with respect to the Indian tribe, tribal organization, or consortium.

(2) ASSISTANCE.—The term ''assistance'' means the transfer of anything of value for a public purpose, support, or stimulation that is—

(A) authorized by a law of the United States;

(B) provided by the Federal Government through grant or contractual arrangements, including technical assistance programs providing assistance by loan, loan guarantee, or insurance; and

(C) authorized to include an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, as eligible for receipt of funds under a statutory or administrative formula for the purposes of community, economic, or business development.

(3) ASSISTANCE PROGRAM.—The term ''assistance program'' means any program of the Federal Government that provides assistance for which Indian tribes or tribal organizations are eligible.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) PROJECT.—The term ''project'' means an undertaking that includes components that contribute materially to carrying out a purpose or closely-related purposes that are proposed or approved for assistance under more than 1 Federal Government program.

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

(7) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. LEAD AGENCY.

The lead agency for purposes of carrying out this Act shall be the Department of the Interior.

SEC. 5. SELECTION OF PARTICIPATING TRIBES.

(a) PARTICIPANTS.—

(1) IN GENERAL.—The Secretary may select from the applicant pool described in subsection (b) Indian tribes or tribal organizations, not to exceed 24 in each fiscal year, to submit an application to carry out a project under this Act.

(2) CONSORTIA.—Two or more Indian tribes or tribal organizations that are otherwise eligible to participate in a program or activity to which this Act applies may form a consortium to participate as an applicant under paragraph (1).

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe or tribal organization that—

(1) successfully completes the planning phase described in subsection (c);

(2) has requested participation in a project under this Act through a resolution or other official action of the tribal governing body; and

(3) has demonstrated, for the 3 fiscal years immediately preceding the fiscal year for which the requested participation is being made, financial stability and financial management capability as demonstrated by the Indian tribe or tribal organization, or each member of a consortium of tribes or tribal organizations, having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe or tribal organization.

(c) PLANNING PHASE.—Each applicant seeking to participate in a project under this Act shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organizational preparation. The applicant shall be eligible for a grant under this section to plan and negotiate participation in a project under this Act.

SEC. 6. APPLICATION REQUIREMENTS, REVIEW, AND APPROVAL.

(a) REQUIREMENTS.—Each applicant seeking to participate in a project under this Act shall submit an application to the head of the Federal executive agency responsible for administering the primary Federal program to be affected by the project that—

(1) identifies the programs to be integrated;

(2) is consistent with the purposes set forth in section 2(b);

(3) describes a comprehensive strategy that identifies the way in which Federal funds are to be integrated and delivered under the project and the results expected from the project;

(4) identifies the projected expenditures under the project in a single budget;

(5) identifies the agency or agencies of the tribal government that are to be involved in the implementation of the project;

(6) identifies any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project; and

(7) is approved by the governing body of the applicant, including in the case of an applicant that is a consortium or tribes or tribal organizations, the governing body of each affected member tribe or tribal organization.

(b) REVIEW.—Upon receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall—

(1) consult with the head of each Federal executive agency that is proposed to provide funds to implement the project and with the applicant submitting the application; and

(2) consult and coordinate with the Department of the Interior as the lead agency under this Act for the purposes of processing the application.

(c) APPROVAL.—

(1) WAIVERS.—

(A) IN GENERAL.—With respect to any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project that are identified in the application in accordance with subsection (a)(6) or as a result of the consultation required under subsection (b), the head of the Federal executive agency responsible for administering such provision, regulation, policy, or procedure shall, subject to subparagraph (B), waive the requirement so identified, notwithstanding any other provision of law.

(B) LIMITATION.—A statutory provision, regulation, policy, or procedure identified for waiver under subparagraph (A) may not be waived by the head of the Federal executive agency responsible for administering the provision, regulation, policy, or procedure if such head determines that a waiver would be inconsistent with—

(i) the purposes set forth in section 2(b); or

(ii) the provisions of the statute from which the program involved derives its authority that are specifically applicable to Indian programs.

(2) PROJECT.—Not later than 90 days after the receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall inform the applicant submitting the application, in writing, of the approval or disapproval of the application, including the approval or disapproval of a waiver sought in accordance with paragraph (1). If an application or a waiver is disapproved, the written notice shall identify the reasons for the disapproval and the applicant submitting the application shall be given an opportunity to amend the application or to petition the head of the Federal executive agency sending the notice to reconsider the disapproval of the application or the waiver.

SEC. 7. AUTHORITY OF HEADS OF FEDERAL EXECUTIVE AGENCIES.

(a) IN GENERAL.—The President, acting through the heads of the appropriate Federal executive agencies, shall promulgate regulations necessary to carry out this Act and to ensure that this Act is applied and implemented by all Federal executive agencies.

(b) SCOPE OF COVERAGE.—The Federal executive agencies that are included within the scope of this Act shall include—

(1) the Department of Agriculture;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Education;

(5) the Department of Energy;

(6) the Department of Health and Human Services;

(7) the Department of Housing and Urban Development;

(8) the Department of the Interior;

(9) the Department of Justice;

(10) the Department of Labor;

(11) the Department of Transportation;

(12) the Department of the Treasury;

(13) the Department of Veterans Affairs;

(14) the Environmental Protection Agency; and

(15) the Small Business Administration.

(c) ACTIVITIES.—Notwithstanding any other provision of law, the head of each Federal executive agency, acting alone or jointly through an agreement with another Federal executive agency, may—

(1) identify related Federal programs that are likely to be particularly suitable in providing for the joint financing of specific kinds of projects with respect to Indian tribes or tribal organizations;

(2) assist in planning and developing such projects to be financed through different Federal programs;

(3) with respect to Federal programs or projects that are identified or developed under paragraphs (1) or (2), develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance;

(4) review administrative program requirements to identify those requirements that may impede the joint financing of such projects and modify such requirements when appropriate;

(5) establish common technical and administrative regulations for related Federal programs to assist in providing joint financing to support a specific project or class of projects; and

(6) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) an agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(d) REQUIREMENTS.—In carrying out this Act, the head of each Federal executive agency shall—

(1) take all appropriate actions to carry out this Act when administering a Federal assistance program; and

(2) consult and cooperate with the heads of other Federal executive agencies to carry out this Act in assisting in the administration of Federal assistance programs of other Federal executive agencies that may be used to jointly finance projects undertaken by Indian tribes or tribal organizations.

SEC. 8. PROCEDURES FOR PROCESSING REQUESTS FOR JOINT FINANCING.

In processing an application or request for assistance for a project to be financed in accordance with this Act by at least 2 assistance programs, the head of a Federal executive agency shall take all appropriate actions to ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known to the head of the Federal agency involved by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the Federal Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from 1 Federal executive agency for a requesting Federal executive agency when the requesting agency makes the information or assurances directly.

SEC. 9. UNIFORM ADMINISTRATIVE PROCEDURES.

(a) IN GENERAL.—To make participation in a project simpler than would otherwise be possible because of the application of varying or conflicting technical or administrative regulations or procedures that are not specifically required by the statute that authorizes the Federal program under which such project is funded, the head of a Federal executive agency may promulgate uniform regulations concerning inconsistent or conflicting requirements with respect to—

(1) the financial administration of the project including with respect to accounting, reporting, and auditing, and maintaining a separate bank account, to the extent consistent with this Act;

(2) the timing of payments by the Federal Government for the project when 1 payment schedule or a combined payment schedule is to be established for the project;

(3) the provision of assistance by grant rather than procurement contract; and

(4) the accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Federal Government under the project.

(b) REVIEW.—In making the processing of applications for assistance under a project simpler under this Act, the head of a Federal executive agency may provide for review of proposals for a project by a single panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by the statute that authorizes the Federal program under which the project is funded.

SEC. 10. DELEGATION OF SUPERVISION OF ASSISTANCE.

Pursuant to regulations established to implement this Act, the head of a Federal executive agency may delegate or otherwise enter into an arrangement to have another Federal executive agency carry out or supervise a project or class or projects jointly financed in accordance with this Act. Such a delegation—

(1) shall be made under conditions ensuring that the duties and powers delegated are exercised consistent with Federal law; and

(2) may not be made in a manner that relieves the head of a Federal executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

SEC. 11. JOINT ASSISTANCE FUNDS AND PROJECT FACILITATION.

(a) JOINT ASSISTANCE FUND.—In providing support for a project in accordance with this Act, the head of a Federal executive agency may provide for the establishment by the applicant of a joint assistance fund to ensure that amounts received from more than 1 Federal assistance program or appropriation are more effectively administered.

(b) AGREEMENT.—A joint assistance fund may only be established under subsection (a) in accordance with an agreement by the Federal executive agencies involved concerning the responsibilities of each such agency. Such an agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress; and

(2) provide that the agency administering the fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund.

(c) USE OF EXCESS FUNDS.—In any demonstration project conducted under this Act under which a joint assistance fund has been

established under subsection (a) and the actual costs of the project are less than the estimated costs, use of the resulting excess funds shall be determined by the head of the Federal executive agency administering the joint assistance fund, after consultation with the applicant.

SEC. 12. FINANCIAL MANAGEMENT, ACCOUNTABILITY, AND AUDITS.

(a) SINGLE AUDIT ACT.—Recipients of funding provided in accordance with this Act shall be subject to the provisions of chapter 75 of title 31, United States Code.

(b) RECORDS.—With respect to each project financed through an account in a joint management fund established under section 11, the recipient of amounts from the fund shall maintain records as required by the head of the Federal executive agency responsible for administering the fund. Such records shall include—

(1) the amount and disposition by the recipient of assistance received under each Federal assistance program and appropriation;

(2) the total cost of the project for which such assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to conduct an audit of the project.

(c) AVAILABILITY.—Records of a recipient related to an amount received from a joint management fund under this Act shall be made available to the head of the Federal executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

SEC. 13. TECHNICAL ASSISTANCE AND PERSONNEL TRAINING.

Amounts available for technical assistance and personnel training under any Federal assistance program shall be available for technical assistance and training under a project approved for joint financing under this Act where a portion of such financing involves such Federal assistance program and another assistance program.

SEC. 14. JOINT STATE FINANCING FOR FEDERAL-TRIBAL ASSISTED PROJECTS.

Under regulations promulgated under this Act, the head of a Federal executive agency may enter into an agreement with a State to extend the benefits of this Act to a project that involves assistance from at least 1 Federal executive agency, the State, and at least 1 tribal agency or instrumentality. The agreement may include arrangements to process requests or administer assistance on a joint basis.

SEC. 15. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the President shall prepare and submit to Congress a report concerning the actions taken under this Act together with recommendations for the continuation of this Act or proposed amendments thereto. Such report shall include a detailed evaluation of the operation of this Act, including information on the benefits and costs of jointly financed projects that accrue to participating Indian tribes and tribal organizations.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BAUCUS, Mr. MCCAIN, and Mr. INOUYE):

S. 344. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be introducing a bill that provides needed clarifications in the law to improve the administration of both the Indian Reservation Roads Program and the Indian Reservation Road Bridge Program to better meet the transportation needs in native communities.

There is still an enormous need for physical infrastructure on Indian lands throughout the country. This infrastructure is necessary for Indian tribes and their citizens to carry out emergency services, law enforcement, and the transportation of goods and services.

Good transportation is fundamental to attracting private investment and enterprise into Native communities. When entrepreneurs or investors are calculating whether to invest in a community they first look to see if the basic building blocks exist within the community. Roads, highways, electricity, potable water, and other amenities are critical factors that investors look to before making their investment decisions.

For Indian communities, efficient and effective federal road financing and construction are one factor leading to healthy economies and higher standards of living.

In 1998 Congress enacted the Transportation Equity Act of the twenty-first century, ''TEA–21,'' to authorize federal surface transportation programs with the goals of improved highways, increased safety, protecting the environment, and increased economic growth.

In passing TEA–21, Congress approved several Indian provisions that I was proud to have sponsored. One important provision required negotiated rule-making to develop an allocation formula that is both flexible and fair in addressing the needs of all Indian communities throughout the country. Another provision provided that all Indian reservation road monies under TEA–21 are eligible for tribes to contract and compact under the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93–638, as amended.

In the 106th Congress, the Committee on Indian Affairs held two hearings on the Indian reservation roads program and TEA–21. From testimony and other evidence presented, it is evident that there remain serious obstacles to a more efficient functioning of TEA–21 in Indian communities. I am sorry to say that one of the obstacles appears to be the administration of the program by the Bureau of Indian Affairs, BIA, itself.

Although reservation roads comprise 2.63 percent of the federal highway system, less than 1 percent of federal aid has been allocated to Indian roads. This bill would remove the so-called ''obligation limitation'' contained within TEA–21 and would allow the already-authorized funds for Indians to reach the intended beneficiaries. In fiscal year 2001, imposition of the obligation limitation diverted $34 million from the Indian Reservation Road program.

This bill also authorizes the Federal Lands Highway Program, FLHP, to establish a pilot program in which up to 12 tribes may, in their discretion, contract directly with the FLHP for the administration of their roads programs. The dual goals of this pilot program are to promote a more efficient use of existing resources, and to further the policy of Indian self-determination.

Under current law, the BIA is authorized to use ''up to 6 percent'' of roads funding for oversight and administration of the Indian roads program. If it was not clear in 1998, it should be clear now that these funds are not intended to be available to subsidize other BIA roads operations nor are they intended to be used for other BIA purposes.

The bill I am introducing today contains a provision that clarifies the ''up to 6 percent'' language by reiterating Congress' intent that the figure was and is intended as a maximum, not a minimum, funding level with regard to the BIA's administrative costs.

This bill also clarifies that tribes who are administering their Indian reservation roads program under Public Law 93–638 are authorized to receive the monies that the BIA would have used to administer these tribes' roads programs. Because tribes that are either ''638'' contractors or compactors have assumed the BIA's administrative functions, it is unnecessary for the BIA to withhold either administrative or project related funding from these tribes.

Finally, this bill seeks to eliminate the redundancy that is currently required in the health and safety certification process by allowing tribes to meet statutorily required health and safety standards without the need for a second, duplicative effort by the BIA. It is important to note that the standards themselves will not change, nor will the need for tribal compliance with those standards change.

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. 344

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 ''Indian Tribal Surface Transportation Act of 2001''.

SEC. 2. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note) is amended—

(1) by striking ''Code, and'' and inserting ''Code,''; and

(2) by inserting before the semicolon the following: '', and for each of fiscal years 2002 and 2003, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code''.

(b) PILOT PROGRAM.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

''(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A), shall be made available, upon request of the Indian tribal government involved, to the Indian tribal government for contracts and agreements for the planning, research, engineering, and construction described in such subparagraph in accordance with the Indian Self-Determination and Education Assistance Act.

''(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies, shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

''(iii) SELECTION OF PARTICIPATING TRIBES.—

''(I) PARTICIPANTS.—

''(aa) IN GENERAL.—The Secretary shall select 12 geographically diverse Indian tribes in each fiscal year from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

''(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for purposes of becoming part of the applicant pool under subclause (II).

''(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equivalent to the funding that such tribe would otherwise receive pursuant to the funding formula established under section 1115(b) of the Transportation Equity Act for the 21st Century, plus an additional percentage of such amount, such additional percentage to be equivalent to the percentage of funds withheld during the fiscal year involved for the road program management costs of the Bureau of Indian Affairs under section 202(f)(1) of title 23, United States Code.

''(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

''(aa) has successfully completed the planning phase described in subclause (III);

''(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

''(cc) has, during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested, demonstrated financial stability and financial management capability through a showing of no material audit exceptions by the Indian tribe during such period.

''(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subparagraph, evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

''(IV) PLANNING PHASE.—An Indian tribe (or consortium) requesting participation in the project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation. The tribe (or consortium) shall be eligible to receive a grant under this subclause to plan and negotiate participation in such project.''.

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end thereof the following:

''(f) INDIAN RESERVATION ROADS, ADMINISTRATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, not to exceed 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program and the administrative expenses related to individual projects that are associated with such program. Such administrative funds shall be made available to an Indian tribal government, upon the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act.

''(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (25 U.S.C. 104) that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act so long as the Indian tribe or tribal organization has—

''(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

''(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

''(C) provided a copy of the certification under subparagraph (B) to the Bureau of Indian Affairs.

''(g) INDIAN RESERVATION ROADS PROGRAM, SAFETY INCENTIVE GRANTS.—

''(1) SEAT BELT SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive allocations under section 157 to assist Indian communities in developing innovative programs to promote increased seat belt use rates.

''(2) INTOXICATED DRIVER SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive grant funding under section 163 to assist Indian communities in the prevention of the operation of motor vehicles by intoxicated persons.

''(3) GRANT FUNDING PROCEDURES AND ELIGIBILITY CRITERIA.—The Secretary, in consultation with Indian tribal governments, may develop funding procedures and eligibility criteria applicable to Indian tribes with respect to allocations or grants described in paragraphs (1) and (2). The Secretary shall ensure that any such procedures or criteria are published annually in the Federal Register.''.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. INHOFE, and Mr. SMITH of Oregon):

S. 346. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators STEVENS, BURNS, CRAIG, CRAPO, INHOFE, and GORDON SMITH in introducing the Ninth Circuit Court of Appeals Reorganization Act of 2001. While this bill is not the first attempt to solve the crisis of the Ninth Circuit, I believe the need for change has never been greater. The Ninth Circuit has grown so large, and has drifted so far from prudent legal reasoning, that sweeping change is in order.

Congress has already recognized that change is needed. In 1997, we commissioned a report on structural alternatives for the federal courts of appeals. The Commission, chaired by former Supreme Court Justice Byron R. White, found numerous faults within the Ninth Circuit. In its conclusion, the Commission recommended major reforms and a drastic reorganization of the Circuit.

This bill will divide the Ninth Circuit into two independent circuits. The new Ninth Circuit would contain Arizona, California, and Nevada. A new Twelfth Circuit would be composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands. Immediately upon enactment, the concerns of the White Commission will be addressed. A more cohesive, efficient, and predictable judiciary will emerge.

In this debate, let us not forget why change is in order. The Ninth Circuit extends from the Arctic Circle to the Mexican border, spans the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands. Encompassing some 14 million square miles, the Ninth Circuit, by any means of measure, is the largest of all U.S. Circuit Courts of Appeal. It is larger than the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits combined!

The Circuit serves a population of more than 50 million people, almost 60 percent more than are served by the next largest circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million. That's an increase of 13 million people in just 10 years! How many people does this court have to serve before Congress will realize that the Ninth Circuit is overwhelmed by its population?

As I noted before, legislation to split the Ninth Circuit is certainly not novel. Since the day the Ninth Circuit was founded over a century ago, Congress has tinkered with the structure of the Circuit and has debated its split.

In 1866, Congress established a newly numbered Ninth Circuit Court of Appeals consisting of California, Nevada,

and Oregon. Congress included Montana, Washington, and Idaho in the Circuit at the time each gained statehood. The present Ninth Circuit was completed by including Hawaii in 1911, Alaska in 1925, Arizona in 1929, Guam in 1951 and the Northern Mariana Islands in 1977. During this period of geographic expansion, Congress determined a split of the Ninth Circuit to be inevitable; numerous proposals to divide the Ninth Circuit were debated in Congress since before World War II.

Congressional members were not alone in advocating a split. In 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System Commission, commonly known as the Hruska Commission, recommended that the Ninth Circuit be divided. Also that year, the American Bar Association adopted a resolution in support of dividing the Ninth Circuit. The Hruska recommendation sparked controversy because it called for a Circuit division that split the state of California in half. Instead of that radical approach, Congress, in 1978, created the en banc proceedings as an effort to streamline the Ninth Circuit's docket. In 1990, the United States Department of Justice endorsed legislation to split the Ninth Circuit in a surprising reversal of the official ''no position'' approach it had previously assumed.

In 1995, a bill was reported from the Senate Judiciary Committee in which Chairman ORRIN HATCH of Utah declared in his Committee's report that the time for a split had arrived:

> The legislative history, in conjunction with available statistics and research concerning the Ninth Circuit, provides an ample record for an informed decision at this point as to whether to divide the Ninth Circuit . . . Upon careful consideration the time has indeed come.

Even more recently, Supreme Court Justice Anthony M. Kennedy had stated his concerns regarding the size of the Ninth Circuit. Justice Kennedy, a former member of the Ninth Circuit for twelve years, testified before a Senate Appropriations subcommittee, and stated that he has ''increasing doubts about the wisdom of retaining, the Circuit's current size.'' During a House subcommittee hearing, Justice Kennedy had earlier voiced his reservations about the Circuit's size, saying that it ''is larger than it ought to be,'' and he recommended ''looking very hard'' at dividing the Circuit.

Arguments in support of dividing the Ninth Circuit are both qualitative and quantitative. The magnitude of case filings in the Ninth Circuit creates a slow and cumbersome docket. Once a final brief is filed, it takes longer to receive a hearing or submission in the Ninth Circuit than any other Circuit. And, from the time of a lower court filing to final disposition, the Ninth Circuit is the second slowest Circuit in the nation.

The Ninth Circuit's travel expenses are the largest in the federal system, and operating costs of the Ninth Circuit surpass the costs of all other Circuits. In 1990, Congress allocated to the Ninth Circuit 28 active judges, which surpasses by twelve the second largest appellate court. This increase means that judicial travel expenses in 1996 were over double the amount of any other circuit. Additionally, support staff of the Circuit is so large and unwieldy that one appellate judge facetiously complained that it was ''impossible to determine who actually was assigned to clerk.''

The ever-expanding docket in the Ninth Circuit creates an inherent difficulty in keeping abreast of legal developments within its own jurisdiction, rendering inconsistency in Constitutional interpretation within the Court. Interestingly, the statistical opportunities for inconsistency on a 28 panel court calculates out to be 3,276 combinations of panels that could resolve any given issue. Former Oregon Senator Mark Hatfield expressed much concern about the growing inconsistency of the Ninth Circuit, stating that the ''increased likelihood of intra-circuit conflicts is an important justification for splitting the court.''

One only needs to review the appallingly high reversal rate of Ninth Circuit cases to appreciate the severity of the problem. For example, between the years 1990 and 1995, the Ninth Circuit's average rate of reversal was higher than any other circuit. During its 1995–1996 session, the Supreme Court overturned an astounding 83% of the cases heard from the Ninth Circuit, a figure which is 30 percent higher than the national average reversal rate. In the 1996–1997 session alone, an astounding 95% of its cases reviewed by the Supreme Court were overturned. This number should raise more than a few eyebrows. A split of the Circuit would enable a more complete and sound review, thereby reducing the Circuit's rate of reversal before the Supreme Court.

Many who oppose legislation to bifurcate the Ninth Circuit, contend that all the Circuit needs is the appropriation of more federal dollars for more federal judges. However, history reveals this contention to be false. In fact, Congressional increases in the number of judges have yielded few improvements. Studies on omnibus judgeships legislation concluded that adding ''judges only delayed what appeared to be a nearly inexorable climb in appeals taken to the court'' and only served to further tax the judicial confirmation process.

As early as 1954, Supreme Court Justice Felix Frankfurter warned that the courts' growing business could not ''be met by a steady increase in the number of federal judges'' because this increase was ''bound to depreciate the quality of the federal judiciary and thereby adversely affect the whole system.'' Soon after Congress divided the former Fifth Circuit, former Senator and Alabama Supreme Court Chief Justice, Howell Heflin, a Democrat from Alabama, remarked that ''Congress recognized that a point is reached where the addition of judges decreases the effectiveness of the court, complicates the administration of uniform law, and potentially diminishes the quality of justice within a Circuit.''

Former Oregon Senator Bob Packwood believed that a circuit split would enable judges to achieve a greater mastery of applicable, but unique, state law and state issues. He believed such a mastery was necessary because ''burgeoning conflicts in the area of natural resources and the continuing expansion of international trade efforts will all expand the demand for judicial excellence . . . By reforming our courts now, they will be better able to dispense justice in a fair and expeditious manner.''

I concur. The uniqueness of the Northwest, and in particular, Alaska, cannot be overstated. An effective appellate process demands mastery of state law and state issues relative to the geographic land mass, population and native cultures that are unique to the relevant region. Presently, California is responsible for almost 50 percent of the appellate court's filings, which means that California judges and California judicial philosophy dominate judicial decision on issues that are fundamentally unique to the Pacific Northwest. This need for greater regional representation is demonstrated by the fact that the East Coast is comprised of five federal circuits. A division of the Ninth Circuit will enable judges, lawyers and parties to master a more manageable and predictable universe of relevant caselaw.

Further, a division of the Ninth Circuit would honor Congress' original intent in establishing appellate court boundaries that respect and reflect a regional identity. In spite of efforts to modernize the administration of the Ninth Circuit, its size works against the original purpose of its creation: the uniform, coherent and efficient development and application of federal law in the region. Establishing a circuit comprised solely of states in the Northwest region would adhere to Congressional intent. Alaska, Washington, Oregon, Hawaii, Idaho, and Montana share similar land bases, populations and economies. Each state contains a high percentage of public lands, fairly comparable populations, is financially dependent upon tourism, and is blessed with an abundance of natural resources. A new Twelfth Circuit, comprised of states of the Pacific Northwest, would respect the economic, historical, cultural and legal ties which philosophically unite this region.

No one Court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. Legislation dividing the Ninth Circuit will create a regional commonality which will lead to greater uniformity and

consistency in the development of federal law, and will ultimately strengthen the constitutional guarantee of justice to all.

While I may believe even more sweeping change is in order, I strongly urge that this body address the crisis in our judiciary system. It is the 50 million residents of the Ninth Circuit that suffer from our inaction. These Americans wait years before their cases are heard. And after these unreasonable delays, justice may not even be served by an over-stretched and out of touch judiciary.

Congress has known about the problem in the Ninth Circuit for a long time. Justice has been delayed too long. The time for reform has come, and I urge action on this bill.

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

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

S. 346

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 ''Ninth Circuit Court of Appeals Reorganization Act of 2001''.

SEC. 2. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth	Arizona, California, Nevada.'';

and

(B) by inserting between the last 2 items the following:

''Twelfth	Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.''.

SEC. 3. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 20'';

and

(2) by inserting between the last 2 items the following:

''Twelfth ..... 8''.

SEC. 4. PLACES OF CIRCUIT COURT.

The table in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth	San Francisco, Los Angeles.'';

and

(2) by inserting between the last 2 items at the end the following:

''Twelfth	Portland, Seattle.''.

SEC. 5. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this Act—

(1) is in Arizona, California, or Nevada is assigned as a circuit judge of the new ninth circuit; and

(2) is in Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

SEC. 6. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 8. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1), shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 9. DEFINITIONS.

In this Act, the term—

(1) ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 2(2); and

(3) ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 2(3).

SEC. 10. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act and the amendments made by this Act. Such court shall cease to exist for administrative purposes on July 1, 2003.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 2001.

By Mr. THOMAS.

S. 347. A bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the Listing and Delisting Reform Act of 2001. The Endangered Species Act has become one of the best examples of good intentions gone astray, and so today I am taking one small step toward injecting some common sense into what has become a regulatory nightmare. It is my intention to start making the law more effective for local landowners, public land managers, communities and state governments who truly hold the key to any successful effort to conserve species. My legislation seeks to improve the listing, recovery planning and delisting processes so that recovery, the goal of the act, is easier to achieve.

In Wyoming, we have seen first hand the need to revise the listing and delisting processes of the Endangered Species Act. Listing should be a purely scientific decision. Listing should be based on credible data that has been peer-reviewed. Not long ago, the Prebles Meadow Jumping Mouse was listed in the State of Wyoming. The listing process for this mouse demonstrates how the system has gone haywire devoid of good science. One of the more significant shortcomings of the Preble's Rule relates to confusion about claims regarding the ''known range'' of as opposed to the alleged ''historical range.'' Historical data and current knowledge do not support the high, short-grass, semi-arid plains for southeastern Wyoming as part of the mouse's historical habitat range. The U.S. Fish and Wildlife Service has even admitted to uncertainties regarding taxonomic distinctions and ranges. Further, the state was not properly notified causing counties, commissioners, and landowners all to be caught off guard. Such poor practices do not foster the types of partnerships that are required if meaningful species conservation is to occur. Clearly, changes are desperately needed to the Endangered Species Act.

Not far behind the mouse in Wyoming, was the black tailed prairie dog. Petitions to list the prairie dog were being filed with the U.S. Fish and Wildlife Service. I've lived in Wyoming most of my life, and I've logged a lot of miles on the roads and highways in my state over the years. I can tell you from experience that there is no shortage of prairie dogs in Wyoming. Any farmer or rancher will concur with that opinion. This petition, and countless other actions throughout the country, makes it painfully clear that some folks are intent on completely eliminating activity on public lands, no matter what the cost to individuals or local communities that rely on the land for economic survival.

My legislation will require the Secretary of the Interior to use scientific or commercial data that is empirical, field tested and peer-reviewed. Right

now, it's basically a ''postage stamp'' petition: any person who wants to start a listing process may petition a species with little or no scientific support. This legislation prevents this absurd practice by establishing minimum requirements for a listing petition that includes an analyses of the status of the species, its range, population trends and threats. The petition must also be peer reviewed. In order to list a species, the Secretary must determine if sufficient biological information exists in the petition to support a recovery plan. Under my proposal, states are made active participants in the process and the general public is provided a more substantial role.

This legislation requires explicit planning and forethought with regard to conservation and recovery at the time the species is listed. Let me be clear about the intent of this requirement. I do not question the basic premise that some species require the protection of the Endangered Species Act. However, listing a species can cause hardship on a community. For that reason, it is critically important and only reasonable that every listing be supported by sound science. We should be sure of the need for a listing before we ask the members of our communities and private landowners to make sacrifices.

In the past in my State of Wyoming, I have found that with several listings, the Secretary of the Interior was unable to tell me what measures were required to achieve species recovery. The Secretary could not tell me what acts or omissions we could expect to face as a consequence of listing. How can this be, if the Secretary is fully apprized of the status of the species? Conversely, if the Secretary cannot clearly describe how to reverse threatening acts to a species so that we can achieve recovery, how can we be sure that the species is, in fact, threatened?

This ambiguity has caused much undue frustration to the people of Wyoming. If the Secretary believes that certain farming or ranching practices, or the diversion of a certain amount of water, or a private citizen's development of one's own property, is the cause for a listing, then the Secretary should identify those activities that have to be curtailed or changed. If the Secretary does not have enough information to indicate what activities should be restricted, then why list a species? Why open producers and others to the burden of over-zealous enforcement and even litigation without being able to achieve the goal of recovering the species?

This legislation is ultimately designed to improve the quality of information used to support a listing. If the Secretary knows enough to list a species, he should know enough to tell us what will be required for recovery. That should be the case under current law, and that is all that this provision would require.

Just as the beginning of the process needs changes, we need to revise the end of the process the de-listing procedure. Recovery and delisting are quite simply, the goals of the Endangered Species Act. Yet, it is virtually impossible to currently de-list a species. There is no certainty in the process and the states the folks who have all the responsibility for managing the species once it is off the list are not true partners in that process. Once the recovery plan is met, the species should be de-listed.

Wyoming's experience with the grizzly bear pinpoints some of the problems with the current de-listing process. The Interagency Grizzly Bear Committee set criteria for recovery and in the Yellowstone ecosystem, those targets have been met, but the bear has still not been removed from the list. We've been battling the U.S. Fish and Wildlife Service for years over this one to no avail, despite tremendous effort and financial resources to meet recovery objectives. Despite rebounded populations, we keep funneling money down a black hole.

The point is something needs to be done. My constituents, rightly so, are angry and upset about this current law and the trickling effects of countless listings. Real lives are being impacted. It is time for some real changes. These are small changes but I believe they will make big impacts. The changes I've suggested will have a significant affect on the quality of science, public participation, state involvement, speed in recovery and finally the delisting of a species. Species that truly need protection will be protected, but let's not lost sight of the real goal recovery and delisting. I ask unamious 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. 347

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 ''Endangered Species Listing and Delisting Process Reform Act of 2001''.

SEC. 2. LISTING PROCESS REFORMS.

(a) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—

(1) IN GENERAL.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

''DEFINITIONS AND GENERAL PROVISIONS'';

(B) by striking ''For the purposes of this Act—'' and inserting the following:

''(a) DEFINITIONS.—In this Act:''; and

(C) by adding at the end the following:

''(b) GENERAL PROVISIONS.—In any case in which this Act requires the Secretary to use the best scientific and commercial data available, the Secretary shall obtain and use scientific or commercial data that are empirical or have been field-tested or peer-reviewed.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 3 and inserting the following:

''Sec. 3. Definitions and general provisions.''.

(b) FINDING OF SUFFICIENT BIOLOGICAL INFORMATION TO SUPPORT RECOVERY PLANNING.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''shall make'' and inserting the following: ''shall—

''(i) make'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) determine that a species is an endangered species or a threatened species only if the Secretary finds that there is sufficient biological information to support recovery planning for the species under subsection (f).''; and

(2) in the first sentence of paragraph (3)(A), by inserting before the period at the end the following: ''and as to whether the petition presents sufficient biological information to support recovery planning for the species under subsection (f)''.

(c) PETITION PROCESS.—Section 4(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)) is amended by adding at the end the following:

''(E) LISTING PETITION INFORMATION.—In the case of a petition to add a species to a list published under subsection (c), a finding that the petition presents the information described in subparagraph (A) shall not be made unless the petition provides—

''(i) documentation from a published scientific source that the fish, wildlife, or plant that is the subject of the petition is a species;

''(ii)(I) a description of the available data on the historical and current range and distribution of the species;

''(II) an explanation of the methodology used to collect the data; and

''(III) identification of the location where the data can be reviewed;

''(iii) an appraisal of the available data on the status and trends of all extant populations of the species;

''(iv) an appraisal of the available data on the threats to the species;

''(v) an identification of the information contained or referred to in the petition that has been peer-reviewed or field-tested; and

''(vi) a description of at least 1 study or credible expert opinion, from a person not affiliated with the petitioner, to support the action requested in the petition.

''(F) NOTIFICATION TO STATES.—

''(i) PETITIONED ACTIONS.—If a petition is found to present information described in subparagraph (A), the Secretary shall—

''(I) notify and provide a copy of the petition to the State agency of each State in which the species is believed to occur; and

''(II) solicit the assessment of the agency as to whether the petitioned action is warranted, which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

''(ii) OTHER ACTIONS.—If the Secretary has not received a petition to add a species to a list published under subsection (c) and the Secretary is considering proposing to list the species as an endangered species or a threatened species under subsection (a), the Secretary shall—

''(I) notify the State agency of each State in which the species is believed to occur; and

''(II) solicit the assessment of the agency as to whether the listing would be in accordance with subsection (a), which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

''(iii) CONSIDERATION OF STATE ASSESSMENTS.—Before publication of a finding described in subparagraph (A) that a petitioned

action is warranted, the Secretary shall consider any assessments submitted with respect to the species within the comment period established under clause (i) or (ii).''.

(d) IMPROVEMENT OF PUBLIC HEARINGS IN THE LISTING PROCESS.—

(1) IN GENERAL.—Section 4(b)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(5)) is amended by striking subparagraph (E) and inserting the following:

''(E) promptly hold at least 2 hearings in each State in which the species proposed for determination as an endangered species or a threatened species is located (including at least 1 hearing in an affected rural area if 1 or more rural areas within the State are affected by the determination), except that the Secretary may not be required to hold more than 10 hearings under this subparagraph with respect to the proposed regulation.''.

(2) DEFINITION OF RURAL AREA.—Section 3(a) of the Endangered Species Act of 1973 (16 U.S.C. 1532(a)) (as amended by subsection (a)(1)(B)) is amended—

(A) by redesignating paragraphs (12) through (14) as paragraphs (11) through (13), respectively; and

(B) by inserting before paragraph (15) the following:

''(14) RURAL AREA.—The term 'rural area' means a county or unincorporated area that has no city or town with a population of more than 10,000 individuals.''.

(3) CONFORMING AMENDMENT.—Section 7(n) of the Endangered Species Act of 1973 (16 U.S.C. 1536(n)) is amended in the first sentence by striking '', as defined by section 3(13) of this Act,''.

(e) EMERGENCY LISTING.—Section 4(b)(7) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(7)) is amended in the first sentence by striking ''posing a significant risk to the well-being'' and inserting ''that poses an imminent threat to the continued existence''.

(f) OTHER LISTING REFORMS.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended by adding at the end the following:

''(9) AVAILABILITY OF LISTING DATA.—

''(A) IN GENERAL.—Subject to subparagraph (B), upon publication of a proposed regulation determining that a species is an endangered species or a threatened species, the Secretary shall make publicly available—

''(i) all information on which the determination is based, including all scientific studies and data underlying the studies; and

''(ii) all information relating to the species that the Secretary possesses and that does not support the determination.

''(B) LIMITATION.—Subparagraph (A) does not require disclosure of any information that—

''(i) is not required to be made available under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); or

''(ii) is prohibited from being disclosed under section 552a of title 5, United States Code (commonly known as the 'Privacy Act').

''(10) ESTABLISHMENT OF CRITERIA FOR SCIENTIFIC STUDIES TO SUPPORT LISTING.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations that establish criteria that must be met for scientific and commercial data to be used as the basis of a determination under this section that a species is an endangered species or a threatened species.

''(11) FIELD DATA.—

''(A) REQUIREMENT.—The Secretary may not determine that a species is an endangered species or a threatened species unless the determination is supported by data obtained by observation of the species in the field.

''(B) DATA FROM LANDOWNERS.—The Secretary shall—

''(i) accept and acknowledge receipt of data regarding the status of a species that is collected by an owner of land through observation of the species on the land; and

''(ii) include the data in the rulemaking record compiled for any determination that the species is an endangered species or a threatened species.''.

SEC. 3. DEADLINE FOR DEVELOPMENT OF RECOVERY PLANS.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

''(6) DEADLINE FOR DEVELOPMENT OF RECOVERY PLANS.—The Secretary shall—

''(A) begin developing a recovery plan required for a species under paragraph (1) on the date of promulgation of the proposed regulation to implement a determination under subsection (a)(1) with respect to the species; and

''(B) issue a recovery plan in final form not later than the date of promulgation of the final regulation to implement the determination.''.

SEC. 4. DELISTING.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) (as amended by section 3) is amended by adding at the end the following:

''(7) EFFECT OF FULFILLMENT OF RECOVERY PLAN CRITERIA.—

''(A) CHANGE IN STATUS.—If the Secretary finds that the criteria of a recovery plan have been met for a change in status of the species covered by the recovery plan from an endangered species to a threatened species, or from a threatened species to an endangered species, the Secretary shall promptly publish in the Federal Register a notice of the change in status of the species.

''(B) REMOVAL FROM LISTING.—If the Secretary finds that the criteria of a recovery plan have been met for the removal of the species covered by the recovery plan from a list published under subsection (c), the Secretary shall promptly publish in the Federal Register a notice of an intent to remove the species from the list.''.

By Mr. HUTCHINSON:

S. 348. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Drug-Free Workplace Program Extension Act of 2001. This important legislation will reduce the number of employees who engage in substance abuse while on the job and will thus directly improve worker safety. As employee substance abuse declines, there will be a corresponding decline in the number of drug-related fatalities, injuries, and lost workdays. Workers who abuse substances not only hurt themselves, but their coworkers as well.

Approximately 1,000 workers are currently being injured and killed each year as a direct result of their own and their coworkers' substance abuse. Prior to 1993, the Bureau of Labor Statistics, BLS, reported that toxicological reports for occupational fatalities indicated that one-sixth of the nation's workers who died on the job were under the influence of alcohol or a controlled substance. Unfortunately, the true extent of this problem is not definitively known as a result of the Department of Labor's decision to order the BLS to discontinue the tracking of this statistic. In the meantime, we can commit to providing additional funding to enhance drug-free workplace programs.

The Drug-Free Workplace Program Extension Act of 2001 would simply amend the Small Business Act, SBA, to authorize another $10 million, $5 million each, in fiscal years 2004 and 2005 for grants to states and non-profit organizations working with small businesses to promote drug-free workplaces. I ask my colleagues to join me in this simple, non-partisan attempt to enhance the safety of American workers and 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. 348

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 ''Drug-Free Workplace Program Extension Act of 2001''.

SEC. 2. PROGRAM EXTENSION.

(a) IN GENERAL.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking ''2003'' and inserting ''2005''.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking ''2003'' and inserting ''2005''.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, Mr. SMITH of Oregon, Mr. THOMAS, Mr. BINGAMAN, Mr. SARBANES, Mr. FEINGOLD, and Mr. JOHNSON):

S. 349. A bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, I rise today with my colleagues Senator HARKIN, Senator GORDON SMITH, and Senator THOMAS to introduce the Rural Law Enforcement Assistance Act of 2001. This important legislation will authorize the funding necessary to ensure that rural law enforcement agencies are able to secure the technical assistance, education, and training they need.

As in my home state of Arkansas, many rural law enforcement agencies are comprised of a handful of officers and don't have the financial resources to provide them with crucial technical assistance, education, and training. However, the need for these services is greater than ever as these officers are increasingly facing violent crimes that were once confined to urban settings. When one considers the fact that ten officers in 100,000 die in the line of duty each year in rural counties and communities with a population less than 25,000, as contrasted with seven in 100,000 in the largest cities, this legislation becomes necessary.

I am very proud that, under the leadership of Dr. Lee Colwell, the former

Associate Director of the Federal Bureau of Investigation, the National Center for Rural Law Enforcement in Little Rock, Arkansas has taken the lead in addressing this problem. Since 1985, the Center has been providing the technical assistance, education, and training that rural law enforcement agencies so critically need. For instance, the Center is currently providing Internet access, forensic science education and training, and model management and investigative policies to rural law enforcement agencies throughout the nation. Its effectiveness is readily apparent as it is strongly supported by law enforcement agencies located in the following 40 states: Alabama; Alaska; Arizona; Arkansas; California; Connecticut; Delaware; Florida; Georgia; Illinois; Indiana; Iowa; Kentucky; Louisiana; Maine; Maryland; Michigan; Minnesota; Mississippi; Missouri; Montana; Nebraska; Nevada; New Jersey; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; South Carolina; South Dakota; Tennessee; Texas; Utah; Vermont; Virginia; Wisconsin; and Wyoming.

The Rural Law Enforcement Assistance Act of 2001 will establish eight regional centers to compliment the Center and thereby expand the technical assistance, education, and training available to local law enforcement agencies throughout our nation. Thus, I ask my colleagues to join with me as I work to see that this important measure is enacted into law and 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. 349

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 ''Rural Law Enforcement Assistance Act of 2001''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the members of the Board of the Center elected in accordance with the bylaws of the Center.

(2) CENTER.—The term ''Center'' means the National Center for Rural Law Enforcement, a nonprofit corporation located in Little Rock, Arkansas.

(3) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of the Center as appointed in accordance with the bylaws of the Center.

(4) INSTITUTIONS OF HIGHER EDUCATION.—The term ''institutions of higher education'' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(5) METROPOLITAN STATISTICAL AREA.—The term ''metropolitan statistical area'' has the same meaning given the term by the Bureau of the Census of the Department of Commerce.

(6) RURAL AREA.—The term ''rural area'' means an area that is located outside of a metropolitan statistical area.

(7) RURAL LAW ENFORCEMENT AGENCY.—The term ''rural law enforcement agency'' means a criminal justice or law enforcement agency that serves a county, parish, city, town, township, borough, or village that is located in a rural area.

SEC. 3. EDUCATION AND TRAINING PROGRAM GRANTS.

(a) GRANT AUTHORITY.—The Attorney General shall annually make a grant to the National Center for Rural Law Enforcement through the Office of Justice Programs, Bureau of Justice Affairs, if the Executive Director certifies in writing to the Attorney General that the Center—

(1) is incorporated in accordance with applicable State law;

(2) is in compliance with the bylaws of the Center;

(3) will use amounts made available under this section in accordance with subsection (b); and

(4) will not support any political party or candidate for elected or appointed office.

(b) USES OF FUNDS.—

(1) REQUIRED USES OF FUNDS.—The Center shall use amounts made available under this section to develop an education and training program for criminal justice or law enforcement agencies in rural areas and the employees of those agencies, which shall include—

(A) the development and delivery of management, forensic and computer education and training, technical assistance, and practical research and evaluation for employees of rural law enforcement agencies (including tribal law enforcement agencies and railroad law enforcement agencies), including supervisory and executive managers of those agencies;

(B) conducting research into the causes and prevention of criminal activity in rural areas, including the causes, assessment, evaluation, analysis, and prevention of criminal activity;

(C) the development and dissemination of information designed to assist States and units of local government in rural areas throughout the United States;

(D) the establishment and maintenance of a resource and information center for the collection, preparation, and dissemination of information regarding criminal justice and law enforcement in rural areas, including programs for the prevention of crime and recidivism; and

(E) the delivery of assistance, in a consulting capacity, to criminal justice agencies in the development, establishment, maintenance, and coordination of programs, facilities and services, education, training, and research relating to crime in rural areas.

(2) PERMISSIVE USES OF FUNDS.—The Center may use amounts made available under a grant under this section to enhance the education and training program developed under paragraph (1), through—

(A) educational opportunities for rural law enforcement agencies;

(B) the development, promotion, and voluntary adoption of educational and training standards and accreditation certification programs for rural law enforcement agencies and the employees of those agencies;

(C) grants to, and contracts with, State, and local governments, law enforcement agencies, public and private agencies, educational institutions, and other organizations and individuals to carry out this paragraph;

(D) the formulation and recommendation of law enforcement policy, goals, and standards in rural areas applicable to criminal justice agencies, organizations, institutions, and personnel; and

(E) coordination with institutions of higher education for the purpose of encouraging and delivering programs of study with those institutions for employees of rural law enforcement agencies.

(c) POWERS.—In carrying out subsection (b), the Executive Director may—

(1) request the head of any Federal department or agency to detail, on a reimbursable basis, 1 or more employees of the Federal department or agency to the Center to assist the Center in carrying out subsection (b), and any such detail shall be without interruption or loss of civil service status or privilege;

(2) request the Administrator of the General Services Administration to provide the Center, on a reimbursable basis, the administrative support services necessary for the Center to carry out subsection (b); and

(3) procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates of compensation established by the Board, but not to exceed the daily equivalent of the maximum rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) REPORTING REQUIREMENTS.—The Executive Director shall annually submit to the Attorney General a report, which shall include—

(1) a description of the education and training program developed under subsection (b);

(2) the number and demographic representation of individuals who attended programs sponsored by the Center;

(3) a description of the extent to which resources of other governmental agencies or private entities were used in carrying out subsection (b); and

(4) a description of the extent to which contracts with other public and private entities were used in carrying out subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $13,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2007.

SEC. 4. REGIONAL CENTERS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Center shall establish 8 regional centers, 1 in each geographic region listed in subsection (b) that will be under the supervision, direction, and control of the Center.

(2) REQUIREMENT.—The 8 regional centers shall be established 2 per year during 2002, 2003, 2004, and 2005.

(b) REGIONS.—For purposes of subsection (a), the regions shall be as follows:

(1) REGION 1.—Region 1 shall be comprised of the following States—

(A) Connecticut;
(B) Maine;
(C) Massachusetts;
(D) New Hampshire;
(E) New York;
(F) Rhode Island; and
(G) Vermont.

(2) REGION 2.—Region 2 shall be comprised of the following States—

(A) Delaware;
(B) Maryland;
(C) New Jersey;
(D) Ohio;
(E) Pennsylvania;
(F) West Virginia; and
(G) Virginia.

(3) REGION 3.—Region 3 shall be comprised of the following States—

(A) Alabama;
(B) Florida;
(C) Georgia;
(D) Mississippi;
(E) North Carolina; and
(F) South Carolina.

(4) REGION 4.—Region 4 shall be comprised of the following States—

(A) Iowa;

(B) Minnesota;
(C) Nebraska;
(D) North Dakota;
(E) South Dakota; and
(F) Wisconsin.

(5) REGION 5.—Region 5 shall be comprised of the following States—
(A) Arkansas;
(B) Illinois;
(C) Indiana;
(D) Kentucky;
(E) Louisiana;
(F) Michigan;
(G) Missouri; and
(H) Tennessee.

(6) REGION 6.—Region 6 shall be comprised of the following States—
(A) Colorado;
(B) Kansas;
(C) New Mexico;
(D) Oklahoma; and
(E) Texas.

(7) REGION 7.—Region 7 shall be comprised of the following States—
(A) Arizona;
(B) California;
(C) Nevada; and
(D) Utah.

(8) REGION 8.—Region 8 shall be comprised of the following States—
(A) Alaska;
(B) Hawaii;
(C) Idaho;
(D) Montana;
(E) Oregon;
(F) Washington; and
(G) Wyoming.

(c) FUNDING.—

(1) IN GENERAL.—All funds for the regional centers shall be distributed by the Center which shall determine the budget base of each regional center based upon the budget request required to be submitted by each regional center under paragraph (2).

(2) BUDGET REQUEST.—Each regional center shall submit a budget request to the Center at such time and in such manner as the Executive Director may reasonably require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—
(1) $8,000,000 for fiscal year 2002;
(2) $16,000,000 for fiscal year 2003;
(3) $24,000,000 for fiscal year 2004;
(4) $32,000,000 for fiscal year 2005; and
(5) such sums as may be necessary for each of fiscal years 2006 and 2007.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. BOXER, Mr. WARNER, Mr. BAUCUS, Mr. SPECTER, Mr. GRAHAM, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, and Mr. WYDEN):

S. 350. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I introduce the Brownfields Revitalization and Environmental Restoration Act of 2001. Together with Chairman BOB SMITH, Senators HARRY REID, and BARBARA BOXER, and other members of the Environment and Public Works Committee, I am reintroducing the popular bipartisan legislation that I co-authored in the 106th Congress. That bill eventually amassed sixty-six co-sponsors and I look forward to the bill enjoying the same strong bipartisan support it did last year.

As the chairman of the Senate Superfund Subcommittee, I have made brownfields reform my top environmental priority. As one of six former mayors in the Senate, I understand the environmental, economic, and social benefits that can be realized in our communities from revitalizing brownfields. Estimates show there to be between 450,000 and 600,000 brownfield sites in the United States. Why do we have so many of these abandoned sites? The shift away from an industrialized economy, the migration of land use from urban areas to suburban and rural areas, and our nation's strict liability contamination statutes have all contributed. By enacting this legislation, we can recycle our nation's contaminated land, reinvigorate our urban cores, stimulate economic development, revitalize blighted communities, abate environmental health risks, and reduce the pressure to develop pristine land.

People may legitimately question the necessity of enacting federal brownfields legislation. Given the frequent touting of brownfield success stories, is federal legislation necessary? The short answer is ''yes''. While many states have implemented innovative and effective brownfield programs, they cannot remove the federal barriers to brownfield redevelopment. By providing federal funding, eliminating federal liability for developers, and reducing the role of the federal government at brownfield sites, we will allow state and local governments to improve upon what they are already doing well.

I would like to briefly describe the highlights of our legislation. The bill authorizes $150 million per year to state and local governments to perform assessments and cleanup at brownfield sites. In addition, that money will allow EPA to issue grants for cleanup of sites to be converted into parks or open space. It also authorizes $50 million per year to establish and enhance state brownfield programs. The bill clarifies that prospective purchasers, innocent landowners, and contiguous property owners, that act appropriately, are not responsible for paying cleanup costs. Finally, this legislation offers finality by precluding EPA from taking an action at a site being addressed under a state cleanup program unless there is an ''imminent and substantial endangerment'' to public health or the environment, and additional work needs to be done.

Enactment of this legislation and the accompanying redevelopment will provide a building block for the revitalization of our communities. Communities whose fortunes sank along with the decline of mills and factories will once again attract new residents and well-paying jobs. We will bring vibrant industry back to the brownfield sites that currently host crime, mischief and contamination. There will be parks at sites that now contain more rubble than grass. City tax rolls will burgeon; schools will be invigorated; new homes will be built, and community character will be restored. This vision for our communities can be realized with enactment of this legislation.

As with all legislation, we must reach across the aisle and work with bipartisan cooperation to be successful. The legislation we are introducing today garnered sixty-six bipartisan cosponsors in the 106th Congress. It also enjoyed broad support from the real estate community, local government officials, state officials, business groups, and environmental groups. I hope that the bill will continue to attract such broad support in the 107th Congress. I would like to thank Chairman BOB SMITH, and Senators HARRY REID and BARBARA BOXER for their leadership on this issue and their steadfast commitment to moving this legislation forward. I look forward to working with all my colleagues and with the Administration on this very important measure.

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

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

S. 350

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Brownfields Revitalization and Environmental Restoration Act of 2001''.

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

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) BROWNFIELD SITE.—

''(A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

''(B) EXCLUSIONS.—The term 'brownfield site' does not include—

''(i) a facility that is the subject of a planned or ongoing removal action under this title;

''(ii) a facility that is listed on the National Priorities List or is proposed for listing;

''(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

''(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(v) a facility that—

''(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

''(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

''(vi) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit;

''(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

''(viii) a portion of a facility—

''(I) at which there has been a release of polychlorinated biphenyls; and

''(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

''(D) ADDITIONAL AREAS.—For the purposes of section 128, the term 'brownfield site' includes—

''(i) a site that is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

''(ii) mine-scarred land.''.

(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

''SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

''(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a general purpose unit of local government;

''(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

''(3) a government entity created by a State legislature;

''(4) a regional council or group of general purpose units of local government;

''(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

''(6) a State; or

''(7) an Indian Tribe.

''(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

''(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

''(B) perform targeted site assessments at brownfield sites.

''(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

''(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

''(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

''(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

''(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

''(A) eligible entities, to be used for capitalization of revolving loan funds; and

''(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites that is owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

''(2) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

''(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

''(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

''(3) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

''(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

''(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

''(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

''(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

''(E) such other factors as the Administrator considers appropriate to consider for the purposes of this section.

''(4) COMPLIANCE WITH APPLICABLE LAWS.—An eligible entity that provides assistance under paragraph (2) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

''(5) TRANSITION.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

''(d) GENERAL PROVISIONS.—

''(1) MAXIMUM GRANT AMOUNT.—

''(A) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

''(i) IN GENERAL.—A grant under subsection (b)—

''(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

''(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

''(ii) WAIVER.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

''(B) BROWNFIELD REMEDIATION.—

''(i) GRANT AMOUNT.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

''(ii) ADDITIONAL GRANT AMOUNT.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

''(I) the number of sites and number of communities that are addressed by the revolving loan fund;

''(II) the demand for funding by eligible entities that have not previously received a grant under this section;

''(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

''(IV) any other factors that the Administrator considers appropriate to carry out this section.

''(2) PROHIBITION.—

''(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

''(i) a penalty or fine;

''(ii) a Federal cost-share requirement;

''(iii) an administrative cost;

''(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

''(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)).

''(B) EXCLUSIONS.—For the purposes of subparagraph (A)(iii), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination;

''(ii) design and performance of a response action; or

''(iii) monitoring of a natural resource.

''(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a

grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

''(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

''(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—

''(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

''(ii) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

''(B) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

''(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

''(2) APPROVAL.—The Administrator shall—

''(A) complete an annual review of applications for grants that are received from eligible entities under this section; and

''(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

''(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

''(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

''(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

''(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

''(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

''(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

''(G) The extent to which the applicant is eligible for funding from other sources.

''(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

''(I) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

''(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

''(2) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

''(g) AUDITS.—

''(1) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

''(2) PROCEDURE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

''(3) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

''(A) terminate the grant or loan;

''(B) require the person to repay any funds received; and

''(C) seek any other legal remedies available to the Administrator.

''(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

''(i) AGREEMENTS.—Each grant or loan made under this section shall be subject to an agreement that—

''(1) requires the recipient to comply with all applicable Federal and State laws;

''(2) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

''(3) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

''(4) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(j) FACILITY OTHER THAN BROWNFIELD SITE.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

''(k) FUNDING.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2002 through 2006.''.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

''(o) CONTIGUOUS PROPERTIES.—

''(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

''(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not—

''(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

''(II) the result of a reorganization of a business entity that was potentially liable;

''(iii) the person takes reasonable steps to—

''(I) stop any continuing release;

''(II) prevent any threatened future release; and

''(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

''(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the vessel or facility);

''(v) the person—

''(I) is in compliance with any land use restrictions established or relied on in connection with the response action at a facility; and

''(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

''(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

''(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

''(viii) at the time at which the person acquired the property, the person—

''(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

''(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

''(B) DEMONSTRATION.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

''(C) BONA FIDE PROSPECTIVE PURCHASER.—Any person that does not qualify as a person described in this paragraph because the person had knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

''(D) GROUND WATER.—If a hazardous substance from 1 or more sources that are not on the property of a person enters ground

water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

''(2) EFFECT OF LAW.—With respect to a person described in this subsection, nothing in this subsection—

''(A) limits any defense to liability that may be available to the person under any other provision of law; or

''(B) imposes liability on the person that is not otherwise imposed by subsection (a).

''(3) ASSURANCES.—The Administrator may—

''(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

''(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).''.

SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

''(40) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

''(A) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

''(C) NOTICES.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

''(i) stop any continuing release;

''(ii) prevent any threatened future release; and

''(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility).

''(F) INSTITUTIONAL CONTROL.—The person—

''(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

''(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

''(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

''(H) NO AFFILIATION.—The person is not—

''(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

''(I) any direct or indirect familial relationship; or

''(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

''(ii) the result of a reorganization of a business entity that was potentially liable.''.

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

''(2) LIEN.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the party obtain from an appropriate party a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

''(3) CONDITIONS.—The conditions referred to in paragraph (2) are the following:

''(A) RESPONSE ACTION.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

''(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

''(4) AMOUNT; DURATION.—A lien under paragraph (2)—

''(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of—

''(i) satisfaction of the lien by sale or other means; or

''(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.''.

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking ''deeds or'' and inserting ''deeds, easements, leases, or''; and

(B) in the second sentence—

(i) by striking ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), and is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action.''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) REASON TO KNOW.—

''(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must demonstrate to a court that—

''(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

''(II) the defendant took reasonable steps to—

''(aa) stop any continuing release;

''(bb) prevent any threatened future release; and

''(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

''(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

''(iii) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

''(I) The results of an inquiry by an environmental professional.

''(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

''(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

''(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

''(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

''(VI) Visual inspections of the facility and of adjoining properties.

''(VII) Specialized knowledge or experience on the part of the defendant.

''(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

''(IX) Commonly known or reasonably ascertainable information about the property.

''(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

''(iv) INTERIM STANDARDS AND PRACTICES.—

''(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

''(aa) any specialized knowledge or experience on the part of the defendant;

''(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

''(cc) commonly known or reasonably ascertainable information about the property;

''(dd) the obviousness of the presence or likely presence of contamination at the property; and

''(ee) the ability of the defendant to detect the contamination by appropriate inspection.

''(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

''(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.''.

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

''(41) ELIGIBLE RESPONSE SITE.—

''(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

''(B) INCLUSIONS.—The term 'eligible response site' includes—

''(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

''(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

''(I) protect human health and the environment; and

''(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

''(C) EXCLUSIONS.—The term 'eligible response site' does not include—

''(i) a facility for which the President—

''(I) conducts or has conducted a remedial site investigation; and

''(II) after consultation with the State, determines or has determined that the site qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

''(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.''.

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

''SEC. 129. STATE RESPONSE PROGRAMS.

''(a) ASSISTANCE TO STATES.—

''(1) IN GENERAL.—

''(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

''(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

''(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

''(B) USE OF GRANTS BY STATES.—

''(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

''(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

''(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

''(II) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

''(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

''(A) Timely survey and inventory of brownfield sites in the State.

''(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

''(i) a response action will—

''(I) protect human health and the environment; and

''(II) be conducted in accordance with applicable Federal and State law; and

''(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

''(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

''(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

''(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

''(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

''(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

''(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

''(1) ENFORCEMENT.—

''(A) IN GENERAL.— Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

''(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

''(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

''(B) EXCEPTIONS.—The President may bring an enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

''(i) the State requests that the President provide assistance in the performance of a response action;

''(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

''(iii) after taking into consideration the response activities already taken, the Administrator determines that—

''(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

''(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

''(iv) the Administrator determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.

''(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be

suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

''(D) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

''(I) notify the State of the action the Administrator intends to take; and

''(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

''(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

''(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

''(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

''(II) the State is planning to abate the release or threatened release, any actions that are planned.

''(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

''(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

''(2) SAVINGS PROVISION.—

''(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

''(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

''(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

''(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

''(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after June 8, 2000.

''(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

''(1) this Act, except as provided in subsection (b);

''(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

''(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).''.

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

''(h) NPL DEFERRAL.—

''(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

''(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

''(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

''(ii) that will provide long-term protection of human health and the environment; or

''(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

''(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

''(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

''(A) the complexity of the site;

''(B) substantial progress made in negotiations; and

''(C) other appropriate factors, as determined by the President.

''(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

''(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

''(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

''(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.''.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, February 14, 2001.

Hon BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, Senate Office Building, Washington, DC.

Hon HARRY REID,
Ranking Minority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon BARBARA BOXER,
Ranking Minority Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: On behalf of The United States Conference of Mayors, I am writing to express the strong support of the nation's mayors for your bipartisan legislation, the ''Brownfields Revitalization and Environmental restoration Act of 2001.'' The mayors believe that this legislation can dramatically improve the nation's efforts to recycle abandoned and other underutilized brownfield sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

This is a national problem that deserves a strong and prompt federal response. The mayors believe that this bipartisan legislation will help accelerate ongoing private sector and public efforts to recycle America's land.

We thank you for your leadership on this priority legislation for the nation's cities. We strongly support this legislation and we encourage you to move forward expeditiously so that the nation can secure the many positive benefits to be achieved from the reuse and redevelopment of the many thousands of brownfields throughout the U.S.

Sincerely,

H. BRENT COLES,
President,
Mayor of Boise.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, February 14, 2001.

Hon. LINCOLN CHAFEE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CHAFEE: On behalf of the more than 760,000 members of the NATIONAL ASSOCIATION OF REALTORS®, I wish to convey our strong support for the ''Brownfields Revitalization and Environmental Restoration Act.'' NAR commends you for your efforts in crafting a practical and effective bill which has garnered bipartisan support from the leadership of the Senate Environment and Public Works Committee.

NAR supports this bill because it:

Provides liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination;

Increases funding for the cleanup and redevelopment of the hundreds of thousands of our nation's contaminated ''brownfields'' sites;

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic, environmental and social enrichment of our communities. Unfortunately, liability concerns and a lack of adequate resources often deter redevelopment of such sites. As a result, properties that could be enhancing community growth are left dilapidated, contributing to nothing

but economic ruin. Once revitalized, however, brownfields sites benefit their surrounding communities by increasing the tax base, creating jobs and providing new housing.

The new Administration has clearly indicated its support for brownfields revitalization efforts. The ''Brownfields Revitalization and Environmental Restoration Act'' is a positive, broadly-supported policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,
2001 President.

AMERICAN INSURANCE ASSOCIATION,
Washington, DC, February 14, 2001.

Senator LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, Risk Assessment, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the American Insurance Association, I want to congratulate you upon the introduction of the Brownfields Revitalization and Environmental Restoration Act.

We believe this bill will provide necessary relief to many cities struggling with the problem of abandoned, contaminated properties. While insurance is now emerging as one of the most useful tools for managing environmental liability risk in the redevelopment of contaminated properties, insurance products alone are not enough. The predicament for many cities is that they don't have the resources to address the brownfields problem, but they can't develop the resources without addressing the brownfields problem. Your bill is a giant step toward resolving this conundrum.

In sum, we believe this bill constitutes a positive step toward cleaning up hazardous waste sites. We are especially happy to observe that the bill does this through a mechanism other than litigation. Finally, we are pleased to note the bill is the product of a bipartisan consensus of the leadership of the Senate Environment Committee.

We look forward to working with you to see that this legislation becomes law.

Sincerely,

JOHN G. ARLINGTON,
Assistant Vice President.

NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES,
Herndon, VA, February 14, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of The National Association of Industrial and Office Properties (NAIOP), I am writing to voice our support for the Brownfields Revitalization and Environmental Restoration Act of 2001. This legislation is very important to the development community as it promotes the cleanup and reuse of brownfields, provides financial assistance for brownfields revitalization and helps to provide incentives to put unused industrial sites back into productive use.

NAIOP, with over 9,400 members, is a national association that represents the interests of developers, owners and investors of industrial, office and related commercial real estate throughout North America. We applaud the efforts of the Committee to once again encourage brownfields revitalization.

With respect to brownfields, NAIOP is encouraged by the grant program proposed in the bill and supports federal assistance to states in establishing and expanding voluntary clean up programs. These provisions demonstrate a serious attempt toward achieving much-needed brownfields revitalization, which is a primary concern to the commercial real estate industry.

All across the country there is debate about how to control urban sprawl. We believe that this legislation will go further to address the issue of sprawl, especially since it will encourage the revitalization of our nations urban areas.

NAIOP urges swift passage of this bill, and we look forward to working with you to achieve this result.

Sincerely,

ANNE EVANS ESTABROOK,
Chairman of the Board.
THOMAS J. BISACQUINO,
President.

INTERNATIONAL COUNCIL OF SHOPPING CENTERS,
Alexandria, VA, February 13, 2001.

Hon. LINCOLN D. CHAFEE,
Senate Environmental and Public Works Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: The International Council of Shopping Centers (ICSC) strongly commends your plans to introduce the ''Brownfields Revitalization and Environmental Restoration Act of 2001.'' Along with your co-sponsors, you have displayed critical leadership on a public policy issue to often caught up in partisan rhetoric. ICSC enthusiastically supports the legislation, as we did last year with S. 2700, and looks forward to working with you and your staff to ensure its passage.

Shopping centers are America's marketplace, representing economic growth, environmentally responsibility, and community strength. Founded in 1957, the ICSC is the global trade association of the shopping center industry. Its nearly 35,000 U.S. members represent almost all of the 44,426 shopping centers in the United States. In addition, shopping centers employ over 11 million people, about nine percent of non-agricultural jobs in the United States. Legislation such as the ''Brownfields Revitalization and Environmental Restoration Act of 2001'' will allow center developers to further step-up their efforts to assist in the redevelopment of urban areas in their continuing efforts to enhance the environmental and economic quality of America's cities.

The 2001 Act will provide practical solutions to many of the issues developers confront when debating the merits of brownfields redevelopment. Provisions providing liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination; increased funding for the cleanup and redevelopment of the hundreds of thousands of the country's brownfields sites; and, recognition that sites remediated under the authority of state voluntary clean up laws should constitute final action are all vital to encouraging development in sites that may otherwise be left abandoned.

The targeted reforms you have focused on will result in greater infill development and enhance the urban landscape. The 2001 Act will not only spur economic development but also improve environmental quality throughout the country. ICSC looks forward to working with you in the coming months in support of this important legislation.

Sincerely,

WILLIAM H. HOFFMAN, III,
Manager, Environmental Issues.

THE REAL ESTATE ROUNDTABLE,
February 14, 2001.

Hon. LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: I am writing on behalf of the Real Estate Roundtable to express our members' enthusiastic support for ''The Brownfields Revitalization and Environmental Restoration Act of 2001'' (BRERA). This important legislation would make welcome reforms to the Comprehensive Environmental Response, Compensation and Liability Act or ''Superfund'' law.

Last year's similar legislation achieved an astonishing degree of bipartisan support—picking up a total 67 co-sponsors and broad support from a diverse array of environmental, state and local government and business organizations. Today we believe there is a great opportunity—with help from the Bush Administration—to move BRERA quickly through Congress and to the president's desk for signature. In that regard, we have been heartened by the strong signal of support for this type of bill sent by President Bush during his campaign for the presidency. As indicate by her remarks during her confirmation hearings, Administrator Christine Todd Whitman will also clearly be an ally.

There are brownfields in every state—and almost every community—in this country. If enacted into law, BRERA would significantly advance the economic prospects for remediating and recycling those properties into a broad range of productive uses. The economic and regulatory incentives included in the bill would help thousands of brownfield sites across the country become vibrant new employment centers. In other cases, the clean-up properties would provide many communities with environmentally sound housing alternatives.

As you know, The Real Estate Roundtable's members are America's leading real estate owners, advisors, builders, investors, lenders and managers. The Real Estate Roundtable (and its predecessor organization the National Realty Committee) has long supported enactment of bipartisan legislation that includes meaningful incentives for brownfields redevelopment. BRERA is clearly just such a piece of legislation.

In particular, the proposed legislation would go far in assuring those parties purchasing already contaminated ''brownfields'' properties that they have not also acquired unwarranted Superfund liability. Such assurance is critical to successfully financing and closing on brownfields transaction. In addition, we are pleased the bill recognizes the need to clarify the innocence of those individuals or companies whose real property has become contaminated simply because hazardous substances have migrated from adjacent sites.

The legislation also includes a provision that will, in most cases, reassure participants in state voluntary cleanup programs that their state-approved cleanup is not likely to be ''second-guessed'' by federal officials. This so-called ''finality'' assurance is crucial not only to potential buyers and sellers of brownfields properties but to their financial partners as well. The bill presents a welcome compromise on a very difficult policy challenge.

We look forward to working with you, other Senate leaders and the Administration to encourage the swift passage of BRERA.

Sincerely,

JEFFREY D. DEBOER,
President and Chief Operating Officer.

THE TRUST FOR PUBLIC LAND,
Washington, DC, February 15, 2001.

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: On behalf of the Trust for Public Land, I am writing to thank you for introducing the Brownfields Revitalization and Environmental Restoration Act of 2001. We appreciate your outstanding efforts to promote local environmental quality, as typified by your energetic advocacy of this brownfields legislation.

TPL was honored to be part of the coalition that helped to push this legislation to the brink of enactment at the end of the 106th Congress, and we again look forward to working with you to make this legislation a reality within the near future. We are particularly grateful that you have re-introduced identical legislation this time around.

Given our experience in community open-space issues, we are heartened by the emphasis the legislation places on brownfields-to-parks conversion where appropriate, and its flexibility to tailor loan and grant funding based on community needs and eventual uses. In all, this legislation provides the framework and funding that an effective national approach to brownfields requires, and offers the promise of a much-needed federal partnership role in brownfields reclamation.

Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in underserved communities to reclaim abandoned sites and create open spaces where they are most needed. By transforming these idled sites into urgently needed parks and green spaces, or by focusing investment into their appropriate redevelopment, reclamation of brownfield properties brings new life to local economies and to the spirit of neighborhoods.

The Trust for Public Land gratefully recognizes the vision and careful craftsmanship you have shown in your work to advance this vital legislation, and we look forward to working with you towards its enactment.

Sincerely,

ALAN FRONT,
Senior Vice President.

INSTITUTE OF SCRAP
RECYCLING INDUSTRIES, INC.,
Washington, DC, February 14, 2001.

Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH REID, CHAFEE AND BOXER: The Institute of Scrap Recycling Industries, Inc. (ISRI), strongly supports the passage of the Brownfields Revitalization and Environmental Restoration Act of 2001. Passage of this bipartisan bill will reduce the many legal and regulatory barriers that stand in the way of brownfields redevelopment.

This important brownfields legislation will provide liability relief for innocent property owners who purchase a property without knowing that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state approved voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan brownfields bill. In the previous Congress, ISRI's membership worked to build grassroots support and sought cosponsors for S. 2700 of the 106th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001.

ISRI looks forward to continuing to work with you to see that the brownfields bill you have sponsored becomes law. We believe that the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WIENER,
President.

FEBRUARY 15, 2001.

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: We are writing to thank you for the outstanding leadership you have demonstrated by your re-introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. Our organizations, and our many community partners across America, are heartened by the benefits that this legislation would impart upon our landscapes, economies, public parks and our communities as a whole. Transforming abandoned brownfield sites into greenfields or new development will provide momentum for increasing ''smart growth'' and reducing sprawl by utilizing existing transportation infrastructure, which in turn will lead to better transportation systems and the revitalization of historic areas and our urban centers.

As you are well aware, brownfields pose some of the most critical land-use challenges—and afford some of the most promising revitalization opportunities—facing our nations' communities, from our cities to more rural locales. Revitalization of these idled sites into urgently needed parks and green spaces or into appropriate redevelopment will provide great benefits to our neighborhoods and local economies. In the process, it has also proven to be an extremely powerful too in local efforts to control urban sprawl by directing economic growth to already developed areas, encouraging the restoration and reuse of historical sites, and in addressing longstanding issues of environmental justice in underserved areas.

We acknowledge the commitment that the Environmental Protection Agency and other federal agencies have demonstrated to brownfields restoration through existing programs. At the same time, given that there are estimated 450,000–600,000 brownfield properties nationwide, we recognize that these limited resources have been stretched too far to allow for an optimal federal role. Additional investment, at higher levels and in new directions, is essential to meeting the enormous backlog of need and to establishing the truest federal partnership with the many state, local, and private entities working to renew brownfield sites.

The Brownfield Revitalization and Environmental Restoration Amendments Act of 2001 would provide this much needed federal response. Through our work with local governments, our organizations have witnessed first-hand—and have often worked as a partner to help create—the benefits that this bill would provide. We are particularly gratified by the emphasis your legislation places on brownfields-to-parks conversion, and the flexibility its provides to tailor funding based on a community's a particular needs. In all, this bill provides the framework and funding that an effective national approach to brownfields will require.

Accordingly, we appreciate your vision in developing this legislation, and we look forward to working with you towards its enactment.

Sincerely,

The Trust for Public Land; Scenic America; American Planning Association; The Enterprise Foundation; National Association of Regional Councils; Smart Growth America; Surface Transportation Policy Project; National Recreation and Park Association.

ENVIRONMENTAL BUSINESS
ACTION COALITION,
Washington, DC, February 14, 2001.

Hon. ROBERT SMITH,
Chairman, Environment & Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE, BOXER: On behalf of the Environmental Business coalition (EBAC), I am writing to strongly support your introduction of the

Brownfields Revitalization and Environmental Restoration Act of 2001. EBAC endorses this bipartisan effort and will work with you to secure its passage this year.

EBAC is an organization of nearly thirty-five environmental engineering, scientific and construction firms representing over 60,000 professional, managerial and support personnel in the hazardous waste cleanup field. Our companies are the experts in environmental cleanup, including Superfund and brownfields nationwide.

The Brownfields Revitalization and Environment Restoration Act of 2001 would provide the much-needed ''finality'' for states that already have successful cleanup programs. In addition, the measure would provide critically needed financial support for assessment and cleanup of brownfields. Finally, the proposal's liability reforms will go a long way in returning to productive use these abandoned sites burdening communities across the country.

While EBAC supports these provisions and believe they will make important contributions to the redevelopment of countless abandoned properties nationwide, we strongly urge you to expand the liability reform provisions contained in this legislation to include protections for Response Action Contractors (RAC's) form the Superfund law's unfair liability scheme. This will greatly increase the resources available for cleanups across the country. Similarly, we urge you to support the use of professional engineering judgment that will increase program efficiency as opposed to imposing nationwide ASTM standards on site cleanups. These ''one-size-fits-all'' dictates will needlessly complicate efforts by creating legal uncertainty for professionals addressing the inherently unique characteristics of contaminated sites.

EBAC appreciates your hard work in drafting this important legislation. We are committed to working closely with you to move this measure to enactment.

Sincerely,

JEREMIAH D. JACKSON,
President.

WASHINGTON, DC,
February 15, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID AND SENATOR BOXER. Smart Growth America would like to thank you for your leadership on the introduction the Brownfields Revitalization and Environmental Restoration Act of 2001. A broad coalition of elected officials, public and private sector professionals, community groups, and environmentalists have been championing the need for brownfields redevelopment for many years. The U.S. Conference of Mayors recently conducted a survey and found that across the country, 210 cities are plagued with 21,000 industrial or commercial sites whose redevelopment is hindered by environmental contamination or sometimes just the perception of contamination.

As advocates of smart growth—growth that revitalizes neighborhoods, creates and preserves affordable housing, promotes transportation choice, preserves scenic and historic resources, and conserves open space and farmland—we regard brownfields redevelopment as a top priority. Although we support the bill, we are concerned that the bill may not provide adequate protection of the environment and public health in certain cases. We believe this would be unwise and hope to work with you on appropriate amendments to the language.

The primary obstacle to brownfields redevelopment has been inadequate funding and liability issues for contiguous landowners, prospective purchasers and innocent landowners. This legislation addresses these issues and presents a tremendous opportunity for communities to capitalize on their untapped resources. The U.S. Conference of Mayors found that 176 cities estimated that between $878 million and $2.4 billion annually could be generated by fully tapping into the potential of brownfields sites. In addition, 189 cities predict that 554,419 new jobs could be generated.

We believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will allow communities nationwide to utilize their existing infrastructure to encourage economic development, remove environmental and public health hazards, promote neighborhood revitalization and preserve open space. We support your efforts and look forward to working with you to pass this truly groundbreaking legislation.

Sincerely,

Smart Growth America; National Trust for Historic Preservation; Surface Transportation Policy Project; Chesapeake Bay Foundation; Environmental Justice Resource Center, Clark Atlanta University; Great American Station Foundation, Center for Neighborhood Technology; Scenic America; American Planning Association; The Enterprise Foundation; National Center for Bicycling and Walking; and Environmental & Energy Study Institute.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I am pleased to join Senator REID, the ranking member of the Committee; Senator CHAFEE, the chairman of the Superfund Subcommittee; and Senator BOXER, ranking member of the Subcommittee, to introduce a bill that protects the environment, encourages community involvement, promotes economic redevelopment, provides incentive for the preservation of green spaces, and sets the stage for future comprehensive Superfund reform.

As a nation, our industrial heritage has left us with numerous contaminated abandoned or underutilized ''brownfield'' sites. Although the level of contamination at many of these sites is relatively low, and the potential value of the property may be quite high, developers often shy away from redeveloping these sites. Behind their reluctance: uncertainty regarding the level of contamination, the extent of potential liability, or the likely costs of cleanup.

The Brownfields Revitalization and Environmental Restoration Act of 2001 addresses the uncertainty that has long plagued developers, property owners, and communities seeking to make use of these otherwise desirable sites. This bill is identical to a bill we introduced last year, a bill that had the overwhelming support of 67 cosponsors, but unfortunately never saw floor time.

How is our bill better than current law? Simply stated, our bill provides an element of finality which does not exist today, while allowing for federal involvement under a specific universe of conditions. Our bill strikes a solid balance on the issue of finality between so-called ''Republican bills'' and ''Democratic bills'' championed in previous years with no bipartisan support. Furthermore, our bill provides authorization for critically needed funds to assess and clean up brownfield sites, which will create jobs, increase tax revenues, and preserve and create open space and parks. This is a balanced bill. If you never had a chance to review it last year, do so now. This year, we are determined to move this bill through the process—and quickly. Senator REID and I have committed to marking up this bill in early March, and we hope to have floor time soon afterwards.

There are an estimated 450,000 brownfield sites in the United States. These are low risk sites, not the traditional Superfund sites that would be impacted by comprehensive Superfund reform. However, if States and citizens continue to be discouraged form cleaning up brownfield sites, these sites will never be redeveloped, and may in fact become Superfund sites. While I strongly believe that comprehensive Superfund reform is needed, I feel that we can move forward with brownfield legislation without compromising our chances for comprehensive reform.

As brownfield sites are outside of the scope of Superfund, I believe that liability carve-outs are outside of the scope of any brownfield legislation. As I have done in the past, I continue to oppose narrow carve-outs. Carve-outs weaken attempts at overhauling the remedy selection and liability allocation provisions in the current Superfund statute and, frankly, make a bad system worse. Our brownfield legislation does not affect the allocation of liability at Superfund sites; instead, it provides needed resources to address sites, provides certainty to those who voluntarily cleanup, and prevents brownfields from being included in the superfund web. Brownfield legislation presents a win-win for all involved and should jumpstart action on substantive Superfund reform.

Let me just say that last year, the Congress made a bold move in approving bipartisan legislation to restore the Florida Everglades. One of the proudest moments of my Senate career was witnessing the signing into law of that landmark environmental legislation. I want to use the Everglades model—cooperation, partnership, bipartisanship—as an example of what Congress can do when it puts aside personal politics for good policy. No one thought we'd get Everglades to the President's desk in a presidential election year, but we proved them wrong. Pessimists

have little faith that an equally divided Senate will accomplish more than partisan bickering. Let's prove them wrong, too, by committing to enact brownfield legislation in the first session of this Congress. By doing so, not only do we demonstrate to a skeptical nation that bipartisan cooperation is possible, but once again, the environment wins.

Our bill represents a carefully negotiated compromise, and as is the nature of a compromise, both sides had to give a little to reach common ground. Now that we stand together on that common ground, let's not undermine our widespread support by trying to bring the bill farther to the left or to the right. The Brownfield Revitalization and Environmental Restoration Act of 2001 is a strong bill and represents our best chance of addressing the issues plaguing brownfield sites. I urge your support for this bill.

Mr. REID. Mr. President, I rise today to introduce a bi-partisan legislation to cleanup American's brownfields. I am joined by my colleagues from the Environment and Public Works Committee in introducing this important legislation, Senators CHAFEE, SMITH, BOX, BAUCUS, GRAHAM, CORZINE, and WARNER.

This is an exciting beginning to my tenure as the ranking member of the Environment and Public Works—this bill which I hope will be enacted swiftly, has broad support on both sides of the aisle, and which is supported by environmentalists, realtors and the business community.

What are brownfields? They are contaminated, abandoned sites that blight our communities, but also offer great promise for the future. there are, according to the Conference of Mayors, over 450,000 brownfields in the US, in every state of the union, and in both rural and urban areas. The Conference of Mayors has estimated that redeveloping these sites would create more than 587,000 jobs nationally and increase annual tax revenues from between $902 million to $2.4 billion dollars.

So, it is clear that there are great benefits to be realized from cleaning up these sites. For example, in Las Vegas alone, there are roughly 30 brownfields sites. It is estimated that cleaning up these sits would generate between $1.6 and $4 million per year of additional tax revenues, and create an estimated 320 jobs.

Some think of brownfields cleanup as just an urban issue, but brownfields can be found anywhere, even in our most rural areas. Their cleanup will have important economic benefits for rural America. For example, Hawthorne, a small town in Nevada has limited private lands to accommodate the town's growth. To the west of the city, 240 acres of valuable space have been used as a landfill for years. Nevada's brownfield program completed the first contamination assessment and companies are already interested in developing the land.

Brownfields funding can be used to complete the assessment and cleanup of this valuable rural land, allowing the town to grow, provide new jobs, and expand its tax base.

Let me give you another specific example of what we can do with brownfields funding. The National Guard Armory site in Las Vegas was the first site in the nation to be cleaned up under a loan from EPA's Brownfields Cleanup Revolving Loan Fund. This site had been used for a variety of military purposes, including chemical storage. The cleanup, including removal of over 600 cubic yards of soil contaminated with hazardous waste and petroleum hydrocarbons, cost only $50,000, but freed the site up for reuse. The city is making the site a community center with space for a senior center, a small business center, a cultural center and retail stores.

This bill will provide for many years more such success stories. With this bill, we can begin to address in a significant way those 450,000 sites and help our neighborhoods and business thrive.

These blighted areas pose threats to human health and the environment, contributing to economic depression, crime and job loss. They push new development into farmland and green spaces and cause sprawl, increasing driving time, traffic, congestion and air pollution.

The brownfields bill we are introducing today will directly spur such cleanup of these sites, in a number of ways.

It provides critically needed money to assess and clean up abandoned and underutilized brownfield sites.

It encourages cleanup and redevelopment of these properties, by providing legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners.

It provides for funding and expansion of state cleanup programs, and provides ''certainty'' for developers, but still ensures protection of public health and the environment.

Creating a public record of brownfield sites and enhances community involvement in site cleanup and reuse.

In conclusion, this bill has the support of a wide variety of groups, including environmentalists, mayors, businesses, and the real estate community. We are fortunate enough to have an opportunity to do well by so many. I look forward to working with my colleagues to enact this legislation this Congress and seeing the payoff in clean sites and new jobs in communities across the country.

Mrs. BOXER. Mr. President, as the ranking member of the Subcommittee on Superfund, Waste Control, and Risk Assessment, I am pleased to join my colleagues in sponsoring the Brownfields Revitalization and Environmental Restoration Act—a very important piece of legislation.

Our nation's industrial history has left us with the unfortunate legacy of tens of thousands of abandoned sites that are contaminated with hazardous materials.

Unfortunately, many of these sites are located in low-income, minority communities. The result is that this toxic legacy disproportionately impacts some of our most vulnerable and disempowered populations.

For many of my constituents in places like Oakland, Anaheim, Long Beach, Los Angeles, Sacramento, San Diego, and Stockton these polluted areas—or so-called ''brownfields''—are a blight on the community. They are dead zones that sit unused or only partially used, sometimes posing health hazards, sometimes merely eyesores.

The idea behind the Brownfields Initiative is that those areas of light, or moderate, contamination should be restored for economic redevelopment, community use, or made into parks and greenways.

In Oakland, for instance, an abandoned industrial brownfield site is going to be transformed into a large-scale, mixed use development area. It will include a pedestrian walkway, retail shops, child care facilities, medical care facilities, a senior center, and a branch of the Oakland Public Library.

I'm proud to note that two California sites, in East Palo Alto and Los Angeles, have been selected by the Environmental Protection Agency, EPA, to be ''Showcase Communities.'' These communities are at the cutting edge of the brownfields effort; their experiences will help us learn how to bring together federal, state, local, and nongovernmental interests to address the brownfields problem. They will serve as a model for the rest of the Nation.

While EPA has made important strides in the development of the Brownfields Initiative, there is much more than could be done.

By authorizing increased funding for this program, clarifying some of the liability questions, and directing the program to the areas of greatest need, this legislation will help expand the scope of this program and elevate its visibility in the eyes of the American public.

This legislation helps us set right some of the mistakes that were made in the past. And it illustrates what we have had to learn the hard way—that a prosperous economy and a healthy environment go hand in hand.

By cleaning up these contaminated brownfields, we can protect public health, while at the same time curbing the devastating impact of urban sprawl on our environment.

Encouraging the clean up of these contaminated properties will also mean new jobs and greater economic growth for the communities that need it most.

We owe it to our children to leave them an environment that is cleaner and healthier than the one we have inherited. This bill will help take us in that direction.

Mr. LEVIN. Mr. President, brownfields are abandoned, idled, or under-used commercial or industrial properties where development or expansion is hindered by real or perceived environmental contamination. Businesses located on brownfields were once the economic foundations of communities. Today, brownfields lie abandoned—the legacy of our industrial past. These properties taint our urban landscape. Contamination, or the perception of contamination, impedes brownfields redevelopment, stifles community development and threatens the health of our citizens and the environment. Redeveloped, brownfields can be engines for economic development. They represent new opportunities in our cities, older suburbs and rural areas for housing, jobs and recreation. Today, Senator SMITH, Senator REID, Senator CHAFEE and Senator BOXER introduced the Brownfields Revitalization and Environmental Restoration Act of 2001. I support their efforts to address this issue and I will co-sponsor the legislation.

As cochair of the Senate Smart Growth Task Force, I believe brownfields redevelopment is one of the most important ways to revitalize cities and implement growth management. The redevelopment of brownfields, is one fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, use infrastructure that is already paid for and relieve development pressure on our urban fringe and farmlands.

The State of Michigan is a leader in brownfields redevelopment—offering technical assistance and grant and loan programs to help communities redevelop brownfields. This legislation will compliment State and local efforts to successfully redevelop brownfields. The bill provides much needed funding to State and local jurisdictions for the assessment, characterization, and remediation of brownfield sites. Importantly, the bill removes the threat of lawsuits for contiguous landowners, prospective purchasers, and innocent landowners. Communities must often overcome serious financial and environmental barriers to redevelop brownfields. Greenfields availability, liability concerns, the time and cost of cleanup, and a reluctance to invest in older urban areas deters private investment. This bill will help communities address these barriers to redevelopment. Finally, the bill provides greater certainty to developers and parties conducting the cleanup, ensuring that decisions under state programs will not be second- guessed. Public investment and greater governmental certainty combined with private investment can provide incentives for redeveloping brownfield properties and level the economic playing field between greenfields and brownfields.

I believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will do much to encourage commercial, residential and recreational development in our nation's communities where existing infrastructure, access to public transit, and close proximity to cultural facilities currently exist. America's emerging markets and future potential for economic growth lies in our cities and older suburbs. This potential is reflected in locally unmet consumer demand, underutilized labor resources and developable land that is rich in infrastructure. In Detroit, the Department of Housing and Urban Development estimates that there is a $1.4 billion retail gap (the purchasing power of residents minus retail sales). In Flint, HUD estimates the retail gap to be $186 million and in East Lansing, $160 million. The redevelopment of brownfields will help communities realize the development potential of our urban communities. It is a critical tool for metropolitan areas to grow smarter—allowing us to recycle our Nation's land to promote continued economic growth while curtailing urban sprawl and cleaning up our environment.

By Ms. COLLINS (for herself and Mr. KERRY):

S. 351. A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today, along with Senator KERRY, I am introducing the Mercury Reduction and Disposal Act of 2001. This bill addresses the very serious problem of mercury in the environment and mercury disposal. It takes special aim at one of the most common and widely distributed sources of mercury, and that is mercury fever thermometers.

Mercury is a potent neurotoxin that is widespread in the environment and particularly harmful to developing children and pregnant women. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth defects and brain damage in up to 60,000 newborn children each year.

Although mercury can be safe in an elemental form or in amalgamations such as dental fillings, mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed into the blood and distributed to all tissues, including the brain. This organic mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to those who consume them. For this reason, 40 States have issued public health warnings advising certain individuals to restrict or avoid consuming fish from certain affected bodies of water.

Mr. President, the largest sources of mercury in the environment include incinerated solid waste, powerplant emissions, and emissions from chlor-alkali plants, such as the now closed HoltraChem Manufacturing Company in Orrington, ME.

About 50 tons of mercury are estimated to enter the environment from medical and solid waste incinerators, about 45 tons from powerplant emissions, and a large but uncertain amount derives from chlor-alkali plants.

Of the 50 tons of mercury that enters the environment from medical and solid waste incinerators, mercury thermometers are one of the largest, if not the largest, source. The EPA has estimated that mercury thermometers contributed approximately 17 tons of mercury to solid waste per year in the early 1990s. Although this number may well be declining due to innovative efforts, such as those in towns like Freeport, ME—the first town in Maine to ban the sale of mercury fever thermometers—it is still a very large amount.

Mr. President, I have a mercury thermometer right here. It is very familiar to all of us. Many of us know from personal experience how easily it can be broken. I have broken a couple myself, and not realizing the dangers of mercury back then, I used my hands to gather up the various beads of mercury and throw them away, not realizing the danger I was creating.

In fact, in 1998, the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

This one mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you, despite its small size, just one of these thermometers per year contains enough mercury to contaminate all of the fish in a 20-acre lake.

Let me repeat that. The mercury in one of these thermometers is sufficient to pollute a 20-acre lake.

The bill I am introducing today calls for a nationwide ban on the sale of mercury fever thermometers such as the one I just showed. It will also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives.

I have an example of an alternative right here. This is a digital thermometer. Digital thermometers like this one are easier to read, much quicker to use, they do not break easily, and, most important of all, they do not contain a toxic element such as mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will ensure the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

Another important component of my bill is the safe disposal of the mercury

collected from thermometer exchange programs. My legislation directs the EPA to ensure that the mercury is properly collected and stored to make sure it is kept out of the environment and out of commerce. This mercury will not reenter the environment, and it will not be sent, for example, to India, one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs addresses only one part of the problem. The other aspect is the global circulation of mercury. When the HoltraChem chlor-alkali manufacturing plant in Orrington, ME, shut down last year, the plant was left with over 100 tons of unwanted mercury and no way to permanently dispose of it. In total, about 3,000 tons of mercury are held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. In 1999, Algeria mined 400 tons of virgin mercury and Kyrgyzstan mined 600 tons. In total, approximately 2,000 tons of new mercury are mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury it does not want and does not know what to do with.

What can we do about these problems? What can we do about the situation where some countries are still mining large amounts of an element that is a known neurotoxin, while the United States and other countries are doing their best to remove this extremely toxic element from the environment? How will the United States dispose of the huge amounts of mercury at chlor-alkali plants and other no longer needed sources?

My legislation creates an interagency task force to address these very issues. This task force will be chaired by the Administrator of the Environmental Protection Agency and comprised of representatives from the States, other Federal agencies involved with mercury, and public health officials.

Specifically, my bill directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problems from mines as well as from industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for permanently disposing of mercury, for retiring mercury from chlor-alkali plants and other sources, and for reducing the amount of new mercury mined every year. At that time, it will be up to Congress to act on their recommendations.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment, something that many of us still have in our medicine chests at home, and that is the mercury fever thermometer.

I thank the Presiding Officer for his attention. I urge support and cosponsorship of my colleagues for this initiative.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

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

S. 351

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 ''Mercury Reduction and Disposal Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of ''the virtual elimination of the discharge of anthropogenic mercury into the environment'';

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

''SEC. 3024. MERCURY.

''(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

''(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

''(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

''(A) careful handling of the thermometer to avoid breakage; and

''(B) proper cleanup of the thermometer and its contents in the event of breakage.

''(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

''(c) DISPOSAL OF COLLECTED MERCURY WASTE.—

''(1) INTERAGENCY TASK FORCE.—

''(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Interagency Task Force on Mercury' (referred to in this section as the 'Task Force').

''(B) MEMBERSHIP.—The Task Force shall be composed of 7 members, of whom—

''(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

''(ii) 1 member shall be appointed by each of—

''(I) the Secretary of State;

''(II) the Secretary of Defense;

''(III) the Secretary of Energy; and

''(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;

''(iii) 1 member shall be appointed by the President to represent the American Public Health Association; and

''(iv) 1 member shall be appointed by the President from the Environmental Council of the States.

''(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

''(D) TERM; VACANCIES.—

''(i) TERM.—A member shall be appointed for the life of the Task Force.

''(ii) VACANCIES.—A vacancy on the Task Force—

''(I) shall not affect the powers of the Task Force; and

''(II) shall be filled in the same manner as the original appointment was made.

''(E) MEETINGS.—

''(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

''(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

''(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

''(F) DUTIES.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning—

''(i) the long-term management and retirement of mercury collected from—

''(I) mercury fever thermometers;

''(II) other medical and commercial sources; and

''(III) government sources, including mercury stored by the Department of Defense and the Department of Energy;

''(ii) collection of mercury from industrial or other sources in the United States in cases in which the mercury is no longer needed, such as from retired chlor-alkali plants;

''(iii) programs to test the long-term durability of promising technologies for sequestration of mercury that has been retired from use;

''(iv) storage of mercury collected or sequestered under clause (i), (ii), or (iii) in a manner that ensures that there is no release of the mercury into the environment;

''(v) reduction of the total threat posed by mercury to humans and the environment; and

''(vi) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

''(I) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

''(II) the quantity of mercury used in products and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

''(III) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.

''(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

''(H) INFORMATION FROM FEDERAL AGENCIES.—

''(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

''(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

''(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

''(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

''(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

''(i) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

''(ii) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

''(iii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

''(L) STAFF AND FUNDING.—

''(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

''(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

''(I) the Department of Energy;

''(II) the Department of Defense; and

''(III) the Environmental Protection Agency.

''(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

''(iv) COMPENSATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

''(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

''(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

''(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

''(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

''(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).

''(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE DISPOSAL AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

''(A)(i) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and

''(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and

''(B)(i) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and

''(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

''(d) RELATION TO OTHER LAW.—Nothing in this section—

''(1) precludes any State from imposing any additional requirement; or

''(2) diminishes any obligation, liability, or other responsibility under other Federal law.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which—

''(1) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

''(2) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).''.

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

''Sec. 3024. Mercury.''.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. SCHUMER, Mr. BREAUX, Mr. DURBIN, Mr. KERRY, Mr. DAYTON, Ms. CANTWELL, Mr. CORZINE, Mrs. CLINTON, Mr. REID, Mr. AKAKA, Mrs. CARNAHAN, Mr. JOHNSON, Mr. CONRAD, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KOHL, Mr. NELSON of Nebraska, Mr. REED, Mr. LIEBERMAN, and Mr. BAYH):

S. 352. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the sue of energy savings performance contracts, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to increase the authorization for low-income energy assistance, weatherization and state energy conservation grants and to increase the energy efficiency of federal facilities. I am offering this bill on behalf of myself, Senator DASCHLE, and many of my colleagues.

Energy costs have been, and are expected, to remain especially high this year. We have had a long period of economic growth, enabled in part by extremely low oil and natural gas prices. But, we are finally experiencing the end of the excess capacity cushion that had kept the system functioning with low prices and relatively minor bumps along the way. Those extremely low oil and gas prices that consumers loved so much a few years ago devastated the domestic drilling industry. Drilling has recovered, so we will start seeing an impact on prices in the coming months as those supplies find their way to market.

In the interim, unusually cold weather early in the winter has resulted in natural gas bills at least 70 percent-100 percent higher than last year. Heating oil and propane prices correlate closely with natural gas. Farmers, especially, are seeing huge increases in propane prices this winter and are looking at dramatically higher fertilizer prices this spring. Natural gas prices and tight generating capacity are driving up electricity prices around the country, and many people in the southern states with high air conditioning needs will be especially hard hit this summer.

Applications for assistance have increased dramatically this year. Most states have already depleted the LIHEAP and Weatherization funds we appropriated for this year. Many states have laws prohibiting cutting off heating supplies during the winter, but when those prohibitions expire in March or April, the seriousness of the situation for low-income and working families will become harshly obvious. And assistance to low-income and working families for the summer cooling season will be impossible at current levels.

Some will say we need to address these issues as part of some comprehensive energy bill, yet to be written. I disagree.

We have immediate needs that cannot wait months, as we debate an ideal

energy policy. The Administration has told us it will not even have its proposal to us for another two months. Individuals, families and small businesses are suffering today from energy bills they cannot pay. This bill authorizes changes to the LIHEAP program to help alleviate the financial burdens in the near term. The bill also focuses attention on investment in energy efficiency through the low income weatherization program, state conservation grants and the federal energy management program. This bill covers needed changes to existing authorizations. Next we need to ensure that full funding is forthcoming as soon as possible.

Specifically, the base authorization for the Low-Income Home Energy Assistance Program to $3.4 billion for fiscal years 2001 to 2005. The base funding has been relatively flat at roughly $2 billion since the mid-1980's. This increase comes close to addressing the erosion in the program due to inflation, but does not take into consideration the increase in population.

The bill provides states with additional flexibility on the income level for recipients, by increasing eligibility from 150 percent to 200 percent of the poverty level. This change, which only applies for the remainder of this fiscal year, will give the states the flexibility to help working families.

The bill also increases the authorization for the weatherization program to $310 million. The current appropriation is at $162 million, down from $300 million in the mid-1980s. The weatherization program is a long term investment in energy efficiency.

A one-time investment in weatherization yields savings of $300–$470 per household annually thereafter. The program requires trained staff, erratic and insufficient funding of the program has diminished its effectiveness in recent years. Increased energy efficiency is the least cost solution to meeting energy needs. Even at $310 million the program is still lower in real dollars than in the 1980's.

The bill increases the authorization for grants to state energy programs to $75 million. This program funds state conservation and emergency planning. The low level of funding in recent years has diminished the states' ability to implement state level conservation plans and to plan for emergencies in coordination with the Department of Energy and neighboring states.

Finally, Executive Order 13123 requires federal facilities to increase energy efficiency by 30 percent by 2005 and 35 percent by 2010 relative to 1985. The Federal Energy Management Program requires federal facility managers to evaluate opportunities for energy and water efficiency improvements and opportunities for siting renewable projects. Federal agencies spend $4 billion per year to heat, coal and power facilities, we can and should do better.

The bill includes several amendments to the program clarifying and enhancing the use of alternative financing tools to minimize the need for additional government outlays. The bill calls for a concerted effort by facility managers to meet those targets early, thereby saving taxpayer dollars, reducing stress on the power grid and demand for fuels.

Companion measures, that I support, have been introduced by Senator KERRY, S. 295, Senator FEINSTEIN, S. 286, to provide emergency loans to small businesses.

There will be plenty of time in this Congress to consider the highly complex issues of U.S. energy supply and consumption. Senator MURKOWSKI and I intend to proceed with a series of hearings to evaluate the different elements of our energy policy and systems. We need to focus on how we can ensure adequate fuel supplies and sufficient infrastructure to deliver those fuels, whether electricity, natural gas, or gasoline without degradation of environmental quality. We also need to look at issues of supply diversity and efficiency. Those efforts will require some time on the part of the Congress and the Administration, in consultation with the states and the various stakeholders.

We should not allow that lengthy process, though, to prevent us from meeting clear and present needs. I urge my colleagues to support immediate passage of this bill and the small business bills.

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

S. 352

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 ''Energy Emergency Response Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) high energy costs are causing hardship for families;

(2) restructured energy markets have increased the need for a higher and more consistent level of funding for low income energy assistance programs;

(3) conservation programs implemented by the States and the low income weatherization program reduce costs and need for additional energy supplies;

(4) energy conservation is a cornerstone of national energy security policy;

(5) the Federal Government is the largest consumer of energy in the economy of the United States;

(6) many opportunities exist for significant energy cost savings within the Federal Government.

(b) PURPOSES.—The purposes of this Act are to provide assistance to those individuals most affected by high energy prices and to promote and accelerate energy conservation investments in private and Federal facilities.

SEC. 3. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION AND STATE ENERGY GRANTS.

(b) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: ''These are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.''.

(2) Section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)) is amended by adding at the end the following:

''And except that during fiscal year 2001, a State may make payments under this title to households with incomes up to and including 200 percent of the poverty level for such State;''.

(b) WEATHERIZATION ASSISTANCE.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''For fiscal years 1999 through 2003 such sums as may be necessary'' and inserting: ''$310,000,000 for each of fiscal years 2001 through 2005.''.

(b) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting: ''$75,000,000 for each of fiscal years 2001 through 2005''.

SEC. 4. FEDERAL ENERGY MANAGEMENT REVIEWS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

(b) PRIORITY RESPONSE REVIEWS.—Each agency shall—

''(1) not later than October 1, 2001, undertake a comprehensive review of all practicable measures for—

''(A) increasing energy and water conservation, and

''(B) using renewable energy sources; and

''(2) not later than 180 days after completing the review, implement measures to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.''.

SEC. 5. COST SAVINGS FROM REPLACEMENT FACILITIES.

Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

''(3)(A) In the case of any energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities being replaced.

''(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in subparagraph (A).''.

SEC. 6. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 7. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2) the term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in either—

''(A) an existing federally owned building or buildings or other federally owned facilities as a result of—

''(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(ii) the increased efficient use of existing energy sources by congeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(iii) the increased efficient use of existing water sources; or ''(B) a replacement facility under section 801(a)(3).''.

(b) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

''(A) the performance of services for the design, acquisition, installation, testing, operations, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

''(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.''.

(c) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4) is amended to read as follows:

''The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8459(4)); or

''(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.''.

Ms. CANTWELL. Mr. President, I am pleased to cosponsor the Energy Emergency Response Act of 2001, which will help low-income residents cope with high energy costs brought on by the crisis in California. I thank Senator BINGAMAN and others on the Committee on Energy and Natural Resources for their leadership in preparing this valuable legislation. The current crisis in energy supply and costs is a crucial and immediate problem for the people of Washington state. I am working on several fronts to help alleviate these effects.

The Energy Emergency Response Act of 2001 authorizes increased funding for the Low-Income Home Energy Assistance Program, LIHEAP. The program is a lifeline to many of our most vulnerable people, providing direct assistance to eligible households to pay for home energy. Because of the energy crisis, applications for LIHEAP assistance in Washington state have increased by more than 50 percent this year. We need to bolster the program, or it will fall short at a time when low-income people need it the most.

This bill also authorizes increased funding for the Weatherization Program that provides insulation for Washington state homes, educates families on energy conservation, tests furnaces and ovens for safety and efficiency, and makes homes safer and healthier places to live. An average household saves 20 percent in fuel and energy costs every year as a result of participating in the Weatherization program. In these times of soaring energy costs, those savings are especially important. That is why this bill authorizes increased funding and raises the eligibility to 200 percent of the poverty level.

The bill requires Federal facility managers to evaluate opportunities to increase efficiency of energy and water use and installation of renewable energy projects at federal facilities. It also requires that the evaluation period be followed by implementation of energy and water savings within the 180 days.

Energy Savings Performance Contract usage is enhanced by this bill. These are innovative financing methods that leverage private sector investment and expertise to accomplish energy savings and cost savings in federal facilities. The bill amends the Federal Energy Management Program to include savings realized from operation and maintenance efficiencies.

This bill also authorizes a total of $75 million for state energy conservation. This is for energy efficiency and emergency planning at the state level. The bill also clarifies the definition of energy savings to include water conservation, excluding Federal hydroelectric facilities.

We are going to push for the funding of this bill to be appropriated through a special supplemental appropriation for 2001, adding $1 billion to base funding for LIHEAP, $152 million for weatherization, and $37 million for state energy conservation grants. We will also attempt to get forward funding for LIHEAP for 2002.

I will be working with the Washington State delegation, Senator BINGAMAN, and the Energy and Natural Resources Committee to move this bill and to push for funding as soon as possible. The energy crisis will not be resolved easily, but we can and should make this investment a part of our overall response to this issue. I urge my colleagues to move quickly on this legislation, and I hope that the President will make LIHEAP a priority in his upcoming budget.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRAMM, Mr. KYL, Mr. SESSIONS, and Mr. BINGAMAN):

S. 353. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year, and for other purposes; to the Committee on Foreign Relations.

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that will begin to reform our relationship with Mexico, particularly as it relates to our partnership in fighting drugs. I am pleased to be joined in this effort by Senators DIANNE FEINSTEIN, PETE DOMENICI, PHIL GRAMM, JON KYL, and JEFF SESSIONS, who are cosponsoring the legislation I will introduce today.

As you know, President Bush will visit Mexico on February 16th. He will hold a one day summit with Mexico's new President Vicente Fox. Improving cooperation between our two countries in the war on drugs will figure prominently on the President's agenda when he meets with President Fox.

Now is the time that we take the right first step in our mutual efforts to stop the flow of drugs into the United States through Mexico.

Last year, the Senate passed a resolution expressing a Sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counter-drug program that more effectively addresses illegal drug trafficking.

The resolution stated that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to implement such strategies and programs.

The legislation I am offering today again provides that a waiver is appropriate for this year. It also directs that a long term solution be found to the massive drug problem.

As you know, by March 1, after just six weeks in office, President Bush will be required to re-certify to Congress that Mexico is making progress in the war on drugs.

Forcing a confrontation so soon on the most important issue that we face with Mexico will serve neither country, and it will not loosen the grip that the drug culture has on both of our societies and economies.

Our bill will authorize a one-year waiver for Mexico from the annual certification process. The various reports and assessments prepared by the Department of State, the Department of Justice, or the Office of National Drug Control Policy will still be required.

The legislation will simply eliminate the requirement that the President in effect ''grade'' Mexico's performance in this area a scant 12 weeks after a new Mexican President has taken office.

Our legislation also takes another important step. It asks the President, no later than June 30, 2001, to develop and submit to Congress, a strategic plan outlining proposed efforts to increase cooperation between our two countries in the fight against drugs.

We need proposals on both sides of the border that will combat drug gangs; money laundering; drug smuggling and any other items the President believes should be addressed.

It seems to me that we must look for a comprehensive solution to this problem. We must look beyond the certification process—that in many ways is broken.

The strategic plan called for in this resolution should serve as the beginning of a new effort in the war against drugs.

We have two new leaders who are committed to tackling this problem. This bill is a good first step for building on the new relationship. I submit

this to the Senate. I hope that we can consider this measure soon.

I want to say about the new leader of Mexico that he is taking a very positive approach and I think an aggressive one.

It was reported on February 2 of this year in the Washington Post in a byline that has the Mexico City date line that the new head of Mexico's customs agency has fired more than 90 people, including virtually every manager, in the first major purge of government officials since President Fox took office in December.

Forty-five out of the customs department's 47 supervisors were fired on corruption issues. In addition, in the first month of this year 150 tractor-trailers containing contraband were stopped by the Mexican customs office. Last year, for the entire year, 38 tractor-trailers were stopped for contraband merchandise.

That is a good sign. That is a sign that President Fox is going to make good on his promise to purge the corruption out of the system. We applaud him. That is why I think we should give him a chance to sit down with President Bush and work out a cooperative plan, one that is not punitive or unilateral but one that is cooperative. It will be in the best interest of both our countries to stop the cancer of drug trafficking. It is a cancer on both of our societies. The criminal element in Mexico certainly takes away from the productivity of that country. The criminal element that has arisen in the United States that is preying on our children certainly must be stopped.

I hope we can have an expedited action on this bill because I think we can do some good. I intend to talk to our majority leader and the chairman of the Foreign Relations Committee to see if we can agree on something that will stop this decertification. Let's sit down and do something that will produce the results that both of our countries want.

By Mr. MCCAIN:

S. 354. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

Mr. MCCAIN. Mr. President, today I am introducing a bicameral piece of legislation with my colleague Representative DEMINT ensuring that every American worker is provided with honest information about the financial status of the Social Security program, including the real value of their personal retirement benefits. It is our obligation to talk straight with working Americans about the true financial status of the Social Security program.

Under the current system, hard working Americans—young and old—are not receiving straight, honest information regarding the actual financial status of the Social Security program, including how much it is receiving in payroll taxes and how much is needed to give promised benefits to seniors. It is our obligation to ensure that all Americans are provided with accurate information regarding exactly when the Social Security program will no longer have sufficient funds for paying full benefits.

Furthermore, we must begin providing working Americans with accurate, easy to understand information regarding the average rate of return they can expect to receive from Social Security as compared to the amount of taxes an individual pays into the program. It is only fair to be straight with everyone and let them know the true facts about how much they will pay in payroll taxes and what the limited return will be on their contributions.

Finally, I would like to take this opportunity to once again remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today and tomorrow's workers. It is time for us to talk straight to Americans about Social Security and begin working together in a bipartisan fashion to make the necessary changes to strengthen and save the nation's retirement program for the seniors of today and tomorrow.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 354

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 ''Straight Talk on Social Security Act of 2001''.

SEC. 2. MATERIAL TO BE INCLUDED IN SOCIAL SECURITY ACCOUNT STATEMENT.

Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (C) by striking ''and'' at the end;

(2) in subparagraph (D) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(E) a statement of the current social security tax rates applicable with respect to wages and self-employment income, including an indication of the combined total of such rates of employee and employer taxes with respect to wages; and

''(F)(i) as determined by the Chief Actuary of the Social Security Administration, a comparison of the total annual amount of social security tax inflows (including amounts appropriated under subsections (a) and (b) of section 201 of this Act and section 121(e) of the Social Security Amendments of 1983 (26 U.S.C. 401 note)) during the preceding calendar year to the total annual amount paid in benefits during such calendar year;

''(ii) as determined by such Chief Actuary—

''(I) a statement of whether the ratio of the inflows described in clause (i) for future calendar years to amounts paid for such calendar years is expected to result in a cash flow deficit,

''(II) the calendar year that is expected to be the year in which any such deficit will commence, and

''(III) the first calendar year in which funds in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will cease to be sufficient to cover any such deficit;

''(iii) an explanation that states in substance—

''(I) that the Trust Fund balances reflect resources authorized by the Congress to pay future benefits, but they do not consist of real economic assets that can be used in the future to fund benefits, and that such balances are claims against the United States Treasury that, when redeemed, must be financed through increased taxes, public borrowing, benefit reduction, or elimination of other Federal expenditures,

''(II) that such benefits are established and maintained only to the extent the laws enacted by the Congress to govern such benefits so provide, and

''(III) that, under current law, inflows to the Trust Funds are at levels inadequate to ensure indefinitely the payment of benefits in full; and

''(iv) in simple and easily understood terms—

''(I) a representation of the rate of return that a typical taxpayer retiring at retirement age (as defined in section 216(l)) credited each year with average wages and self-employment income would receive on old-age insurance benefits as compared to the total amount of employer, employee, and self-employment contributions of such a taxpayer, as determined by such Chief Actuary for each cohort of workers born in each year beginning with 1925, which shall be set out in chart or graph form with an explanatory caption or legend, and

''(II) an explanation for the occurrence of past changes in such rate of return and for the possible occurrence of future changes in such rate of return.

The Comptroller General of the United States shall consult with the Chief Actuary to the extent the Chief Actuary determines necessary to meet the requirements of subparagraph (F).''.

By Ms. LANDRIEU (for herself, Mr. SANTORUM, Mr. BREAUX, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JOHNSON, Mr. LEVIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REID, Ms. STABENOW, Mr. TORRICELLI, Mr.

BROWNBACK, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORZINE, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, and Mrs. CARNAHAN):

S. 355. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill which is long overdue. February is a particularly appropriate time to introduce this legislation, the Martin Luther King, Jr. Commemorative Coin Act of 2001, as this month we celebrate Black History Month.

Historian Carter G. Woodson began what was first called Negro History Week in 1926 when he realized schools were not teaching children about the history and achievements of black Americans. Now, for one month out of every year, we focus on the contributions of African-Americans during Black History Month. However, celebrations of the history and culture of black Americans should not be limited to just one month. By recognizing the history of black Americans every day of the year, we build the respect and perspective necessary to face the challenges before us.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, ''Those who do not understand history are condemned to repeat it.'' America's history includes dark chapters—chapters in which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope, which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King, Jr. Commemorative Coin Act of 2001.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st century, I cannot think of a better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who have been denied civil or human rights because of their race, religion, gender, sexual orientation, or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. As a society, we must always remember Dr. King's message, ''that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.' ''

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our nation's history, African-Americans were included on only 4 out of 157 commemorative coins:

Jackie Robinson who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life;

Booker T. Washington who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp;

George Washington Carver whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South; and

The Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us an opportunity to recognize the valuable contributions of all Americans who stood and were counted during our nation's civil rights struggle.

Americans such as the late Reverend Avery C. Alexander, a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an advisor to Governor Morrison of Louisiana in the 1950s.

Heroes such as Dr. C.O. Simpkins of Shreveport, Louisiana, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T.J. Jemison of Baton Rouge—a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my state. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, ''If you want the present to be different from the past, study the past.'' This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future. Most importantly, this coin would serve as a reminder every day of the year, not just during Black History Month, of the great contributions of Dr. King and all black Americans who have shaped this nation's history and future.

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. 355

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 ''Dr. Martin Luther King, Jr., Commemorative Coin Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Dr. Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all its citizens;

(2) Dr. Martin Luther King, Jr. was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950's and 1960's;

(3) Dr. Martin Luther King, Jr. was the keynote speaker at the August 28, 1963, March on Washington, the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, he delivered his famous ''I Have A Dream'' speech, one of the classic orations in American history;

(4) Dr. Martin Luther King, Jr. was a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and was awarded the 1964 Nobel Peace Prize in recognition of his efforts;

(5) all Americans should commemorate the legacy of Dr. Martin Luther King, Jr. so

''that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.' ''; and

(6) efforts are underway to secure the personal papers of Dr. Martin Luther King, Jr., for the Library of Congress so that they may be preserved and studied for generations to come.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act from all available sources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the human rights legacy and leadership of Dr. Martin Luther King, Jr.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2003''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Librarian of Congress, the Commission of Fine Arts, and the estate of Dr. Martin Luther King, Jr.; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2003.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Library of Congress for the purposes of purchasing and maintaining historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

Mr. MILLER. Mr. President, I am pleased to be an original cosponsor of S. 355, the Martin Luther King Jr. Commemorative Coin Act. The bill would instruct the U.S. Treasury to mint coins to commemorate the many contributions of Dr. Martin Luther King, Jr. The proceeds from the sale of the proposed commemorative coin will be used by the Library of Congress to purchase and maintain historical materials related to the legacy of Dr. King and America's Civil Rights era for future generations.

The coin will be silver and will be minted under the Act for only a 1-year period beginning on January 1, 2003.

Dr. Martin Luther King Jr. was an extraordinary leader whose march for justice stretched far beyond the red clay hills of our beloved Georgia. His was a long, tumultuous journey and his vision of equality is one that touched the lives of so many people around this country, including my own.

I will continue to do all I can to assure that we preserve his legacy for generations to come. It is my hope that this commemorative coin will become a collector's treasure and that its popularity will help us preserve the timeless and poignant story of Dr. King and the civil rights movement for our children.

Dr. King spoke these words in his final sermon on the day before he died in 1968:

Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge, to make America what it ought to be.

I hope that every American who holds one of these commemorative coins in their hands will remember Dr. King's powerful message.

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, and Mr. BREAUX):

S. 356. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, today I rise, along with Senators LINCOLN, BREAUX, and CARNAHAN, to introduce a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase. This legislation has particularly special meaning to Senators from Louisiana because the site of the actual transfer of the Louisiana Purchase in 1803, the Cabildo, is a building still located in Jackson Square in New Orleans.

The bicentennial of the Louisiana Purchase, which occurs in 2003, marks an event that more than any other, determined the character of our national life—determined that we should be a great expanding nation instead of a relatively small and stationary one.

For only $15 million, three cents an acre, a remarkable bargain, all or part of 14 states were created out of vast territory acquired in the Louisiana Purchase, virtually doubling the size of the United States. The largest peaceful land transaction in history, the Purchase opened the heartland of North America for exploration, settlement and achievement to the people of the United States and immigrant from around the world.

It made possible the travels of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life Out West. Around the world, the American Frontier became synonymous with the search for spiritual, economic and political freedom.

The bill we are introducing today creating this Commission would require an appropriation of no more than $4,000,000. The Commission would be composed of a bipartisan group of 24 members, appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, the Commission will submit a report to the President and Congress detailing its recommendations for activities to celebrate the event. By March 31, 2005, the Commission is to submit a final report describing all activities, programs, expenditures and donations relating to its work.

Commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance public understanding of the impact of westward expansion on American society and can provide lessons for democratic governance in our own time. I call on my colleagues to join us in honoring this momentous occasion in our nation's history and provide the proper ways and means for us to celebrate it appropriately.

Mr. President, again, this bill is to establish a national commission on the bicentennial of the Louisiana purchase. This, hopefully, is going to be an exciting celebration for our Nation. Of course, it will take place in the year 2003. This legislation has particularly special meaning to the Senators from Louisiana because the site of the actual transfer of the Louisiana purchase, of course, which was in 1803, took place in the Cabildo, a building that still stands right there on the historic Jackson Square in New Orleans.

The bicentennial of the Louisiana purchase which will occur in 2003 marks an event that more than any other determined the character of our national life. It determined that we should be a great and expanding Nation instead of a relatively small and stationary one.

As we all remember from our history classes, for only $15 million, 3 cents an acre—a remarkable bargain, actually, for part or all of 14 States that were created out of this vast territory acquired in the Louisiana Purchase, virtually doubling the size of the United States—this was, in fact, the largest

peaceful land transaction in history. The purchase opened the heartland of North America for exploration, settlement, and achievement to the people of the United States and immigrants from around the world. It made possible the travel of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life out West.

Around the world, the American frontier became synonymous with the search for spiritual, economic, and political freedom. So the bill we are introducing today creates a commission. It would require an appropriation of no more than $4 million. The commission would be composed of a bipartisan group of 24 members appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, according to our legislation, the commission will submit a report to the President and Congress detailing its recommendations and activities to celebrate this wonderful event.

Hopefully, by March of 2005, the commission will submit a final report describing all of the activities and programs, expenditures, and donations relating to its work.

The commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance a public understanding of the impact of the westward expansion on American society, and, I think, provide for all of us, adults and children alike, lessons we can use each day as we press forward for more stable and robust and terrific democracy and for governance in our time.

I call on colleagues today to join us in honoring this occasion in our Nation's history so we can provide the proper ways and means for us to celebrate it fully and appropriately.

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. 356

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 ''Louisiana Purchase Bicentennial Commission Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bicentennial of the Louisiana Purchase occurs in 2003, 200 years after the United States, under the leadership of President Thomas Jefferson and after due consideration and approval by Congress, paid $15,000,000 to France in order to acquire the vast area in the western half of the Mississippi River Basin;

(2) the Louisiana Purchase was the largest peaceful land transaction in history, virtually doubling the size of the United States;

(3) the Louisiana Purchase opened the heartland of the North American continent for exploration, settlement, and achievement to the people of the United States;

(4) in the wake of the Louisiana Purchase, the new frontier attracted immigrants from around the world and became synonymous with the search for spiritual, economic, and political freedom;

(5) today the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming make up what was the Louisiana Territory; and

(6) commemoration of the Louisiana Purchase and the opening of the West would—

(A) enhance public understanding of the impact of westward expansion on the society of the United States; and

(B) provide lessons for continued democratic governance in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) BICENTENNIAL.—The term ''Bicentennial'' means the 200th anniversary of the Louisiana Purchase.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Bicentennial of the Louisiana Purchase established under section 4(a).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Bicentennial of the Louisiana Purchase''.

(b) DUTIES.—The Commission shall plan, encourage, coordinate, and conduct the commemoration of the Bicentennial.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 24 members, of which 12 members shall be Republicans and 12 members shall be Democrats, including—

(A) 12 members, of which 6 members shall be Republicans and 6 members shall be Democrats, appointed by the President to represent the United States;

(B) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the majority and minority leaders of the Senate; and

(C) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) CRITERIA.—A member of the Commission shall be chosen from among individuals that have demonstrated a strong sense of public service, expertise in the appropriate professions, scholarship, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Commission shall not be an employee or former employee of the Federal Government.

(4) INTERNATIONAL PARTICIPATION.—The President shall invite the Governments of France and Spain to appoint, not later than 60 days after the date of enactment of this Act, 1 individual to serve as a nonvoting member of the Commission.

(5) DATE OF APPOINTMENTS.—The appointment of a member of the Commission described in paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCY.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(f) MEETINGS.—The Commission shall meet at the call of the Co-Chairpersons described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision-making purposes shall be 13 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CO-CHAIRPERSONS AND VICE CO-CHAIRPERSONS.—

(1) CO-CHAIRPERSONS.—The President shall designate 2 of the members, 1 of which shall be a Republican and 1 of which shall be a Democrat, to be Co-Chairpersons of the Commission.

(2) CO-VICE-CHAIRPERSONS.—The Commission shall select 2 Co-Vice-Chairpersons, 1 of which shall be a Republican and 1 of which shall be a Democrat, from among the members of the Commission.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop activities appropriate to commemorate the Bicentennial including a limited number of proposed projects to be undertaken by the appropriate Federal departments and agencies that commemorate the Bicentennial by seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) consult with and encourage Indian tribes, appropriate Federal departments and agencies, State and local governments, elementary and secondary schools, colleges and universities, foreign governments, and private organizations to organize and participate in Bicentennial activities commemorating or examining—

(A) the history of the Louisiana Territory;

(B) the negotiations of the Louisiana Purchase;

(C) voyages of discovery;

(D) frontier movements; and

(E) the westward expansion of the United States; and

(3) coordinate activities throughout the United States and internationally that relate to the history and influence of the Louisiana Purchase.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and Congress a comprehensive report that includes specific recommendations for—

(A) the allocation of financial and administrative responsibility among participating entities and persons with respect to commemoration of the Bicentennial; and

(B) the commemoration of the Bicentennial and related events through programs and activities, such as—

(i) the production, publication, and distribution of books, pamphlets, films, electronic publications, and other educational materials focusing on the history and impact of the Louisiana Purchase on the United States and the world;

(ii) bibliographical and documentary projects, publications, and electronic resources;

(iii) conferences, convocations, lectures, seminars, and other programs;

(iv) the development of programs by and for libraries, museums, parks and historic sites, including international and national traveling exhibitions;

(v) ceremonies and celebrations commemorating specific events;

(vi) the production, distribution, and performance of artistic works, and of programs

and activities, focusing on the international and national significance of the Louisiana Purchase and the westward movement opening the frontier for present and future generations; and

(vii) the issuance of commemorative coins, medals, certificates of recognition, and stamps.

(2) ANNUAL REPORT.—The Commission shall submit an annual report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President;

(B) the Senate; and

(C) the House of Representatives.

(3) FINAL REPORT.—Not later than March 31, 2005, the Commission shall submit a final report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President;

(B) the Senate; and

(C) the House of Representatives.

(c) ASSISTANCE.—In carrying out this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies.

SEC. 6. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects that will contribute to public awareness of, and interest in, the Bicentennial, except that any commemorative coin, medal, or postage stamp recommended to be issued by the United States shall be sold only by a Federal department or agency;

(2) competitions and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the Bicentennial;

(3) a Bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of Bicentennial historical and commemorative significance; and

(4) the design and designation of logos, symbols, or marks for use in connection with the commemoration of the Bicentennial shall establish procedures regarding their use.

(b) ADVISORY COMMITTEE.—The Commission may appoint such advisory committees as the Commission determines necessary to carry out the purposes of this Act.

SEC. 7. ADMINISTRATION.

(a) LOCATION OF OFFICE.—

(1) PRINCIPAL OFFICE.—The principal office of the Commission shall be in New Orleans, Louisiana.

(2) SATELLITE OFFICE.—The Commission may establish a satellite office in Washington, D.C.

(b) STAFF.—

(1) APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.—

(A) IN GENERAL.—The Co-Chairpersons, with the advice of the Commission, may appoint and terminate a director and deputy director without regard to the civil service laws (including regulations).

(B) DELEGATION TO DIRECTOR.—The Commission may delegate such powers and duties to the director as may be necessary for the efficient operation and management of the Commission.

(2) STAFF PAID FROM FEDERAL FUNDS.—The Commission may use any available Federal funds to appoint and fix the compensation of not more than 10 additional personnel staff members, as the Commission determines necessary.

(3) STAFF PAID FROM NON-FEDERAL FUNDS.—The Commission may use any available non-Federal funds to appoint and fix the compensation of additional personnel.

(4) COMPENSATION.—

(A) MEMBERS.—

(i) IN GENERAL.—A member of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Co-Chairpersons of the Commission may fix the compensation of the director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—

(I) DIRECTOR.—The rate of pay for the director shall not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(II) DEPUTY DIRECTOR.—The rate of pay for the deputy director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(III) STAFF MEMBERS.—The rate of pay for staff members appointed under paragraph (2) shall not exceed the rate payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—On request of the Commission, the head of any Federal agency or department may detail any of the personnel of the agency or department to the Commission to assist the Commission in carrying out this Act.

(2) REIMBURSEMENT.—A detail of personnel under this subsection shall be without reimbursement by the Commission to the agency from which the employee was detailed.

(3) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) OTHER REVENUES AND EXPENDITURES.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, enter into contracts, and expend funds appropriated, donated, or received to carry out contracts.

(2) DONATIONS.—

(A) IN GENERAL.—The Commission may solicit, accept, use, and dispose of donations of money, property, or personal services.

(B) LIMITATIONS.—Subject to subparagraph (C), the Commission shall not accept donations—

(i) the value of which exceeds $50,000 annually, in the case of donations from an individual; or

(ii) the value of which exceeds $250,000 annually, in the case of donations from a person other than an individual.

(C) NONPROFIT ORGANIZATION.—The limitations in subparagraph (B) shall not apply in the case of an organization that is—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(4) ACQUIRED ITEMS.—Any book, manuscript, miscellaneous printed matter, memorabilia, relic, and other material or property relating to the time period of the Louisiana Purchase acquired by the Commission may be deposited for preservation in national, State, or local libraries, museums, archives, or other agencies with the consent of the depositary institution.

(e) POSTAL SERVICES.—The Commission may use the United States mail to carry out this Act in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsections (b) and (c), there are authorized to be appropriated to carry out the purposes of this Act—

(1) $1,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2005.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until March 31, 2005.

(c) LIMITATION.—The total amount of funds made available under this section shall not exceed $4,000,000.

SEC. 9. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective March 31, 2005.

By Mr. BREAUX (for himself and Mr. FRIST):

S. 358. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes; to the Committee on Finance.

Mr. FRIST. Mr. President, I am pleased to once again stand before the Senate and speak on the critical issue of Medicare reform and prescription drugs. Over the past 3 years, I have worked extensively on this issue with my friend Senator BREAUX, and we have introduced two pieces of bipartisan legislation comprehensively reforming and strengthening the Medicare program. Therefore, I am thrilled today to reintroduce these bills along with Senator BREAUX as we take the next step in this process towards improving Medicare.

No one disputes that Medicare needs changes. Every year, Congress considers numerous proposals to update the Medicare program—some more far-reaching than others. We have a strong consensus on the importance of a prescription drug benefit to Medicare beneficiaries. What remains for us, then, is to strengthen the Medicare program in a way that will bring it into the 21st century—by allowing seniors to have a prescription drug benefit, bringing the overall benefits package into line with what most other Americans receive, and giving the program the flexibility to change and grow over the years.

We all know Medicare's shortcomings. It is projected to be bankrupt by 2025. It only covers 53 percent of beneficiaries' health care costs, making seniors spend an average of $2,000 per year out-of-pocket on health care. It does not cover prescription drugs, long-term care, eyeglasses or dental care. As the fourth-largest item in the budget, its spending, left unchecked will consume an ever-increasing share of the Federal budget. A generational time-bomb awaits it as 77 million baby boomers begin to enter the program in 2010. It is an example of Congressional

micromanagement at its worst, and its regulatory system encompasses more than 130,000 pages of HCFA regulations.

Designed in 1965, the Medicare program remains mired in the past. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators ever imagined. It has simply not kept pace with the changing nature of health care. We must fix the program—not just continue to tinker around the edges.

I believe that the overwhelming public support for a prescription drug benefit gives us a real opportunity to improve Medicare in a bipartisan, comprehensive manner. Seniors absolutely need prescription drug benefits, but a free-standing drug benefit that fails to address the underlying program only exacerbates Medicare's financial and administrative troubles while removing the political will to tackle the pressing need for system-wide reform.

Therefore, any reform legislation, while including prescription drug coverage, must also address these other issues facing the program. The first bill we introduce today, ''Breaux-Frist I,'' was the first bipartisan attempt to comprehensively reform Medicare in the program's 35-year history. Breaux-Frist I draws heavily on the recommendations of the National Bipartisan Commission on the Future of Medicare and is modeled after the Federal Employees Health Benefit Plan, (FEHBP), a plan through which we and millions of other Federal employees receive health care. This is a plan with a forty year track record of success in providing quality comprehensive health coverage.

Breaux-Frist I does three main things. First, it replaces the current system for competing health plans in Medicare, which is not working very well, with a new system based on the FEHBP. A new Medicare Board, not HCFA, would oversee the competition. It also requires that all Medicare plans, including the HCFA-sponsored plans, have a high option with prescription drug coverage and a limit on seniors' out-of-pocket costs. The Government would make the least cost high option plan available to low-income seniors for free and would share a part of the cost with all beneficiaries choosing a high option plan. Finally, it gives HCFA the opportunity to manage the government-run plans more like a business, with less regulation and less need for Congressional micromanagement.

Building on Breaux-Frist I and the findings of the Medicare Commission, our second piece of legislation, ''Breaux-Frist II,'' takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. The bill will provide seniors the option to choose the kind of health care coverage that best suits their individual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

Breaux-Frist II establishes the Competitive Medicare Agency, CMA, an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. Seniors are guaranteed a minimum benefit but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is important to pass along the same choices we, as members of Congress, have. Seniors deserve no less.

The bill also provides drug coverage premium subsidies for low-income beneficiaries and addresses the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again.

Both of these bills will prove successful in placing Medicare on the right road to financial stability and quality health care. They will ensure more competition, provide a universal prescription drug benefit, protect low-income and rural Americans and create new measures of Medicare's financial solvency.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. By moving forward on this legislation, we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future. I look forward to working with Senator BREAUX, my colleagues on both sides of the aisle, and the White House towards this critical goal.

By Mr. SHELBY:

S. 359. A bill to amend title 10, United States Code, to provide eligibility for members enlisting in a regular component of the Armed Forces to enroll for advanced training in the Senior Reserve Officers' Training Program; to increase the maximum age authorized for participation in the Senior Reserve Officers' Training Corps financial assistance program; and for other purposes; to the Committee on Armed Services.

Mr. SHELBY. Mr. President, I rise to introduce the Senior Reserve Officers' Training Corps Eligibility Reform Act of 2001. I believe this bill will shore up the military's ability to recruit and retain qualified junior officers. This legislation will reform our college level Reserve Officer Training Corps Units by expanding eligibility for those programs.

This bill contains two primary provisions which will alter the way in which ROTC determines eligibility. First, it will allow active duty enlisted personnel, who have been selected for an officer commissioning program, to participate in ROTC training. These enlisted personnel are already on college campuses and are attached administratively to an ROTC unit. Their tuition is paid by their respective service and they earn their regular active duty pay while earning their degree. However, these enlisted personnel do not normally begin their formal officer training until after earning their degree when they attend their respective service's officer candidate school. On average, our military's officer candidate schools are three months long. This legislation would permit these personnel to complete their officer training at the ROTC unit which serves the college or university they are attending. This would be a more equitable use of an officer candidate's time and would decrease the time and cost associated with training. Additionally, it will free up positions at officer training schools and significantly increase their ability to cope with fluctuations in the number of officer recruits.

Second, this legislation increases the maximum age for participation in ROTC scholarship programs from 27 to 35. In other words, if a cadet or midshipman can complete their degree and earn their commission, by the maximum legal commissioning age of 35, they should be able to earn a scholarship which will pay for that education. This provision will allow the services to use scholarship money to cover the entire commissioning envelope. Our military recruiters will be able to provide financial incentives to an older yet valuable age group. I have been told that officer trainees in the 27 to 35 age group are more mature and focused and are less likely to try to back out of their service commitment.

This legislation is one small initiative in our effort to rebuild the morale and readiness of our armed forces. Whether they be infantry commanders, pilots, submariners, intelligence analysts or information technology specialists, our junior officer ranks are depleted across the spectrum. In conjunction with the service academies and officer candidate schools, the ROTC scholarship program has been the backbone of our military's ability to train and commission high quality junior officers. My proposal today would merely expand this established program to include regular active duty personnel and an older and more seasoned citizenry. Overall, I believe that this bill will help the military to commission more junior officers, especially those with valuable prior enlisted service. I urge my colleagues to support it.

By Mr. MURKOWSKI (for himself, Mr. INHOFE, and Mr. ENZI):

S. 361. A bill to establish age limitations for airmen; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators INHOFE and ENZI in introducing legislation that attempts to diminish the scope of a problem that is facing our air transport industry, namely a critical shortage of pilots. The pilot shortage is starting to have effects in many rural states.

In response to this problem, I am today introducing a bill that would repeal the Federal Aviation Administration (FAA) rule which now requires pilots who fly under Part 121 to retire at ago 60. Under my legislation, pilots in excellent health would be allowed to continue to pilot commercial airliners until their 65th birthday.

The Age 60 rule was instituted 40 years ago when commercial jets were first entering service. The rule was established without the benefit of medical or scientific studies or public comment. The most recent study, the results of which were released in 1993, examined the correlation between age and accident rate as pilots approach 60. That study found no increase in accidents.

The FAA contends that although science does not dictate retirement at the age of 60, it is the age range when sharp increases in disease mortality and morbidity occur. In FAA's view it is too risky to allow older pilots to fly the largest aircraft, carrying the greatest number of passengers over the longest non-stop distances, in the highest density traffic.

However, 44 countries worldwide have relaxed the age 60 rule within the last ten years primarily because the pilot shortage is a worldwide phenomenon. Many of these air carriers currently fly into U.S. airspace.

One of the ways carriers are attempting to adapt to the shortage is to lower their flight time requirements. In my view, this is a risk factor the FAA should be concerned about.

How did this shortage occur? The reason is simple: There has been an explosive growth of the major airlines worldwide, and there's a shortage of military pilots who used to feed the system. In addition, there is an aging pilot pool that must retire at age 60.

Add to this domino effect the decline in the number of people learning to fly, due primarily to the cost, and the pool of available pilots has shrunk.

The shortage acutely affects my home state of Alaska because we depend on air transport far more than any other state. Rural residents in Alaska have no way out other than by air service. There are no rural routes, state or interstate highways serving most rural residents in Alaska and the airplane for many of them is their lifeline to the outside world.

The pilot shortage has left Alaskan carriers scrambling for pilots. Alaska's carriers must hire from the available pilot pool in the lower 48. Many of these pilots view flying in Alaska as a stepping stone that allows them to build up flight time. Although they get great flying experience in my home state, in nearly all instances when a pilot gets a higher-pay job offer with a larger carrier in the lower 48, he leaves Alaska.

According to the Alaska Air Carriers Association, raising the retirement age to 65 will help alleviate the shortage and keep experienced pilots flying and serving rural Alaskans.

I would note that what is happening across the country is that the major carriers are luring pilots from commuter airlines, who in turn recruit from the air charter and corporate industry, who in turn hire flight instructors, agriculture pilots, etc. Which leaves rural carriers strapped. The big fish are feeding off the little ones.

Small carriers simply cannot compete with the salaries, benefits and training costs of the major carriers. They simply do not have the financial resources.

According to figures provided by the Federal Aviation Administration, there were 694,000 pilots in 1988 and 616,342 in 1997. Within that number, private pilot certificates fell from approximately 300,000 in 1988 to 247,604 in 1997. Commercial certificates, like air taxi and small commuter pilots, fell from 143,000 in 1988 to 125,300 in 1997. The number of total pilots in Alaska fell from more than 10,000 in 1988 to approximately 8,700 in 1997.

However, light is beginning to show at the end of the tunnel. Organizations such as the Aircraft Owners and Pilots Association (AOPA) and the General Aviation Manufacturers Association (GAMA) have been monitoring this shortage for some time and have stepped up to the plate to get people interested in flying. AOPA has started a pilot mentoring program in 1994 and approximately 30,000 have entered the program. GAMA's ''Be a Pilot'' program is starting to bring more potential pilots into flight training.

Even the Air Force is starting to institute new programs to keep pilots.

In Alaska, as a result of a precedent-setting program involving Yute Air, the Association of Village Council Presidents, the University of Alaska, Anchorage, Aero Tech Flight Service, Inc., and the FAA, a program was developed to train rural Alaska Natives to fly. Seven are on their way to pilot careers.

Also, the number of students working on pilot licenses at the University's Flight Technology program has almost doubled in two years.

It is my hope that the shortage has hit rock bottom. But even so, it will take years before a cadre of qualified pilots is ready to take to the friendly skies.

The time has come for Congress to wrestle with this problem. As long as a pilot can pass the rigorous medical exam, he or she should be allowed to fly. Air service is critical to keep commerce alive, especially in rural states.

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. 361

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

SECTION 1. AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 30 days after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term ''certificate holder'' means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. DASCHLE, and Mrs. LINCOLN):

S. 362. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. DASCHLE, Mrs. LINCOLN, and Mr. HARKIN):

S. 363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. DASCHLE):

S. 364. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm reintroducing several bills that are needed to fix glaring problems in our Internal Revenue Code.

Clearly, the issue of tax cuts will be the subject of extensive debate in the coming months. I think a responsible new tax relief plan could be crafted to ease the tax burden on working families and others who need it. I also believe that if the expected surpluses materialize, a significant part should be used to pay down the federal debt.

But, as we move forward with this debate about new tax breaks, I think Congress needs to remember that there are a number of tax fairness matters pending from previous years that we must address without any further delay.

First, when Congress enacted a new $500,000 capital gains exclusion for home sales in 1997, it offered a good deal to those families who live in urban areas affected by rising home and land prices. Unfortunately, this provision offers little or no benefits for family farmers because their farm homes are part of the larger farmstead. By itself, the farmhouse often has little value in relation to the surrounding farmland and buildings. This means that farmers who are selling the whole farm because they are retiring or who are being forced out of business because of the downturn in the farm economy may face a hefty tax bill at a time they can least afford it.

Legislation that Senator HAGEL and I are introducing today recognizes the economic realities of farming and extends the benefit of the $500,000 capital gains tax exclusion to farm families. Specifically, our legislation would expand the $500,000 capital gains exclusion for home sales to cover family farmers who sell their farmhouses or surrounding farmland, so long as they are actively farming prior to the sales.

We have introduced virtually identical legislation in the past. Our approach has garnered substantial bipartisan support from most of our colleagues. If we enact a major tax bill this year, we believe it ought to include language to correct this capital gains tax problem that many of our nation's farmers urgently need fixed.

Second, I'm introducing legislation along with Senators JOHNSON, DASCHLE and others to immediately eliminate the disparity between sole proprietors and their large corporate competitors in the tax treatment of their health insurance costs. Under current federal tax law, we tell our biggest corporations that they can deduct 100 percent of their health insurance costs, while we say to our nation's sole proprietors that they can deduct only 60 percent of these same costs. Almost everyone agrees that this circumstance is indefensible and needs to be remedied. Current law fixes this problem by 2003, but small business owners should not have to wait. Congress should act now to give them the full deduction.

This legislation addresses this inequity facing family farmers, ranchers, and other self-employed individuals by permitting them to deduct 100-percent of their health insurance costs beginning this year. The health of a family farmer or small business owner is just as important as the health of an officer of a large corporation and our tax laws should reflect that simple fact now.

The third bill I'm introducing today addresses what I believe is a major flaw in the current federal income tax expensing provision that hinders many small businesses from making needed building improvements. Under current law, small businesses generally can deduct immediately up to $24,000 in qualifying purchases of equipment and machinery. But they must depreciate over 39 years the costs of any storefront or other structural building improvements, even if those improvements are crucial to the business or to the maintenance of a Main Street.

This legislation tells the local drug store, shoe store or barber shop, which doesn't have much need for equipment purchases but does need to improve the storefront or interior, that it should be able to deduct the costs of such improvements, rather than be forced to depreciate them over nearly four decades. Specifically, my bill expands the current $24,000 expensing provision to cover investments in depreciable real property. The bill also increases the expensing amount to $25,000, which is currently scheduled to occur by the year 2003.

There are Main Streets across this country that were built or refurbished decades ago and now need investments and improvements. Our federal tax laws ought to assist small businesses to make such improvements, and my legislation is a simple way to accomplish that.

The Senate unanimously agreed to an amendment I offered to a larger tax bill last summer that would have made the changes I have proposed in the three bills I introduce today. Unfortunately, none of these provisions was included in the final version of that tax bill or other legislation before the Congress adjourned last year.

Therefore, I would urge my Senate colleagues to cosponsor each of these bills and work with me to get them added to any tax package passed by the Congress this year.

By Mr. THOMAS:

S. 365: A bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce a bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes.

Recently many of my constituents in and around Yellowstone and Grand Teton National Parks witnessed the bureaucracy exercise its powers and run roughshod over those who disagreed with its findings.

For years, the National Park Service managed and encouraged recreational snowmobiling in Yellowstone and Grand Teton National Parks and on the adjacent John D. Rockefeller, Jr. Memorial Parkway, providing thousands of Americans an opportunity to enjoy the winter wonders of the Yellowstone plateau and the majestic surrounding countryside.

Instead of continuing this reasonable approach to winter access, or constructively addressing perceived adverse issues; The Clinton administration hijacked the National Park Service effort to update Yellowstone's winter use management plan; corrupted the environmental impact statement process; cut off meaningful participation by cooperating states, local communities and citizens; disregarded critical facts and science, and injected new anti-snowmobile alternatives into the process at the last moment.

In short, federal land managers cast aside their statutory duties and obligations and instead accepted interpretations of law twisted to stage a grand political gesture—the banning of snowmobiles from National Parks, including Yellowstone and Grand Teton.

Snowmobiles often come under fire from those who suspect that the machines degrade air and water quality, despite the fact that scientists were unable to produce or confirm any resource degradation in the recent environmental impact study conducted by the National Park Service. In this regard, I have met personally with the presidents and CEO's of the four major snowmobile manufacturers. They have informed me, that as soon as the Environmental Protection Agency issues emission standards, they can produce and market snowmobiles that meet or exceed the standards within three years.

Mr. President, the industry only needs to have the emission standards set so that they can get on with their business. In fact, the Environmental Protection Agency, EPA, was in the process of creating standards; however, EPA employees were told to stand down by the President's appointees until the Yellowstone scenario was played out. They did not want to be confused by the facts nor did they desire to constructively address the perceived problems.

Headlines were more important than people as well as the economic viability of small communities and businesses in Idaho, Montana and Wyoming. Press reports were more important than providing winter visitors continued access to their parks.

The bureaucrats did decide that the ''snowcoach only no other snowmachine'' scenario is the only way people should enjoy, experience and view the majesty that winter brings to the Yellowstone region.

The ''snowcoach only'' scenario is unfortunately another bureaucratic snafu. No one considered that today's snowcoach is mechanically unreliable and it lacks the speed necessary to see much of the park in a day. While the snowcoach may be the correct and preferred mode of transportation for some, it is not for many. Telling local businessmen that more comfortable, more reliable snowcoaches will be developed in the next few years at taxpayer expense serves absolutely no purpose. I know of no such budget request or plan and I know of no one willing to invest in such a risky scheme.

I do know that a viable alternative for winter access is possible. More importantly, access can be attained in an environmentally sound manner. It is not an issue that should be ignored. I doubt that the new rules and regulations will stand the scrutiny of our

court system. The International Snowmobile Manufacturer's Association and other parties have already filed suit against the Department of the Interior and the National Park Service challenging the government's arbitrary and capricious decision to reverse decades of traditional activity.

In watching the progress and the mistakes made, along with the information and facts ignored, I believe there is a real possibility that the newly issued rules and regulations will be overturned.

It is for this reason that I am introducing this legislation today. I believe that a proactive, constructive and environmentally sound approval to winter access to our parks needs to be discussed and implemented.

This legislation, when enacted, will:

(1) direct the EPA, within two years, to promulgate final national standards governing emissions by snowmobiles;

(2) the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System, and

(3) not later than five years after the enactment of this act, the National Park Service will not allow a snowmachine to operate within the boundaries of a park that does not meet the new emission and noise standards.

The measure also provides the Secretary with authorities to close portions of parks if damage to the resource can be shown and the bill requires comprehensive studies; which, to date, have not been completed, much less initiated. The studies will assess the impacts of recreational snowmobile use within the affected units of the System on park resources, visitor use and enjoyment, and adjacent communities.

I am not suggesting that snowmachine users have unfettered access across park lands. Any use will be closely monitored and highly regulated. Some are unaware of the fact that currently snowmachines in parks are limited to the same established roadways used by hundreds of automobiles during the summer months. The users are not allowed to travel at will in parks as they are allowed on other federal lands.

There will be some who will admit that cleaner, quieter machines are not that much different than the automobiles that tend to clog our park roadways from time to time. They would be correct, except that there are far fewer snowmachines visiting our parks than there are automobiles. They will point out; however, that snowmachines harass wildlife.

Some of the folks at Yellowstone coined a phrase—''bison ping pong'' Evidently, there is a VCR tape that has been circulated showing two individuals on snowmobiles harassing a bison within the boundaries of Yellowstone National Park. I have not seen the tape and I cannot attest to its veracity.

Currently, there are laws that make it a federal crime to engage or participate in such activities. The National Park Service has all of the powers and authorities it needs to address this management problem or illegal activity, if indeed, it exists. I would advocate, that anyone apprehended in a park engaged in this sort of illegal activity, should be prosecuted to the fullest extent of the law, and in addition to fines and jail time, their machines should be confiscated.

The bottom line in the snowmobile debate is that with a little care, the program can be well managed, without causing damage to the park resources, including the wildlife therein.

Finally, I am committed to work with my colleagues toward the passage of this legislation. I am willing to compromise where necessary and I am willing to listen to all sides of this issue. I firmly believe that we can reach resolution.

The concept and management style which advocates the theory that there may be a problem with a particular activity, but we don't really know what the problem is—therefore the activity should be eliminated no matter who or what is inconvenienced, forced out of business, or denied access to our natural treasures—should not be allowed to continue unchecked.

I am an avid supporter and protector of our National Park System. I firmly believe this winter use can be accommodated through good management, good science and a little common sense.

I ask unanimous consent that the text of the bill, a synopsis of snowmobile regulations, and a section-by-section analysis be printed in the RECORD.

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

S. 365

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 ''National Park Service Winter Access Act''.

SEC. 2. SNOWMOBILES.

(a) FINDINGS.—

(1) Recreational snowmobile use within units of the National Park system is an established, traditional, and legitimate means of visitor use and enjoyment of these public lands when conducted in a manner that does not adversely affect or impair park resources and values.

(2) The snowmobile manufacturers and the Environmental Protection Agency will be working to establish emissions standards for a new generation of snowmobiles. This new generation of machines will be cleaner and quieter and should be available to the public within five years.

(3) Cleaner, quieter snowmobiles may provide the public with a greater opportunity to enjoy the National Park System in a manner that is consistent with park resources and values.

(b) INTERIM PARK OPERATIONS.—

(1) As is consistent with the Act entitled, ''An Act to establish a National Park Service, and for other purposes,'' approved August 25, 1916 (16 U.S.C. 1 et seq.), in the following units of the National Park System where snowmobile use occurred or was authorized as of January 1, 2000, such use shall continue restricted to levels of no less than the average wintertime use and activity over the last three winters. This use can be subject to other reasonable regulations governing such use existing as of January 1, 2000, including emergency closure authority:

Acadia National Park, Maine

Black Canyon of the Gunnison National Park, Colorado

Crater Lake National Park, Oregon

Grand Teton National Park, Wyoming

Mount Rainier National Park, Washington

North Cascades National Park, Washington

Olympic National Park, Washington

Rocky Mountain National Park, Colorado

Sequoia National Park, California

Kings Canyon National Park, California

Theodore Roosevelt National Park, North Dakota

Voyageurs National Park, Minnesota

Yellowstone National Park, Idaho, Montana, Wyoming

Zion National Park, Utah

Appalachian National Scenic Trail, Multi-States

Saint Croix National Scenic River, Wisconsin, Minnesota

Pictured Rocks National Seashore, Michigan

Cedar Breaks National Monument, Utah

Dinosaur National Monument, Colorado, Utah

Grand Portage National Monument, Minnesota

Blue Ridge Parkway, North Carolina, Virginia

John D. Rockefeller, Jr. Parkway, Wyoming

Herbert Hoover National Historic Site, Iowa

Perry's Victory National Historic Site, Ohio

Bighorn Canyon National Recreation Area, Montana, Wyoming

Curecanti National Recreation Area, Colorado

Delaware Water Gap National Recreation Area, new Jersey, Pennsylvania

Lake Chelan National Recreation Area, Washington

Ross Lake National Recreation Area, Washington

(2)(i) Notwithstanding subsection (b)(1), and consistent with other applicable laws, the Secretary has the authority, if necessary, to address or avert significant environmental impacts in a particular unit or portion of a unit, to restrict snowmobile use and activity down to a level that is no less than 50% below the three year average level established under subsection (b)(1). The restrictions shall apply to the smallest practical portion of the unit adequate to address the impacts.

(ii) Before restricting use and activity in this manner, the Secretary shall make a finding of significant environmental impact based on on-the-ground study in the affected unit or portion of the unit and sound, peer-reviewed scientific information applicable to that unit or portion of the unit. Within at least 90 days before finalizing such restrictions, the Secretary shall notify the Senate Committee on Energy and Natural Resources and the House Committee on Resources of its intent and provide the public with at least 30 days to comment on the proposal.

(3) Consistent with other applicable law, the National Park Service may prohibit recreational snowmobile use within all units of the system not listed in subsection (b)(1).

(c) LONG-TERM PROGRAM AND OPERATIONS.—

(1) Within two years after the enactment of this Act, the Environmental Protection

Agency shall promulgate final national standards governing emissions by snowmobiles.

(2) The Environmental Protection Agency may engage in negotiated rulemaking with the snowmobile manufacturers regarding this standard.

(3) Taking into account noise reductions achieved in conjunction with the emissions standard described in subsection (c)(1), not later than five years following the date of enactment of this Act, the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System.

(d) MANAGEMENT PLANS AND STUDIES.—

(1) The National Park Service is directed to prepare management plans to assure education and enforcement of regulations governing recreational snowmobile use within the system.

(2) The National Park Service shall conduct new comprehensive studies to assess the impacts of recreational snowmobile use within the affected units of the system on park resources, visitor use and enjoyment, and adjacent communities. Among other things, these studies must include consideration of the EPA snowmobile emission standards, snowmobiles that are produced in response to those standards, and technological and other advances occurring or anticipated at that time. The conclusions derived from such studies shall be the basis for any proposed revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (g)(1) of this section.

(3) Not later than four years following the date of enactment of this Act, the National Park Service shall prepare a Report to Congress concerning the proper use of snowmobiles for recreation in National Park System units. Among other things, this Report shall consider the impact of the snowmobiles complaint with the emission standards set in subsection (c)(1) on wildlife, the environment, and other relevant factors.

(4) Not later than five years after the date of enactment of this Act, and based upon the findings of the report to Congress described in subsection (d)(3) and other relevant information, the National Park Service shall propose revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (b)(1) of this Act.

(i) No management plan or regulation developed in accordance with subsection (d)(4) shall permit the entry of snowmobiles that do not meet the emission and noise standards described in subsections (c)(1) and (c)(3), respectively, into the units of the National Park System described in section (b)(1) of this Act.

(e) SAVINGS CLAUSE.—

Nothing herein is intended to affect the provisions of Public Law 96–487, including but not limited to, Section 1110(a).

SYNOPSIS

YELLOWSTONE NATIONAL PARK

The regulation delineates a timeline that eliminates all recreational snowmobile access by the end of the 2003–04 season. This prohibition will be implemented incrementally over several years. Upon the effective date, February 21, 2001, the regulation designates established routes for snowmobiles and snowcoaches, public safety and air pollution restrictions for snowmobiles and snowcoaches, designated periods of operation for snowcoaches, permit and license requirements for snowmobile operators, and a prohibition on snowplanes.

Effective through the end of the 2001–2002 winter season, the use of snowmobiles is limited to the unplowed roadway. There are further restrictions on the routes available to snowmobiles during the 2002–2003 winter season and there are restrictions placed on what hours during the day that snowmobiles may be operated. Additional restrictions during this period include a daily limit on the number of snowmobiles allowed to use the park each day, a requirement for snowmobiles to be accompanied by a guide in groups of no more than 11. By the end of the 2003–2005 winter season, the use of snowmobiles in Yellowstone is prohibited.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

As in Yellowstone there are restrictions and requirements that go into effect immediately, such as registration, licensing, rules of the road, and restriction to keep snowmobiles on designated routes. Effective until the end of 2001–2002 winter season use, snowmobiles are required to stay on designated routes. Snowplanes are prohibited.

During the 2002–2003 season there are specific routes designated for snowmobile travel, limits on the numbers of snowmobiles each day are imposed, and the hours of operation are prescribed.

The prohibition on all snowmobile use occurs one year earlier than in Yellowstone, at the end of the 2002–2003 season.

GRAND TETON NATIONAL PARK

The regulations restricting snowmobile and snowplane use at Grand Teton NP vary from those found at Yellowstone and the John D. Rockefeller Memorial Parkway primarily to allow for access across parklands and access to private lands within the park. Recreational snowmobile use is eliminated entirely from Grand Teton NP, except for snowmobile use over certain designated routes and for specific purposes. Snowplane use is allowed to continue under permit until the end of the 2001–2002 season.

Upon the regulations effective date several public safety, licensing, and registration requirements are imposed, there is an exception on licensing for individuals accessing private and adjacent public lands.

The regulation specifies designated snowmobile routes that are effective to the end of the 2001–2002 winter season most of which follow unplowed roads. During the 2002–2003 winter season only the Continental Divide Snowmobile Trail is designated for snowmobile use. Effective winter use season of 2003–2004, the only snowmobile use is for reasonable and direct access to adjacent public and private lands via designated routes.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act's short title as the ''National Park Service Winter Access Act.''

Section 2(a) finds that snowmobile use in the National Park System is an established, traditional, and legitimate means of visitor use and enjoyment.

Paragraph 2 finds that snowmobile manufacturers and the Environmental Protection Agency will work together to establish emission standards for a new generation of snowmobiles which should be available in five years.

Paragraph 3 states that cleaner and quieter snowmobiles may provide the public the opportunity to enjoy the parks in a manner consistent with park values.

Subsection 2(b)(1) directs that until new emission standards and the new generation snowmobiles are available, the National Park Service will allow snowmobiles use to continue at levels no less than the average wintertime use and activity over the last three years. This subsection designates 29 National Park Service areas where such use will continue.

Paragraph 2(b)(2)(i) allows the Secretary to restrict snowmobile use and activity down to a level no less than 50% below the three year average level to address or avert significant environmental impacts. Such restrictions apply to the smallest practical area to address the impact.

Paragraph 2(b)(2)(ii) requires that before restricting snowmobile activity, the Secretary must make a finding of significant environmental impact and present these findings to House and Senate Committees as well as give adequate public notice.

Paragraph 2(b)(3) allows the National Park Service to prohibit snowmobile use in all areas not listed in paragraph 2(b)(1).

Subsection 2(c) requires the EPA to promulgate national standards on snowmobile emission.

Paragraph 2 allows the Environmental Protection Agency to engage in negotiated rulemaking with snowmobile manufacturers on emissions standards.

Paragraph 3 requires the National Park Service to set noise standards for snowmobile use within five years of this act's enactment, in conjunction with the Society of Automotive Engineers.

Subsection 2(d) directs the National Park Service to complete management plans addressing education and enforcement of regulations regarding recreational snowmobile use in the National Park System.

Paragraph 2 directs the National Park Service to conduct new studies on the impacts of recreational snowmobile use in the park system. The studies will consider the new EPA standards and anticipated changes in technology.

Paragraph 3 directs the National Park Service to prepare a Report to Congress addressing the use of snowmobiles in National Park Service units within four years of the act's enactment.

Paragraph 4 requires the National Park Service to propose revised regulations governing the use of snowmobiles in units affected by this act within five years of the enactment of the act. These regulations should include a prohibition on snowmobiles that do not meet established noise and emission standards

Subsection 2(e) states that nothing in this act will affect the access provisions of the Alaska National Interest Lands Act (PL 96–487).

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. CLELAND, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 366, A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain Agricultural Trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, CLELAND, GORDON SMITH, CANTWELL, WYDEN and BOXER to reintroduce the Agricultural Market Access and Development Act of 2001.

Trade is the lifeblood of Washington state's economy. From aerospace to software to agriculture, one out of every three jobs in my state is trade-related. Without access to markets around the world, Washington state's economy cannot function.

The legislation I am introducing today would open and expand markets for U.S. agricultural exports. It would

help rural economies. It would create jobs in regions that need them the most.

In the 106th Congress, we focused our attention on opening markets to American goods and services. I strongly supported efforts to pass permanent normal trade relations for China, to reform our ineffective unilateral sanctions policies, and to create new trade relationships with Africa and the Caribbean Basin.

Our nation's producers generally supported these efforts, but their enthusiasm for new trade agreements is waning.

It's difficult for our farmers and ranchers to endorse new trade agreements when our trade partners heavily subsidize their producers.

It's difficult for farmers and ranchers to get excited about potential new markets when federal agencies give a green light to imports from nations that won't let our products in.

It's difficult for farmers and ranchers to support free trade when our competitors have the advantage of cheaper labor, cheaper land, cheaper water and fewer environmental regulations.

When these trade challenges are combined with low prices, a strong dollar, the 1997 Asian financial crisis, and higher energy and fertilizer prices, I understand why many of our farmers and ranchers are losing patience with our trade agreements.

I believe agricultural producers and rural communities should continue to support free trade. U.S. producers are so productive that we can't afford not to push for more open markets.

But I also believe we should give our agricultural producers a fighting chance to succeed. We need to pursue trade agreements that are fair. We need to enforce the good agreements we make. And we need to invest in market promotion and development.

The legislation I am introducing today will help give producers a fighting chance. It invests in market share, not potential markets. It builds on success, not rhetoric.

Current law authorizes hundreds of millions of dollars for the U.S. Department of Agriculture's Export Enhancement Program. But the program isn't being used. Current law does not allow the Secretary of Agriculture to transfer those authorized funds to programs that are being used, like the Market Access Program and the the Foreign Market Development ''Cooperator'' Program.

My bill would change that.

The Agricultural Market Access and Development Act does three things.

First, it raises the existing cap on the Market Access Program from $90 million to $200 million.

Second, it creates a $35 million floor for the Foreign Market Development ''Cooperator'' Program.

The Market Access Program and the Cooperator Program have helped to expand markets for apples, potatoes, wheat, wine and other products from Washington state and around the nation. Under these programs, the federal government reimburses a non-profit industry association or a private business for a portion of trade promotion activities.

Third, the bill establishes a mechanism to pay for these changes. It authorizes the Secretary of Agriculture to transfer a percentage of unspent funds under the Export Enhancement Program to market access and development programs.

The legislation I am introducing today is nearly identical to S. 1983, which I introduced in 1999. In the 106th Congress, more than eighty agriculture and food organizations wrote to Members of Congress supporting S. 1983. I believe we will have equal—if not greater—support as we start working on the next farm bill.

I urge my colleagues to cosponsor and support the Agricultural Market Access and Development Act.

Ms. CANTWELL. Mr. President, I am pleased to announce that I am cosponsoring the Agricultural Market Access and Development Act of 2001, which was introduced by Senator MURRAY today. This bill will authorize increases in the funding levels for agricultural market access and development programs in 2001 and 2002. These programs provide matching funds to assure aggressive marketing of our agricultural products in the international markets.

U.S. exports of high-value and consumer-oriented agricultural products have increased steadily in recent years but are facing stiff competition from foreign sources. In 1998 foreign competitors outspent the U.S. by nearly 4 to 1 on export promotion activities. The Market Access Program is a cost-sharing approach to help U.S. farmers and growers close this funding gap. Program funds are used to generically support important Washington agricultural products.

Washington State depends on agriculture to provide jobs, particularly in Eastern Washington which has been left out of the prosperity of the Puget Sound region. Apple growers in the Yakima valley must have new markets if their businesses are to survive and prosper. Eastern Washington needs these jobs and we need this program.

Export markets provide some of the best economic support to the agricultural community. Agricultural products are an important part of the dynamic market mix that makes Washington a thriving, productive economic area. The matching funding of the Market Access Program helps to provide support and encouragement for the farmers and growers so important to Washington State and the Northwest.

I thank Senator MURRAY for the leadership she has shown in promoting and protecting our agricultural interests. I look forward to continuing close cooperation with Senator MURRAY, other members of the Washington State delegation, as well as State and local leaders to support our valued agricultural interests.

By Mrs. BOXER (for herself, Ms. SNOWE, Mrs. CLINTON, Mr. CHAFEE, Mr. REID, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, Mr. FEINGOLD, and Mr. SPECTER):

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, within 48 hours of assuming the Presidency, President Bush issued a policy that will hurt the women of the world. A policy that takes us back to the 1980s, rather than ahead to the new century.

His policy, the Mexico City gag rule, cuts U.S. funding to any organization that uses its own funds to provide abortion services. It even cuts U.S. funds if the organization uses its own funds to simply counsel women on all their options which include abortions.

As a result, many organizations will be forced to either limit their services or simply close their doors to women across the world. And, this will cause women and families increased misery and death.

The current facts are chilling.

Approximately 78,000 women throughout the world die each year as a result of unsafe abortions. At least one-fourth of all unsafe abortions in the world are to girls aged 15–19. By 2015, contraceptive needs in developing countries will grow by more than 40 percent.

Make no mistake, the Mexican city gag rule will restrict family planning, not abortions.

The media has mistakenly portrayed the Mexico City policy. I think we need to be clear of what this policy does and does not do:

It does not change the fact that no United States funds can be used for abortion services. That is already law, and has been since 1973. It does restrict foreign organizations in ways that would be unconstitutional here at home.

It is puzzling for me to understand how anyone could fail to realize that family planning is crucial to preventing abortions.

According to Population Action International, research shows that higher levels of contraception use are associated with lower reliance on abortion.

For example, the recent increased availability of modern family planning methods has already resulted in a 33 percent drop in the abortion rate in Russia and a 60 percent reduction in Hungary.

Additionally, we know that young girls between the ages of 15 and 19 are

twice as likely to die in childbirth as older mothers. Talk about a policy that is cruel to girls and young women—this is it.

Family planning can significantly improve the health of these girls and young women by teaching them to postpone childbearing until the healthiest times in their life, which would in turn prevent abortions.

However, as a result of the harsh penalties imposed by the Mexico City gag rule, family planning groups will not be able to adequately counsel these desperate women.

Picture a woman who has already walked sometimes half a day to get to the nearest clinic. How can we expect these clinics to then tell this woman who is seeking services on her own volition, that they cannot counsel her on the full array of her legal options when there is no other clinic within a hundred miles of them?

Additionally, the Mexico City policy goes against a fundamental tenet of American society . . . freedom of speech.

That is why today in the Senate today, I am introducing the bipartisan ''Global Democracy Promotion Act.''

The Boxer-Snowe bill aims to overturn the draconian restrictions place upon international family planning programs put in place by President Bush on January 22. Our bill will allow these organizations to continue to provide legal family planning services without needlessly restricting their funds.

Family planning organizations should not be prevented from using their own privately raised funds to provide legal abortion services, including counseling and referral services.

These groups should not be forced to relinquish their right to free speech in order to receive United States funding. This type of restriction is un-American and undermines our key foreign policy goal of supporting democracy worldwide.

The true bipartisan consensus is that family planning organizations should be supported, not punished, for helping women in need. We hope President Bush will change his mind and reverse his order. If not, we will work hard to overturn it.

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

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

S. 367

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Democracy Promotion Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

SEC. 3. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for the ''Global Democracy Act of 2001'', introduced by my friend and colleague from California, Senator BOXER.

Last month, President Bush announced that he was reinstating the ''global gag rule'' restricting United States assistance to international family planning organizations. I was extremely disappointed and amazed that the President opted to start his Administration with such a divisive action.

If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources needed to control their reproductive destinies and their health. International family planning programs reduce poverty, improve health, and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

The ''Global Democracy Promotion Act of 2001'' will allow foreign Non Governmental Organizations that receive U.S. family planning assistance to use non-U.S. funds to provide legal abortion services, including counseling and referrals and will lift the restrictions on lobbying and advocacy.

The United States must reclaim its leadership role on international family planning and reproductive issues. The United States must renew its commitment to help those around the world who need and want our help and assistance. I urge my colleagues to support this bill.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 368. A bill to develop voluntary consensus standards to ensure accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, on behalf of the nearly 280 million Americans in this country, today I am introducing the American Voting Standards and Technology Act. After one of the closest and most contested elections in our Nation's history, Americans want to have complete confidence in the electoral process. We can accomplish that goal by ridding politics of large, unregulated contributions, and by ensuring that every vote is counted and recorded accurately.

The key to achieving meaningful reform and to restoring Americans' faith in government, is finding both a short-term and a long-term solution to the widespread abuses of the past election. I have devised a two-pronged strategy toward realizing these necessary changes in our electoral system. First, on January 22, Senator FEINGOLD and I introduced the Bipartisan Campaign Reform Act of 2001. This measure bans soft money contributions, restricts corporate and union spending on electioneering ads, and provides for greater disclosure and stronger election laws. I look forward to bringing campaign finance reform back to the floor next month.

The bill that I am introducing today represents the second part of my electoral reform strategy. One of the most flagrant violations of our democratic electoral process was highlighted this past November by the overwhelming number of precincts who reported voting machine flaws. This is an embarrassment to our democracy. The American Voting Standards and Technology

Act was written to directly address the root of these voting controversies—the actual machines. In the 2000 election, pre-scored punch-card ballots were used by one in three voters. These archaic ''votomatic'' machines, engineered in the 1960's, continue to be employed throughout the country, yet their ability to accurately record voters is questionable. In 1988, The National Institute of Standards and Technology, NIST, recommended the elimination of prescored ballot cards, but this recommendation was unfortunately never heeded.

To compound the problems with prescored punch cards, numerous studies reveal that throughout the country, ballots cast by African Americans were nullified at a much higher rate than those of Caucasians. In Atlanta's Fulton County, which uses old punch-card voting machines, one of every 16 ballots for president was invalidated, while two largely white neighboring counties, Cobb and Gwinnett, using more modern equipment had a rate of 1 in 200. Similar patterns were found in Florida and Illinois. We cannot encourage and expect every American to vote if we ignore the inequalities that are inherent in our entire voting system.

The National Association of Secretaries of States recently issued fifteen recommendations aimed at avoiding the problems of last year's presidential election. The resolution recommends that States: Ensure equal access to the election system for the elderly, disabled, and minority communities; modernize voting machines and equipment; and conduct aggressive voter education and outreach programs. The resolution also advocates that Congress authorize an update of the voluntary federal voting standards and fund the development of voluntary management standards for each voting system. Senator HOLLINGS and I have written the American Voting Standards and Technology Act in response to these recommendations.

This legislation that we are introducing today has three targets: First, it directs NIST to develop voluntary consensus standards to ensure the accuracy and validation of the voting process. Second, it authorizes matching grants to State agencies to purchase new or rehabilitated voting equipment to improve the ability of the public to cast a timely and accurate vote for the candidate of their choice. Finally, it authorizes grants throughout the Department of Commerce to State agencies to strengthen voter education campaigns. Both Senator HOLLINGS and I have been working closely with NIST to begin this process now so that the next election will not bring the same confusion and frustration at the polls.

How can we encourage young Americans to vote if they believe their vote may not be counted? We must modernize our voting machinery and improve our voting process without barraging the States and local governments with excessive rules and regulations. The American Voting Standards and Technology Act accomplishes these goals.

Mr. HOLLINGS. Mr. President, it has been said that there's no system worse than democracy—except for all of the other ones. What this aphorism reveals is that though democracy, in its republican form of elections, is the best form of government that we know of at this point, it nevertheless has its shortcomings, be they human or mechanical. A close election certainly tends to highlight these human and mechanical flaws in our voting systems. This was never more proven than by last year's Presidential election. Last November and December stories of overvotes, undervotes, and hanging chads flooded the media. Many voters complained that confusing butterfly ballots led them to make unintended choices, while others claimed they were denied the opportunity to vote by being left off of the registration rolls or through intimidation.

Unfortunately, these problems are not new. We've had difficulties using punch cards and other machine-readable ballots for more than 30 years. Federal officials were made aware of these issues as early as 1978, by a National Bureau of Standards, now NIST, study, Science & Technology: Effective Use of Computing Technology in Vote-Tallying. That study—and another in 1988—found difficulties in vote-tallying stemming from management failures, technology failures, and human operational failures. The 1978 report cited major difficulties in 7 cities. One of the key recommendations was the elimination of the pre-scored punch card, similar to the kind used in Palm Beach County's Votomatic machines.

We know that there is a problem, the question is what are we going to do about it? Senator MCCAIN and I have one answer—the American Voting Standards and Technology Act, which we are introducing today. In short, the Act would direct the National Institute of Standards and Technology to develop voluntary consensus standards to ensure the accuracy and validation of the voting process from voter registration through any recount. Quite simply, NIST knows standards—it has been in the standards game for over 100 years. Its experts know how to work with stakeholders like state and local governments and private sector technology leaders to build valid, usable, reliable standards that people trust. The agency updates its standards regularly.

NIST's voluntary voting standards could set a threshold for accuracy, maintenance, and usability of voting systems that would feed into the second leg of our program—matching grants to State and local government agencies to purchase new or rehabilitated voting equipment. We want to give priority in this program to the places least able to afford state of the art voting equipment—the precincts with high unemployment and low income levels.

However, because we don't want to buy new equipment if no one knows how to use it, our bill would authorize the Department of Commerce to give grants to State agencies to strengthen voter education campaigns. We want voters to understand how to use the technology that is in their polling place and how to determine if their vote will be correctly counted.

The right to vote is the most fundamental right bestowed upon Americans by the U.S. Constitution. There are millions of Americans who lost faith in the guarantee and exercise of this fundamental right due to the circumstances of the last election. Senator MCCAIN and I do not claim to know how to restore the American people's faith in our voting systems. However, we do have an idea that setting basic performance standards, helping election officials acquire systems which meet those standards, and helping voters use those systems is part of the solution. When we return from the President's Day recess, we plan to schedule hearings to work through the details of our legislation and improve it. We realize that our American Voting Standards and Technology Act is only one piece of the pie, and we also look forward to working with other Senators who are examining other aspects of the electoral system.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. ENZI):

S. 369. A bill to amend the Internal Revenue Code of 1986 to allow a written agreement relating to the exclusion of certain farm rental income from net earnings from self-employment; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 369

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

SECTION 1. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking ''an arrangement'' and inserting ''a lease agreement''.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking ''an arrangement'' and inserting ''a lease agreement''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 370. A bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 370

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

SECTION 1. EXEMPTION OF AGRICULTURAL BONDS FROM STATE VOLUME CAP.

(a) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following new paragraph:

''(5) any qualified small issue bond described in section 144(a)(12)(B)(ii).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

By Mr. REED:

S. 371. A bill to establish and expand child opportunity zone family centers in public elementary schools and secondary schools, and for their purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce legislation that seeks to remove barriers to learning by encouraging communities to coordinate community services through school-based or school-linked family centers. These centers would provide a comprehensive array of information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of children and their families.

As we strive to ensure the academic and future success of our students, we must recognize that the increasingly complex needs of children cannot be met by our schools and teachers alone. Children bring many social, health, and family problems to school, which leaves them in no shape to learn.

Some facts to illustrate this point:

Today, 7.5 million children under the age of 18 require mental health services, while the National Institute of Mental Health estimates that fewer than one in five receive the help they need.

11.3 million children—more than 90 percent of them in working families—have no health insurance.

It is estimated that nearly five million school-age children spend time without adult supervision during a typical week. Meanwhile, FBI data show that the peak hours for violent juvenile crime occur during the after-school hours of 3:00 p.m. to 8:00 p.m.

Also according to the FBI, juveniles accounted for 17 percent of all violent crime arrests in 1997, and juveniles are victims in nearly 25 percent of all crimes.

Programs and services exist to deal with these and other needs facing children—SCHIP, WIC, and after school programs, to name a few. However, too many children can't access such programs and services, and, consequently, too many children don't get the help they need. This is because these services are often too disjointed and fragmented, making it difficult for many families to find a point of entry. This problem is especially acute in low-income urban and rural areas.

To address these and other serious issues facing our children and families, a few states and localities have established centers and developed programs designed to provide families with access and linkages to needed social services, like health and mental health care, nutritional programs, child care, housing, and job training, in a location that is easily accessed by families—their children's school. The aim of my legislation is to support and expand such efforts.

Research indicates that school-linked family center programs are a cost-effective way to provide supports to children and families. According to a report by the Department of Education's Northeast and Islands Regional Educational Laboratory, school-linked services can also ''help to increase student achievement, save money and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully.'' Moreover, according to a 1999 American Association of School Administrators Nationwide Survey, 82 percent of parents would like family centers in their schools to help improve their schools.

My legislation, the Child Opportunity Zone Family Center Act, builds on a successful model in my home state of Rhode Island, the Rhode Island Child Opportunity Zone (COZ) Family Center initiative, as well as Kentucky's Family Resource and Youth Service Centers, and Minnesota's Family Service program.

The Child Opportunity Zone Family Center Act, which is supported by more than 30 health, education, and children's organizations, would provide grants on a competitive basis to partnerships consisting of a high poverty public school; school district; other public agency, such as a department of health or social services; and non-profit community organizations. Partnerships would be required to complete a needs assessment, and then use this information to provide children and families with linkages to existing community prevention and intervention services in core areas such as education, child care, non-school hours care and enrichment programs, health services, mental health services, nutrition, family support, literacy services, parenting skills, and dropout prevention. In addition, partnerships would provide violence prevention education to children and families, as well as training to enable families to help their children meet challenging standards and succeed in school.

The guiding principle of Rhode Island's COZ Family Centers is to help children and families get the assistance they need so children are ready to learn in the classroom. This principle is reflected in my legislation, which contains accountability provisions to ensure that partnerships focus on improvements in student achievement, family participation in schools, access to health care, mental health care, child care, as well as family support services, and work to reduce violence among youth, truancy, suspension, and dropout rates in order to continue to receive funding.

As we again begin to consider the reauthorization of the Elementary and Secondary Education Act, I believe that it is critical that we do all we can to provide a seamless, integrated system of support for children and families. By giving families an opportunity to get the support they need, we can truly help children come to school ready to learn and in turn help children succeed in school and life. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD along with a letter of support.

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

S. 371

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

SECTION 1. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

''Part L—Child Opportunity Zone Family Centers

''SEC. 10995A. SHORT TITLE.

''This part may be cited as the 'Child Opportunity Zone Family Center Act of 2001'.

''SEC. 10995B. PURPOSE.

''The purpose of this part is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

''SEC. 10995C. DEFINITIONS.

''In this part:

''(1) CHILD OPPORTUNITY ZONE FAMILY CENTER.—The term 'child opportunity zone family center' means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

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

''(A) that contains—

''(i) at least 1 public elementary school or secondary school that—

''(I) receives assistance under title I and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

''(II) demonstrates parent involvement and parent support for the partnership's activities;

''(ii) a local educational agency;

''(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

''(iv) a nonprofit community-based organization, providing health, mental health, or social services;

''(v) a local child care resource and referral agency; and

''(vi) a local organization representing parents; and

''(B) that may contain—

''(i) an institution of higher education; and

''(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

''SEC. 10995D. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

''(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

''SEC. 10995E. REQUIRED ACTIVITIES.

''Each eligible partnership receiving a grant under this part shall use the grant funds—

''(1) in accordance with the needs assessment described in section 10995F(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, nutrition, literacy services, parenting skills, and drop-out prevention;

''(2) to provide intensive, high-quality, research-based programs that—

''(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

''(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

''(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards, including assisting families to—

''(A) understand the applicable accountability systems, including State and local content standards, performance standards, and assessments, their children's educational performance in comparison to the standards, and the steps the school is taking to address the children's needs and to help the children meet the standards; and

''(B) communicate effectively with personnel responsible for providing educational services to the families' children, and to participate in the development and implementation of school-parent compacts, parent involvement policies, and school plans.

''SEC. 10995F. APPLICATIONS.

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

''(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

''(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this part will be tailored to meet the specific needs of the children and families to be served;

''(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

''(3) describe how the partnership will effectively coordinate with the centers under section 1118 and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

''(4) describe the partnership's plan to—

''(A) develop and carry out the activities assisted under this part with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

''(B) coordinate the activities assisted under this part with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

''(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

''(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

''(A) determine the impact of activities assisted under this part as described in section 10995I(a); and

''(B) improve the activities assisted under this part; and

''(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this part.

''SEC. 10995G. FEDERAL SHARE.

''The Federal share of the cost of establishing and expanding child opportunity zone family centers—

''(1) for the first year for which an eligible partnership receives assistance under this part shall not exceed 90 percent;

''(2) for the second such year, shall not exceed 80 percent;

''(3) for the third such year, shall not exceed 70 percent;

''(4) for the fourth such year, shall not exceed 60 percent; and

''(5) for the fifth such year, shall not exceed 50 percent.

''SEC. 10995H. FUNDING.

''(a) CONTINUATION OF FUNDING.—Each eligible partnership that receives a grant under this part shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 10995I(a).

''(b) LIMITATION ON USE OF FUNDS TO OFFSET OTHER PROGRAMS.—Notwithstanding any other provision of law, none of the funds received under a grant under this part may be used to pay for expenses related to any other Federal program, including treating such funds as an offset against such a Federal program.

''SEC. 10995I. EVALUATIONS AND REPORTS.

''(a) LOCAL EVALUATIONS.—Each partnership receiving funds under this part shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnership's performance assessment effectiveness in reaching and meeting the needs of families and children served under this part, including performance measures demonstrating—

''(1) improvements in areas such as student achievement, family participation in schools, and access to health care, mental health care, child care, and family support services, resulting from activities assisted under this part; and

''(2) reductions in such areas as violence among youth, truancy, suspension, and drop-out rates, resulting from activities assisted under this part.

''(b) NATIONAL EVALUATIONS.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this part to carry out a national evaluation of the effectiveness of the activities assisted under this part. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2001, and every year thereafter and shall be submitted to Congress.

''(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this part.

''SEC. 10995J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2005.''.

AMERICAN ASSOCIATION
OF UNIVERSITY WOMEN,
Washington, DC, February 15, 2001.

DEAR SENATOR REED: The undersigned organizations, representing parents, educators, early childhood professionals, health professionals, pupil services personnel, and education advocates thank you for introducing the Child Opportunity Zone Family Center Act (COZ). The Reed COZ bill would ensure the coordination of services in order to remove barriers to learning. According to a report of the Northeast and Islands Regional Educational Laboratory, school-linked services ''help to increase student achievement, save money, and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully.''

Unfortunately, too many children today are struggling with a variety of problems that make their ability to meet challenging academic standards much more difficult. Inadequate access to health care, lack of family and child mental health services, poor nutrition, abuse, and other social ills undercut these children's ability to succeed in the classroom and in their daily lives. The coordination of schools with the range of supportive services that children and families need is particularly important in low-income urban and rural areas. Families that need and would otherwise be eligible to receive services simply cannot access them without coordination at or through the schools.

The Reed COZ bill draws on successful efforts already underway in some areas. Kentucky's Family Resource and Youth Service Centers, Minnesota's Family Service program, and Rhode Island's Child Opportunity Zone Family Center Initiative need to be replicated more widely. The current barriers to these important services are pervasive in every state. We believe that these proposed grants are critical to helping schools and school districts partner with communities and parents to make possible the school-

linked or school-based coordination of the necessary services for strengthening our nation's children.

Once again, we thank you for introducing the Reed Child Opportunity Zone Family Center Act. We look forward to working with you on this and many other important issues in the future.

Sincerely,

American Association of University Women.
American Association for Marriage and Family Therapy.
American Association of School Administrators.
American Counseling Association.
American Federation of Teachers.
American Psychological Association.
American School Counselor Association.
Association of Educational Service Agencies.
Council for Exceptional Children.
General Federation of Women's Clubs.
National Alliance of Black School Educators.
National Alliance for Partnerships in Equity.
National Association for Bilingual Education.
National Association for the Education of Young Children.
National Association of Elementary School Principals.
National Association of Pupil Services Administrators.
National Association of school Psychologists.
National Association of Secondary School Principals.
National Association of Social Workers.
National Association of State Directors of Special Education.
National Coalition for Sex Equity in Education.
National Council of Administrative Women in Education.
National Council of La Raza.
National Education Association.
National Education Knowledge Industry Association.
National PTA.
National Rural Education Association.
National School Boards Association.
School Social Work Association of America.
Wider Opportunities for Women.
Women & Philanthropy.

By Mr. REED (for himself, Mr. WELLSTONE, and Mrs. MURRAY):

S. 372. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Parent Act, which seeks to increase parental involvement in the educational lives of their children.

Research, experience, and reason tell us that providing parents with opportunities to play active roles in their children's schools empowers them to help their children excel. When parents are actively involved in their child's education, not only does their own child go further, but their child's school also improves to the benefit of all students. Indeed, as I have witnessed in Rhode Island, and I am sure my colleagues can attest to this in their states, our best schools are not simply those with the finest teachers and principals, but those which strive to engage parents in the education of their children.

Research shows that regardless of economic, ethnic, or cultural background, parental involvement is a major factor in determining a child's academic success. Parental involvement contributes to better grades and test scores, higher homework completion rates, better attendance, and greater discipline. Further, when parental involvement is a school priority, schools have fewer failing students, achieve better reputations in the community, and show improvements in staff morale.

In 1999, the American Association of School Administrators conducted a nationwide survey and found that 96 percent of parents believe that parental involvement is critical for a student to succeed in school and that 84 percent believe in parent involvement so strongly that they are willing to require such involvement. Further, a recent National PTA survey revealed that 91 percent of parents recognize that it is extremely important for parents to be involved in their children's school. Unfortunately, even as we extol the virtue of parental involvement, we must recognize that reality falls far short of that goal. The National PTA survey also found that roughly half the parents surveyed felt they were inadequately informed about ways in which they could participate in schools, or even gain access to basic information about their children's studies and their children's teachers. There are also other obstacles to greater parental involvement, such as working parents who find it difficult to get to schools and be involved or parents who have had negative schooling experiences and are wary of entering schools to participate in their children's education.

With more than 90 percent of parents believing that parental involvement is critical to a child's academic achievement and less than 50 percent of parents believing that their schools adequately involve them in their children's education, the reauthorization of the Elementary and Secondary Education Act, ESEA provides an opportunity to help bring schools and parents together, and to ensure parents have the tools to become meaningfully and effectively involved in their children's education. While the ESEA currently contains parental involvement provisions, they mainly apply to Title I schools and students, and have not been fully implemented.

That is why I am pleased to be joined by Senators WELLSTONE and MURRAY and Representative LYNN WOOLSEY in the other body in introducing the Parent Act. This legislation would amend the ESEA to bolster existing, and add new, parental involvement provisions.

The Parent Act requires that all schools implement effective, research-based parental involvement best practices, and it provides technical assistance to schools that are having problems implementing parental involvement programs. My bill also seeks to improve parental access to information about their children's education and a school's parental involvement policies; ensure that professional development activities provide training to teachers and administrators on how to foster relationships with parents and encourage parental involvement; utilize technology to expand efforts to connect schools and teachers with parents; and promote parental involvement in drug and violence prevention programs. Further, the bill requires each local district to make available to parents an annual report card which explains how a school is performing with respect to student achievement, teacher qualification, class size, school safety, dropout rates, the actions the school is taking to involve parents in school activities and decision making, and other school performance indicators.

The Parent Act also offers $500 million for school districts, with strict accountability measures, to supplement and support recognized and proven initiatives that improve student achievement through parental involvement. Currently, section 1118 of Title I requires districts to develop written parental involvement policies and requires schools to develop school-parent compacts, hold annual meetings for parents at schools, and involve parents in school review and improvement policies and plans. Local districts are required to spend 1 percent of their Title I allotment for this purpose, unless that 1 percent amounts to less than $5,000. In Rhode Island, however, in only 9 of the 34 districts that receive Title I funds is this amount above $5,000, and this situation is similar across the nation. In fact, the Final Report of the National Assessment of Title I found that a quarter of Title I schools do not have required school-parent compacts, more than four years after they were required. As Secretary Paige stated at his confirmation hearing, ''increased assistance will be needed'' to enhance parental involvement.

Last Congress, during the Health, Education, Labor, and Pensions Committee debate on ESEA, many provisions of the Parent Act were added to S. 2, the ESEA reauthorization bill. But S. 2 did not go far enough to ensure the parental involvement provisions of ESEA are actually implemented. The accountability provisions of the Parent Act and its grant resources are essential to making sure all of the elements for effective parental involvement are in place.

To succeed in the endeavor of increasing parental involvement, we must depend on parents, teachers, and school administrators throughout the country to work collaboratively to implement effective programs. However, federal leadership is needed to provide schools, teachers, and parents with the tools required for this task.

The bottom line of federal support for education is to increase student

achievement. Parental involvement is essential to ensuring that our students succeed. This legislation is strongly supported by the National PTA, and I urge my colleagues to join Senators WELLSTONE and MURRAY, Representative WOOLSEY, and me in supporting the Parent Act, and working for its inclusion in the ESEA reauthorization.

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

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

S. 372

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 ''Parent Act of 2001''.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Parents are the first and most influential educators of their children.

(2) The Federal Government must provide leadership, technical assistance, and financial support to States and local educational agencies, as partners, in helping the agencies implement successful and effective parental involvement policies and programs that lead to improved student achievement.

(3) State and local education officials, as well as teachers, principals, and other staff at the school level, must work as partners with the parents of the children they serve.

(4) Research has documented that, regardless of the economic, ethnic, or cultural background of the family, parental involvement in a child's education is a major factor in determining success in school.

(5) Parental involvement in a child's education contributes to positive outcomes such as improved grades and test scores, higher expectations for student achievement, better school attendance, improved homework completion rates, decreased violence and substance abuse, and higher rates of graduation and enrollment in postsecondary education.

(6) Numerous education laws now require meaningful parental involvement, including title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and elements of these laws should be extended to other Federal education programs.

SEC. 4. BASIC PROGRAMS.

(a) STATE PLAN.—Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (c)(1)(B), by striking ''and technical assistance under section 1117'' and inserting '', technical assistance under section 1117, and parental involvement under section 1118'';

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State has identified or developed effective research-based best practices designed to foster meaningful parental involvement. Such best practices shall—

''(1) be disseminated to all schools and local educational agencies in the State;

''(2) be implemented in all schools in the State; and

''(3) address the full range of parental involvement activities required under section 1118.''.

(b) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), and (10) respectively; and

(B) by inserting after paragraph (3) the following:

''(4) a description of the strategy the local educational agency will use to implement effective parental involvement in accordance with section 1118;'';

(2) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I); and

(B) by inserting after subparagraph (C) the following:

''(D) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;''; and

(3) in subsection (e)(3), by inserting before the period the following: ''and if such agency's parental involvement activities are in accordance with section 1118''.

(c) SCHOOLWIDE PROGRAMS.—Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (b)(1)(E), by inserting after ''involvement'' the following: ''in accordance with section 1118''; and

(2) in subsection (b)(2)(A)(iv), by inserting after ''results'' the following: ''in a language the family can understand''.

(d) TARGETED ASSISTANCE.—Section 1115(c)(1)(H) (20 U.S.C. 6315(c)(1)(H)) is amended by inserting after ''involvement'' the following: ''in accordance with section 1118''.

(e) ASSESSMENTS.—Section 1116 (20 U.S.C. 6317) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to the parental involvement programs described in section 1118, the professional development activities described in section 1119, and other activities assisted under this Act;'';

(2) in subsection (c)(4), by inserting after ''elements of student performance problems'' the following: '', that addresses school problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development requirements in section 1119,'';

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) annually review the effectiveness of the action or activities carried out under this part by each local educational agency receiving funds under this part with respect to parental involvement, professional development, and other activities assisted under this Act; and''; and

(4) in subsection (d)(5)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(III) address problems, if any, in implementing the parental involvement requirements described in section 1118 and the professional development provisions described in section 1119; and''.

(f) STATE ASSISTANCE.—Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a)(1), by inserting ''parental involvement,'' after ''including''; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) by inserting ''parents,'' after ''including''; and

(ii) by inserting ''parental involvement programs,'' after ''successful''; and

(B) by adding at the end the following:

''(4) PARENTAL INVOLVEMENT.—Each State shall collect and disseminate effective parental involvement practices to local educational agencies and schools. Such practices shall—

''(A) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

''(B) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.''.

(g) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting before the semicolon the following: ''activities that will lead to improved student achievement for all students'';

(2) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

''(B)(i) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

''(ii)(I) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(II) Each application submitted under subclause (I) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.

''(iii) Each grant under this subparagraph shall be awarded for a 5–year period.

''(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph, to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

''(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

''(vi) There are authorized to be appropriated to carry out this subparagraph $500,000,000 for fiscal year 2002, and such sums

as may be necessary for each of the 4 succeeding fiscal years, of which the Secretary may reserve not more than .20 percent to carry out the reviews described in clause (iv).''; and

(C) in subparagraph (C) (as so redesignated), by inserting ''and granted under subparagraph (B)'' after ''subparagraph (A)'';

(3) in subsection (b)(1), by inserting before the last sentence the following: ''Parents shall be notified of the policy in the language most familiar to the parents.'';

(4) in subsection (e)—

(A) in paragraph (1), by striking ''participating parents'' and inserting ''all parents of children served by the school or agency, as appropriate,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(C) materials or training using technology to foster parental involvement;'';

(5) in subsection (g), by adding at the end the following: ''Such local educational agencies and schools may use information, technical assistance, and other support from the parental information and resource centers to create parent resource centers in schools.''; and

(6) by adding at the end the following:

''(i) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if such policies and practices meet the requirements of section 1118 and are meaningful and targeted to improve home and school communication, student achievement, and parental involvement in school planning, review, and improvement.''.

SEC. 5. PROFESSIONAL DEVELOPMENT.

(a) PURPOSES.—Section 2002(2) (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(G) incorporates training in effective practices in order to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and

''(H) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.''.

(b) AUTHORIZED ACTIVITIES.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking ''and'' after the semicolon;

(2) in paragraph (14), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage the parent's involvement in the full range of parental involvement activities described in section 1118.''.

(c) STATE APPLICATIONS.—Section 2205(b)(2) (20 U.S.C. 6645(b)(2)) is amended—

(1) in subparagraph (N), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (O) as subparagraph (P); and

(3) by inserting after subparagraph (N) the following:

''(O) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and''.

(d) STATE-LEVEL ACTIVITIES.—Section 2207 (20 U.S.C. 6647) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following:

''(12) providing professional development programs that enable teachers, administrators, and pupil services personnel to effectively communicate with and involve parents in the education process to support school planning, review, improvement, and classroom instruction, and to work effectively with parent volunteers;''.

(e) LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.—Section 2208 (20 U.S.C. 6648) is amended—

(1) in subsection (c)(2), by inserting ''parents,'' after ''administrators,''; and

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and

(B) by inserting after subparagraph (H) the following:

''(I) describe the specific professional development strategies that will be implemented to improve parental involvement in education and how such agency will be held accountable for implementing such strategies.''.

(f) LOCAL ALLOCATION.—Section 2210(b)(3) (20 U.S.C. 6650(b)(3)) is amended—

(1) by redesignating subparagraphs (P) and (Q) as subparagraphs (Q) and (R), respectively; and

(2) by inserting after subparagraph (O) the following:

''(P) professional development activities designed to enable teachers, administrators, and pupil services personnel to communicate with parents regarding student achievement on assessments;''.

SEC. 6. TECHNOLOGY FOR EDUCATION.

(a) FINDINGS.—Section 3111 (20 U.S.C. 6811) is amended—

(1) in paragraph (6), by inserting ''and by facilitating mentor relationships,'' after ''by means of telecommunications,'';

(2) in paragraph (14), by striking ''and'' after the semicolon;

(3) in paragraph (15), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(16) access to education technology and teachers trained in how to incorporate the technology into their instruction leads to improved student achievement, motivation, and school attendance;

''(17) the use of technology in education can enhance the educational opportunities schools can offer students with special needs; and

''(18) the introduction of education technology increases parental involvement, which has been shown to improve student achievement.''.

(b) STATEMENT OF PURPOSE.—Section 3112 (20 U.S.C. 6812) is amended—

(1) in paragraph (11), by striking ''and'' after the semicolon;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding after paragraph (12), the following:

''(13) development and support for technology and technology programming that will enhance and facilitate meaningful parental involvement.''.

(c) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—Section 3121(c)(4) (20 U.S.C. 6831(c)(4)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(G) increased parental involvement in schools through the use of technology;''.

(d) FEDERAL LEADERSHIP.—Section 3122(c) (20 U.S.C. 6832(c)) is amended—

(1) in paragraph (15), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (16) as paragraph (17); and

(3) by inserting after paragraph (15) the following:

''(16) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement; and''.

(e) LOCAL USES OF FUNDS.—Section 3134 (20 U.S.C. 6844) is amended—

(1) in paragraph (5), by striking ''and'' after the semicolon;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

''(8) providing support to help parents understand the technology being applied in their child's education so that parents are able to reinforce their child's learning.''.

(f) LOCAL APPLICATIONS.—Section 3135 (20 U.S.C. 6845) is amended—

(1) in paragraph (1)(D)—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(iii) a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction their child receives at school;'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(C) improve parental involvement in schools;'';

(3) in paragraph (4)(B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.''.

(g) NATIONAL CHALLENGE GRANTS.—Section 3136(c) (20 U.S.C. 6846(c)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the project will enhance parental involvement by providing parents the information needed to more fully participate in their child's learning.''.

SEC. 7. DRUG-FREE SCHOOLS AND COMMUNITIES.

(a) STATE APPLICATIONS.—Section 4112 (20 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting '', including how the agency will receive input from parents regarding the use of such funds'' after ''4113(b)''; and

(B) in paragraph (6), by inserting '', and how such review will include input from parents'' after ''4115''; and

(2) in subsection (c)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).''.

(b) EVALUATION AND REPORTING.—Section 4117 (20 U.S.C. 7117) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.''; and

(2) in the first sentence of subsection (c), by striking the period and inserting ''and a description of how parents were informed of, and participated in, violence and drug prevention efforts.''.

SEC. 8. INNOVATIVE EDUCATION PROGRAM STRATEGIES.

(a) DEFINITION.—Section 6003 (20 U.S.C. 7303) is amended—

(1) by striking ''children, and (3)'' and inserting ''children, (3) adopting meaningful parental involvement policies and practices, and (4)''; and

(2) by adding at the end the following:

''(F) A climate that promotes meaningful parental involvement in the classroom and in site-based activities.''.

(b) STATE APPLICATIONS.—Section 6202(a) (20 U.S.C. 7332(a)) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) provides information on the parental involvement policies and practices promoted by the State.''.

(c) TARGETED USES OF FUNDS.—Section 6301(b) (20 U.S.C. 7351(b)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (9) the following:

''(10) programs to promote the meaningful involvement of parents.''.

(d) LOCAL APPLICATIONS.—Section 6303(a)(1)(A) (20 U.S.C. 7353(a)(1)(A)) is amended by inserting '', including parental involvement,'' before ''designed''.

SEC. 9. GENERAL PROVISIONS.

(a) DEFINITION.—Section 14101 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (24) through (30) as paragraphs (25) through (31), respectfully; and

(2) by inserting after paragraph (23) the following:

''(24) PARENTAL INVOLVEMENT.—The term 'parental involvement', when used with respect to a school, means—

''(A) the school engages parents in regular, two-way, and meaningful communication;

''(B) parenting skills are promoted and supported at the school;

''(C) parents play an integral role in assisting student learning;

''(D) parents are welcome in the school;

''(E) parents are included in decision-making and advisory committees at the school; and

''(F) parents are included in other activities described in section 1118.''.

(b) PARENTAL INVOLVEMENT.—Title XIV (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART H—PARENTAL INVOLVEMENT

''SEC. 14901. PARENTAL INVOLVEMENT.

''(a) STATE PARENTAL INVOLVEMENT PLAN.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

''(1) a description of the agency's parental involvement policies, consistent with section 1118, including specific details about—

''(A) how Federal funds will be used to implement such policies; and

''(B) successful research-based practices in schools throughout the State; and

''(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

''(b) PARENTAL REVIEW OF STATE PARENTAL INVOLVEMENT PLAN.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

''(1) providing public notice of the policies in a manner and language understandable to parents;

''(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

''(3) including the comments received with the submission.

''(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents and in an easily understandable manner.

''(d) REPORT CARDS.—

''(1) IN GENERAL.—Each local educational agency that receives assistance under this Act shall prepare and make available to parents an annual report card that puts into context various factors that affect student performance, such as the socioeconomic status of families in the school attendance area, the level of student mobility, and the availability of other student support services, and includes, at a minimum—

''(A) student achievement information as demonstrated by how students within schools served by the local educational agency perform on tests;

''(B) other measurements of student achievement;

''(C) teacher qualifications;

''(D) class size;

''(E) school safety;

''(F) dropout rates;

''(G) actions being taken by schools served by the local educational agency to involve parents in school activities and decision making; and

''(H) information concerning whether schools served by the local educational agency have been identified for school improvement, and if so, what technical assistance, supports, and resources have been provided to help the schools improve student achievement.

''(2) STUDENT DATA.—Student data in each report card under paragraph (1) shall contain disaggregated results for the following categories:

''(A) Gender.

''(B) Racial and ethnic group.

''(C) Migrant status.

''(D) Students with disabilities, as compared with students who are not disabled.

''(E) Economically disadvantaged students, as compared with students who are not economically disadvantaged.

''(F) Students with limited English proficiency, as compared with students who are proficient in English.

''(3) FORMAT.—School report cards under this subsection shall—

''(A) be in a format that—

''(i) is informative to the parents and the public;

''(ii) is easily understandable; and

''(iii) is in the language most familiar to the parents; and

''(B) provide a clear description of statistical data.

''(4) OTHER INFORMATION.—A local educational agency may include in the agency's report card under this subsection any other appropriate information.

''(5) PUBLIC DISSEMINATION.—Beginning in the 2002–2003 school year, the local educational agency shall publicly report the information described in paragraph (1) through such means as posting on the Internet, distribution to the media, and through public agencies.

''(6) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.''.

By Mr. REED:

S. 373. A bill to provide for the professional development of elementary and secondary school educators; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development opportunities for teachers and administrators.

I have long worked to improve the quality of teaching in America's classrooms for the simple reason that well-trained and well-prepared teachers and principals are central to improving the academic performance and achievement of students. In the 105th Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained, and I was pleased that this legislation was included in the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, ESEA, the focus shifts to increasing support for both new and veteran classroom teachers, as well as school principals.

Research shows that professional development programs, however, too often consist of fragmented, one-shot workshops, at which teachers passively listen to experts, and lack significant opportunity for teacher interaction. The Department of Education recently evaluated the Eisenhower Professional Development program and found that the vast majority of professional development opportunities are not of sufficient duration or intensity to generate significant improvements in teaching. Other studies support that finding and show that such professional development fails to improve or even impact teaching practice.

We do not expect students to learn their ''ABCs'' after one day of lessons, and we should not expect a one-day professional development workshop to yield the desired results. Indeed, the Department of Education found that teaching would improve if teachers experienced consistent, high-quality professional development.

Moreover, a recent survey of teachers found that professional development is too short-term and lacks intensity. In fact, recent studies indicated that the majority of teachers participated in

professional development activities from one to eight hours, or for no more than one day a year.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

There is also widespread agreement that a good principal is the keystone of a good school. However, there is great concern that the supply of quality principals may not meet the increasing demand for quality school leadership. Unfortunately, the depth and quality of support and development programs for both new and veteran principals varies widely, which creates another gap in our education system.

I am introducing legislation today which would reform professional development for teachers and principals.

There is broad consensus among experts about the elements that truly constitute an effective professional development program. Research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to work collaboratively; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, the higher their students scored on mathematics achievement on the state's assessment. Further, Community School District 2 in New York City has seen its investment in sustained, intensive professional development pay off with significant increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and offsite training opportunities. I have visited District 2 and have seen this outstanding professional development first hand.

My legislation builds on these successful models and the research on effective professional development to create a new formula program for high-quality professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, my legislation funds the following activities: mentoring; peer observation and coaching; curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum, addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; as well as release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, Department of Education data show that the Eisenhower Professional Development program activities are most effective when they are sponsored by institutions of higher education.

My legislation will also provide funding for leadership training to encourage highly qualified individuals to become principals, and to develop and enhance leadership, management, parental involvement, and mentoring skills for principals and superintendents. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical. Further, my legislation will provide funding for programs to encourage highly qualified and effective teachers to become mentoring teachers.

We know that our schools with the highest percentage of poverty have the greatest need for professional development improvement and resources, and that is why my bill targets funding to these schools.

Importantly, the Professional Development Reform Act offers resources but it demands results. The bill's strong accountability provisions require that school districts and schools which receive funding actually improve student performance and increase participation in sustained professional development in three years in order to secure additional funding.

In sum, my legislation seeks to ensure that new teachers and principals have the support they need to be successful educators, that all teachers have access to high quality professional development regardless of the content areas they teach, and that professional development does not isolate teachers, but rather brings teachers together as part of a coordinated and comprehensive strategy aligned with standards.

The time for action is now because schools must hire an estimated 2.2 million new teachers over the next decade due to increasing enrollments, the retirement of approximately half of our current teaching force, and high attrition rates. Ensuring that teachers and principals have the training, assistance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century. The Professional Development Reform Act, by increasing our professional development investment and focusing it on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the ESEA.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 373

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

SECTION 1. PROFESSIONAL DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the ''Professional Development Reform Act''.

(b) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

''PART E—PROFESSIONAL DEVELOPMENT

''SEC. 2351. PURPOSES.

''The purposes of this part are as follows:

''(1) To improve the academic achievement of students by providing every student with a well-prepared teacher and every school with an effective principal.

''(2) To provide every beginning teacher with structured support, including a qualified and trained mentor teacher, to facilitate the transition into successful teaching.

''(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

''(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

''(5) To transform, strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—

''(A) are collaborative, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

''(B) allow teachers regular opportunities to practice and reflect upon their teaching and learning; and

''(C) are responsive to teacher needs.

''SEC. 2352. DEFINITIONS.

''In this part:

''(1) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means effective professional development that—

''(A) is sustained, high quality, intensive, and comprehensive;

''(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to help elementary school or secondary school students

meet challenging State content standards and challenging State student performance standards;

''(C) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects;

''(D) includes sustained activities to encourage and provide instruction on how to work with and involve parents to foster student achievement, to address the specific needs of diverse students, including limited English proficient students, individuals with disabilities, and economically disadvantaged individuals, to integrate technology into the curriculum, to improve understanding and the use of student assessments, and to improve classroom management skills; and

''(E) includes sustained onsite training opportunities that provide active learning and observational opportunities for elementary school or secondary school teachers to model effective practice.

''(2) ADMINISTRATOR.—The term 'administrator' means a school principal or superintendent.

''(3) BEGINNING TEACHER.—The term 'beginning teacher' means an elementary school or secondary school teacher who has taught for 3 years or less.

''(4) MENTORING.—The term 'mentoring' means structured guidance and induction activities that provide ongoing and regular support to beginning teachers.

''SEC. 2353. STATE ALLOTMENT OF FUNDS.

''From the amount appropriated under section 2361 that is not reserved under section 2360 for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under section 2354 in an amount that bears the same relation to the amount appropriated under section 2361 that is not reserved under section 2360 for the fiscal year as the amount the State educational agency received under part A of title I for the fiscal year bears to the amount received under such part by all States having applications so approved for the fiscal year.

''SEC. 2354. STATE APPLICATION AND ACCOUNTABILITY PROVISIONS.

''Each State educational agency desiring an allotment under section 2353 for a fiscal year shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

''(1) a description of the strategy to be used to implement State activities described in section 2355;

''(2) a description of how the State educational agency will assist local educational agencies in transforming, strengthening, and improving professional development;

''(3) a description of how the activities described in section 2355 and the assistance described in paragraph (2) will assist the State in achieving the State's goals for comprehensive education reform, will help all students meet challenging State content standards and challenging State student performance standards, and will help all teachers meet State standards for teaching excellence;

''(4) a description of the manner in which the State educational agency will ensure, consistent with the State's comprehensive education reform plan policies, or statutes, that funds provided under this part will be effectively coordinated with all Federal and State professional development funds and activities, including funds and activities under this title, titles I, III, VI, and VII of this Act, title II of the Higher Education Act of 1965, section 307 of the Department of Education Appropriations Act, 1999, and the Goals 2000: Educate America Act; and

''(5) a description of—

''(A) how the State educational agency will collect and utilize data for evaluation of the activities carried out by local educational agencies under this part, including collecting baseline data in order to measure changes in the professional development opportunities provided to teachers and measure improvements in teaching practice and student performance; and

''(B) the specific performance measures the State educational agency will use to determine the need for technical assistance described in section 2355(3) and to make a continuation of funding determination under section 2358.

''SEC. 2355. STATE ACTIVITIES.

''From the amount allotted to a State educational agency under section 2353 for a fiscal year, the State educational agency—

''(1) shall reserve not more than 5 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, professional associations of administrators, institutions of higher education, or other groups or institutions that are responsive to the needs of administrators, or partnerships of those entities, programs that provide effective leadership training—

''(A) to encourage highly qualified individuals to become administrators; and

''(B) to develop and enhance instructional leadership, school management, parent involvement, mentoring, and staff evaluation skills of administrators;

''(2) shall reserve 3 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, institutions of higher education, or other groups or institutions that are responsive to the needs of teachers, or partnerships of those entities, programs that provide effective leadership and mentor training—

''(A) to encourage highly qualified and effective teachers to become mentor teachers; and

''(B) to develop and enhance the mentoring and peer coaching skills of such qualified and effective teachers;

''(3) may reserve not more than 2.5 percent for providing technical assistance and dissemination of information to schools and local educational agencies to help the schools and local educational agencies implement effective professional development activities that are aligned with challenging State content standards, challenging State student performance standards, and State standards for teaching excellence; and

''(4) may reserve not more than 2.5 percent for evaluating the effectiveness of the professional development provided by schools and local educational agencies under this part in improving teaching practice, increasing the academic achievement of students, and helping students meet challenging State content standards and challenging State student performance standards, and for administrative costs.

''SEC. 2356. LOCAL PROVISIONS.

''(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 for the fiscal year to each local educational agency in the State that is eligible to receive assistance under part A of title I for the fiscal year in an amount that bears the same relation to the allotted funds that are not reserved under section 2355 as the amount such local educational agency received under such part for the fiscal year bears to the amount all such local educational agencies in the State received under such part for the fiscal year.

''(b) APPLICATION AND ACCOUNTABILITY PROVISIONS.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require. The application shall include—

''(1) a description of how the local educational agency plans—

''(A) to work with schools served by the local educational agency that are described in section 2357 to carry out the local activities described in section 2357; and

''(B) to meet the purposes described in section 2351;

''(2) a description of the manner in which the local educational agency will ensure that—

''(A) the grant funds will be used—

''(i) to provide teachers with the knowledge and skills necessary, including subject matter and teaching methods, to teach students to meet the proficient or advanced level of performance on challenging State content standards and challenging State student performance standards, and to carry out any local education reform plans or policies; and

''(ii) to help teachers meet standards for teaching excellence; and

''(B) funds provided under this part will be effectively coordinated with all Federal, State, and local professional development funds and activities;

''(3) a description of how the professional development and mentoring activities to be carried out through the grant will address the ongoing professional development and mentoring of teachers and administrators;

''(4) a description of the local educational agency's strategy for—

''(A) selecting and training highly qualified mentor teachers (utilizing teachers certified by the National Board for Professional Teaching Standards and teachers granted advanced certification as a master or mentor teacher by the State, where possible), for matching such mentor teachers (from the beginning teachers' teaching disciplines) with the beginning teachers; and

''(B) providing release time for the teachers (utilizing highly qualified substitute teachers and high quality retired teachers, where possible);

''(5) a description of how the local educational agency will provide training to enable the teachers to address the needs of students with disabilities, students with limited English proficiency, and other students with special needs;

''(6) a description of how the professional development and mentoring activities will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students;

''(7) a description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education;

''(8) a description of how the local educational agency will collect and analyze data on the quality and impact of activities carried out in schools under this part, and the specific performance measures the local educational agency will use in the local educational agency's evaluation process;

''(9) a description of the local educational agency's plan to develop and carry out the activities described in section 2357 with the extensive participation of administrators, teachers, parents, and the partnering institution described in section 2357(4); and

''(10) a description of the local educational agency's strategy to ensure that there is schoolwide participation in the schools to be served.

''SEC. 2357. LOCAL ACTIVITIES.

''Each local educational agency receiving an allocation under this part shall use the allocation to carry out professional development activities in schools served by the local educational agency that have the highest percentages of students living in poverty, as measured in accordance with section 1113(a)(5), including—

''(1) mentoring, team teaching, and peer observation and coaching;

''(2) dedicated time for collaborative lesson planning and curriculum development meetings;

''(3) consultation with exemplary teachers and short-term and long-term visits to other classrooms and schools;

''(4) partnering with institutions of higher education and, where appropriate, educational nonprofit organizations, for joint efforts in designing the sustained professional development opportunities, for providing advanced content area courses and other assistance to improve the content knowledge and pedagogical practices of teachers, and providing training to address areas of teacher and administrator shortages, as appropriate;

''(5) providing release time (including compensation for mentor teachers and substitute teachers as necessary) for activities described in this section; and

''(6) developing professional development networks, through Internet links, where available, that—

''(A) provide a forum for interaction among teachers and administrators; and

''(B) allow the exchange of information regarding advances in content and pedagogy.

''SEC. 2358. CONTINUATION OF FUNDING.

''Each local educational agency or school that receives funding under this part shall be eligible to continue to receive the funding after the third year the local educational agency or school receives the funding if the local educational agency or school demonstrates that the local educational agency or school has—

''(1) improved student performance;

''(2) increased participation in sustained professional development and mentoring programs;

''(3) reduced the number of out-of-field placements and the number of teachers who are not certified or licensed;

''(4) reduced the beginning teacher attrition rate for the local educational agency or school; and

''(5) increased partnerships and linkages with institutions of higher education.

''SEC. 2359. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this part shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to teacher programs or professional development.

''SEC. 2360. NATIONAL ACTIVITIES.

''(a) RESERVATION.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

''(b) NATIONAL EVALUATION.—

''(1) IN GENERAL.—The Secretary shall provide for an annual, independent, national evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

''(2) STATE REPORTS.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(4).

''(3) REPORT TO CONGRESS.—The Secretary annually shall submit to Congress a report that describes the information in the national evaluation and the State reports.

''(c) DISSEMINATION.—The Secretary shall collect and broadly disseminate information (including creating and maintaining a national database or clearinghouse) to help States, local educational agencies, schools, teachers, and institutions of higher education learn about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teaching and administrator opportunities.

''SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. COCHRAN):

S. 374. A bill to authorize the operation by the National Guard of counterdrug schools, and for other purposes; to the Committee on Armed Services.

Mr. GRASSLEY. Mr. President, I want to draw my colleagues' attention to the critical role our National Guard plays in efforts to rid our country of illegal drugs—a role that I believe should be expanded. The Guard operates several regional support schools around the nation, that facilitate valuable training for state and local law enforcement agencies. These schools are dedicated to teaching counterdrug-related skills to State and local law enforcement agencies and community based organizations. These counterdrug schools provide training to thousands of people each year that would otherwise not be able to receive it for a lack of resources.

Operating under the authority of Title 32, United States Code, Section 112, the National Guard actively supports local, state, and federal law enforcement agencies and community based antidrug coalitions. As a part of this effort, the National Guard currently operates four schools that provide unique and invaluable assistance to those individuals at the forefront of our country's drug interdiction and demand reduction effort. These schools, located in Pennsylvania, Florida, Mississippi, and California, have proved their effectiveness in developing training and educational opportunities for local law enforcement officials—opportunities that would not otherwise exist.

I note, however, that the vagaries in funding and geographical distribution of the existing schools have limited the effectiveness of these training programs. Our national drug problem is not a coastal problem, but affects all communities throughout the United States. I believe we need a more centrally located school to provide more accessible training in the Midwest and Northwest United States.

In addition to the need for a fifth school in the upper-Midwest, we should also consider the current budgeting process for these schools. I believe a critical element in achieving quality training for law enforcement and being cost-effective at the same time must include a unified National Guard Counterdrug schools budget which fully funds the schools. Rather than being pieced together from the National Guard State budgets, Defense Department support, and Congressional line items, there should be a discrete item for these National Guard schools so Congress can have a clearer idea of the mission, the funding, and the accomplishments of these schools.

Today, joining with my colleagues Senator HARKIN and Senator COCHRAN, I am introducing legislation that will accomplish these objectives. This legislation clarifies the authorities of the National Guard Bureau to operate the four existing counterdrug schools. In addition, it would establish one additional school in Iowa to serve law enforcement agencies in the Midwest and Northwest United States. It will establish a separate line of funding for these counterdrug schools with an authorized funding level of $25 million for FY 2002.

I want to take a moment to say something additional about the fifth school (Midwest Counterdrug Training Center, MCTC, to be established at Camp Dodge, located in Johnston, Iowa. Designed to fulfill a need for training in the Midwest and Northwest United States, it would be primarily supported by the Iowa National Guard, and serve as a training center for State and local law enforcement agencies in the Midwest and Northwest United States. Camp Dodge has much of the physical infrastructure necessary for the school, including housing and being the hub for a state-wide fiber optic network that allows for live, two way video and audio communication between Camp Dodge and every National Guard Armory and school district in the State of Iowa.

I hope all of my colleagues will join me in supporting this legislation, which I now send to the desk and ask that it be printed in the RECORD.

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

S. 374

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

SECTION 1. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate not more than five schools (to be known generally as ''National Guard counterdrug schools'') for

the provision by the National Guard of training in drug interdiction and counter-drug activities, and drug demand reduction activities, to the personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(b) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), to be established in Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(c) USE OF NATIONAL GUARD PERSONNEL.—(1) To the extent provided for in the State drug interdiction and counter-drug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (a) at that school.

(2) In this subsection, the term ''State drug interdiction and counter-drug activities plan'', in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(d) ANNUAL REPORTS ON ACTIVITIES.—(1) Not later than February 1, 2002, and annually thereafter, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools.

(2) Each report under paragraph (1) shall set forth the following:

(A) The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(3) The report under paragraph (1) in 2002 shall set forth, in addition to the matters described in paragraph (2), a description of the activities relating to the establishment of the Midwest Counterdrug Training Center in Johnston, Iowa.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002, $25,000,000 for purposes of the National Guard counterdrug schools in that fiscal year.

(2) The amount authorized to be appropriated by paragraph (1) is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002.

(f) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by subsection (e)(1)—

(A) $4,000,000 shall be available for the National Interagency Civil-Military Institute, San Luis Obispo, California;

(B) $8,000,000 shall be available for the Multi-Jurisdictional Counterdrug Task Force Training, St. Petersburg, Florida;

(C) $3,000,000 shall be available for the Midwest Counterdrug Training Center, Johnston, Iowa;

(D) $5,000,000 shall be available for the Regional Counterdrug Training Academy, Meridian, Mississippi; and

(E) $5,000,000 shall be available for the Northeast Regional Counterdrug Training Center, Fort Indiantown Gap, Pennsylvania.

(2) Amounts available under paragraph (1) shall remain available until expended.

(g) FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2002.—(1) The budget of the President that is submitted to Congress under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 2002 shall set forth as a separate budget item the amount requested for such fiscal year for the National Guard counterdrug schools.

(2) It is the sense of Congress that—

(A) the amount authorized to appropriated for the National Guard counterdrug schools for any fiscal year after fiscal year 2002 should not be less than the amount authorized to be appropriated for those schools for fiscal year 2002 by subsection (e)(1), in constant fiscal year 2002 dollars; and

(B) the amount made available to each National Guard counterdrug school for any fiscal year after fiscal year 2002 should not be less than the amount made available for such school for fiscal year 2002 by subsection (f)(1), in constant fiscal year 2002 dollars, except that the amount made available for the Midwest Counterdrug Training School should not be less than $5,000,000, in constant fiscal year 2002 dollars.

Mr. HARKIN. Mr. President, today I am introducing two bills that I believe will help address a critical need for Iowa state and local law enforcement.

These bills, which would provide needed training assistance in narcotics as well as overall law enforcement, are based on my conversations with Iowa law enforcement officials last summer.

The National Guard Counter Drug Schools Act, which I am cosponsoring with my colleague from Iowa, Senator GRASSLEY, would create a new counterdrug training school at Camp Dodge in Johnston, Iowa that law enforcement can use for the specialized training on drug investigations, including those cases that involve methamphetamine.

The National Guard has four of these centers in Florida, Pennsylvania, California and Mississippi. But, Senator GRASSLEY and I recognized the need for one in the Midwest—to help state and local law enforcement in their efforts to reduce the supply and demand of methamphetamine and other dangerous drugs.

The second one, which I am cosponsoring with Senator HUTCHINSON from Arkansas, would focus on rural law enforcement—and would provide new training and assistance resources for small town sheriff and police departments.

Right now, rural law enforcement officers in Iowa and across the country have limited resources where they can get continued training for general investigations, the latest in forensics technology and technical assistance.

One place where many of them go is the National Center for Rural Law Enforcement in Little Rock, Arkansas. But, these small departments need something that's closer to home.

The Rural Law Enforcement Assistance Act would bring the Center closer to these officers by expanding the center into branches in eight regions across the country.

I believe these two bills will help ensure that rural law enforcement agencies receive the training and assistance they need to make their communities safer.

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. HARKIN, Mr. FEINGOLD, Mr. REED, Mr. JEFFORDS, and Mr. KERRY):

S. 375. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED, JEFFORDS, and KERRY, I am introducing legislation to help facilitate East Timor's transition to independence. Congressman LANTOS, Congressman CHRIS SMITH, and others have introduced identical legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor's infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation's Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor's leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national produce is $340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive.

The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes $25 million in bilateral assistance, $2 million for a Peace Corps presence and $1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, the Trade and Development Agency and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask that a copy of the bill appear in the RECORD, and I urge my colleagues to support this bill.

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

S. 375

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 ''East Timor Transition to Independence Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent then retaliated against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering at least 1,000 people.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began to provide overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is $340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require $300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) help ensure that the nature and pace of the economic transition in East Timor is consistent with the needs and priorities of the East Timorese people, that East Timor develops a strong and independent economic infrastructure, and that the incomes of the East Timorese people rise accordingly;

(3) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(4)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(5) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration;

(C) the possible establishment of an international tribunal for East Timor; and

(D) sharing with the United Nations Transitional Administration for East Timor (UNTAET) and East Timorese investigators any unclassified information relevant to past atrocities in East Timor gathered by the United States Government; and

(6)(A) as an interim step, support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia-Pacific Economic Cooperation (APEC) group, the Association of Southeast Asian Nations (ASEAN), and other international institutions; and

(B) after East Timor achieves independence, support full membership for East Timor in these and other international institutions, as appropriate.

SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor's health care infrastructure, educational programs, and programs strengthening the role of women in society;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out this section $30,000,000 for each of the fiscal years 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 5. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Peace Corps to carry out this section $2,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to

carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection $1,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relating to generalized system of preferences).

(b) TECHNICAL ASSISTANCE.—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

SEC. 9. BILATERAL INVESTMENT TREATY.

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

(a) AUTHORITY.—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003 to carry out subsection (a).

SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.

(a) DEVELOPMENT OF DETAILED PLAN.—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) SUBSEQUENT REPORTS.—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) FORM OF REPORT.—Each report submitted under this subsection shall be in unclassified form, with a classified annex as necessary.

SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) AUTHORIZATION.—Beginning on the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) STUDY AND REPORT.—

(1) STUDY.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) REPORT.—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

SEC. 13. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

SEC. 14. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) INFORMATION.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities;

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and

(7) statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.

By Mr. GRASSLEY (for himself and Mr. DEWINE):

S. 376. A bill to amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States

counterdrug efforts, and for other purposes; to the Committee on Foreign Relations.

Mr. GRASSLEY. Mr. President, I am sending to the desk a bill for myself and Mr. DEWINE to reform the current certification requirement for international drug control. As many members know, I have been a strong supporter of the drug certification process. I remain one. Of late, however, we have seen a lot of criticism of the process. Some of this has been by foreign countries and some here at home. Rather than answer all of these criticisms, I want to take a few moments to address what I believe have been misconceptions about the process.

The first point I want to make is to remind my colleagues why Congress required certification in the first place. It arose because we believed that doing something here and overseas about the drug problem was in the national interests. The public agreed. I might add the public has not changed its mind. I don't believe that we ought to do so either.

Most of the drugs available in the United States today come from overseas. They are produced overseas and smuggled to this country. That production is illegal. It is illegal in international law. It is illegal in the domestic laws of all the countries where these drugs are produced. It is illegal to smuggle the drugs. Here and abroad. The consequences of that smuggling—illegal drugs on our streets—are felt in homes and neighborhoods and schools all across this country.

I continue to believe that it is in our interest to stop that production and flow. I own that we have an obligation to expect countries to abide by international law, bilateral agreements, and their own legal codes on drug production and trafficking. I believe that it is not just a quirk of U.S. interest to expect that we and others commit ourselves to stopping this illegal production and trade. In fact, I believe that we have a moral obligation to stop these activities. In order to do that, we need a clear, knowable process that holds ourselves and other countries to account for what we do to help stop this production and trade.

Drug dealers do more harm to this country every year than all the terrorists put together have done in the past 10 years. Let me ask my colleagues, would you seriously offer to ignore or suspend the requirements that we have put in place that hold others to an international standard of conduct on stopping terrorism? Human rights? I think not. But that is one of the things being proposed for how to deal with international drug certification. I do not propose that we be any less committed to stopping illegal drugs internationally than we are when other important concerns are involved, and I ask my colleagues to support this view.

I also would point out that this is no time to carve out special exemptions for any one country or region. We remain collectively responsible to act responsibly on this issue. That means every one of us.

My second point on why we have the certification process is to note congressional intent. We passed the law 15 years ago to make stopping illegal drug production and transit a national priority. I do not believe that most members of Congress nor the majority of the U.S. public believe that it is time to change that. Drug trafficking and threats from major criminal organizations have grown worse not better. Our third largest foreign assistance program is to help Colombia deal with problems arising from trafficking and the thugs that promote it. Is it really time to say we no longer regard international drug trafficking as a national priority? I happen to believe that it is not.

I would also note that we have had repeated demonstrations in the past several years of the effectiveness of certification in securing improved international cooperation. Administration officials have testified repeatedly as to its effectiveness and utility. It has also given us needed leverage in specific cases to make important progress. I for one am unwilling to undo a process that has paid such dividends.

On the other hand, I am aware that the certification process has raised a number of concerns here and abroad in the past few years. While I do not think that the solution in response to these concerns is to suspend the process, I do have a suggestion that I believe will help. Hence the bill Senator DEWINE and I send to the desk.

Briefly what this proposal does is to simplify the current methodology. At present, we have a three-step certification process: the President can certify a country as fully cooperating, decertify a country as failing to cooperate, or decertify with a national interest waiver. This aspect of the process has been the main source of contention. It has led some to believe that it forces the Administration to be less than candid about some countries that might be on the list. It has also complicated our relations with important allies.

What this proposal does is to go to a decertification only standard. This is similar to what we do with terrorism and human rights. In other words, the default position is that all countries are doing the right thing on meeting international drug control standards. The only countries singled out for consideration are those whose actions are clearly outside a reasonable assessment of accountability as defined in current law.

Our bill simplifies a complex process and focuses attention on the bad guys. It gives the President more flexibility. In doing so, we keep accountability. We keep a useful process in place. We avoid unnecessary complications with friends and allies doing the responsible thing. We maintain necessary reporting on international efforts. We keep our eye on a critical issue.

The provision also sunsets in three years unless Congress acts to keep it. That means we have a chance to drive it around the block, kick the tires, and see if it's a lemon or not.

I urge my colleagues to join us in supporting this bill and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 376

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

SECTION 1. THREE-YEAR MODIFICATION OF PROCEDURES RELATING TO ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.

(a) IN GENERAL.—Chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amended by adding at the end the following new section:

"SEC. 490A. LIMITATIONS DURING FISCAL YEARS 2002, 2003, AND 2004 ON ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.

''(a) ANNUAL IDENTIFICATION OF COUNTRIES NOT COOPERATING.—Not later than November 1 of 2001, 2002, and 2003, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that the President proposes to be subject to the provisions of subsection (f) in the fiscal year in which the country is so identified by reason that such country—

''(1) is not cooperating fully with the United States in achieving full compliance with the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

''(2) is not taking adequate steps on its own to achieve full compliance with the goals and objectives of the Convention; or

''(3) is not taking adequate steps to achieve full compliance with the goals and objectives of a bilateral agreement with the United States on illicit drug control.

''(b) COUNTRIES SUBJECT TO WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL ASSISTANCE.—

''(1) IDENTIFICATION.—Not later than March 1 of 2002, 2003, and 2004, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that shall be subject to the provisions of subsection (f) during the fiscal year in which the country is so identified under this subsection by reason of its identification in the most recent report under subsection (a).

''(2) LIMITATION ON COUNTRIES IDENTIFIED.—A country may be identified in a report under paragraph (1) only if the country is also identified in the most recent report under subsection (a).

''(c) CONSIDERATIONS REGARDING COOPERATION.—In determining whether or not a country is to be identified in a report under subsection (a) or (b), the President shall consider the extent to which the country—

''(1) has met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such matters as illicit cultivation, production, distribution, sale, transport, financing, money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

''(2) has accomplished the goals described in the applicable bilateral narcotics control agreement with the United States or a multilateral agreement;

''(3) has taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

''(4) in the case of a country that is a producer of licit opium—

''(A) maintains licit production and stockpiles of opium at levels no higher than those consistent with licit market demand; and

''(B) has taken adequate steps to prevent significant diversion of its licit cultivation and production of opium into illicit markets and to prevent illicit cultivation and production of opium.

''(d) OMISSION FOR NATIONAL SECURITY REASONS.—

''(1) IN GENERAL.—The President may omit from identification in a report under subsection (b) a country identified in the most recent report under subsection (a) if the President determines that the vital national security interests of the United States require that the country be so omitted.

''(2) NOTICE TO CONGRESS.—If the President omits a country under paragraph (1) from a report under subsection (b), the President shall include in the report under that subsection—

''(A) a full and complete description of the vital national security interests of the United States placed at risk if the country is not so omitted; and

''(B) a statement weighing the risk described in subparagraph (A) against the risk posed to the vital national security interests of the United States by reason of the failure of the country to cooperate fully with the United States in combatting narcotics or to take adequate steps to combat narcotics on its own.

''(e) CONGRESSIONAL ACTION.—

''(1) IN GENERAL.—The provisions of subsection (f) shall apply to a country in a fiscal year if Congress enacts a joint resolution, not later than March 30 of the fiscal year, providing that such provisions shall apply to the country in the fiscal year.

''(2) COVERED COUNTRIES.—A joint resolution referred to in paragraph (1) may apply to a country for a fiscal year only if the country was not identified in the report in the fiscal year under subsection (b).

''(3) SENATE PROCEDURES.—Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765), except that for purposes of that section the certification referred to in section 601(a)(2)(B) of that Act shall be the applicable report of the President under subsection (b) of this section.

''(f) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL ASSISTANCE.—

''(1) BILATERAL ASSISTANCE.—Commencing on March 1 of a fiscal year in which a country is identified in a report under subsection (b), or March 31 in the case of a country covered by a joint resolution enacted in accordance with subsection (e), fifty percent of the United States assistance allocated to the country for the fiscal year in the report required by section 653 shall be withheld from obligation and expenditure.

''(2) MULTILATERAL ASSISTANCE.—Commencing on March 1 of a year in which a country is identified in a report under subsection (b), or March 31 in the case of a country covered by a joint resolution enacted in accordance with subsection (e), the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after that date, against any loan or other utilization of the funds of such institution for the country.

''(3) MULTILATERAL DEVELOPMENT BANK DEFINED.—In this subsection, the term 'multilateral development bank' means the following:

''(A) The International Bank for Reconstruction and Development.

''(B) The International Development Association.

''(C) The Inter-American Development Bank.

''(D) The Asian Development Bank.

''(E) The African Development Bank.

''(F) The European Bank for Reconstruction and Development.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the following:

''(1) The Committees on Foreign Relations and Appropriations of the Senate.

''(2) The Committees on International Relations and Appropriations of the House of Representatives.''.

(b) RELATIONSHIP TO CURRENT CERTIFICATION PROCESS.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended by adding at the end the following new subsection:

''(i) LIMITATION ON APPLICABILITY.—This section shall not apply during fiscal years 2002, 2003, and 2004. For limitations on assistance during those fiscal years for countries not cooperating with United States counterdrug efforts see section 490A.''.

(c) CONFORMING AMENDMENT.—Section 489(a)(3)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(3)(A)) is amended by inserting after ''under section 490(h)'' the following ''or, in 2002, 2003, and 2004, as otherwise determined by the President for purposes of this section''.

SEC. 2. INCLUSION OF MAJOR DRUG TRAFFICKING ORGANIZATIONS IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h), as amended by this Act, is further amended—

(1) in subsection (a), by adding after the flush matter at the end of paragraph (7) the following new paragraph (8):

''(8) The identity of each organization determined by the President to be a major drug trafficking organization, including a description of the activities of such organization during the 2 fiscal years preceding the fiscal year of the report.''; and

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

''(c) DEFINITIONS.—In this section:

''(1) MAJOR DRUG TRAFFICKING ORGANIZATION.—The term 'major drug trafficking organization' means any organization engaged in substantial amounts of illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, engages in money laundering or proceeds from such activities, or otherwise endeavor or attempt to do so, or to assist, abet, conspire, or collude with others to do so.

''(2) NARCOTIC DRUG; CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms 'narcotic drug', 'controlled substance', and 'listed chemical' have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

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

S. 378. A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the ''Paul Simon Chicago Job Corps Center''; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today Senator FITZGERALD and I are introducing legislation naming the Job Corps Center in Chicago, Illinois, for our former colleague, Senator Paul Simon.

During his 12 years in the Senate, Paul Simon was a stalwart champion of the Job Corps program and the work it does in connecting disadvantaged young people to the job market. He led the fight for the job corps as chairman of the authorizing subcommittee of jurisdiction and also through requests to the Senate Appropriations Committee. During most of this time, Chicago was the last remaining large city without a Job Corps center, despite the community's strong interest in the program. Securing a charter for a Job Corps center in Chicago was one of Paul Simon's top priorities in the latter half of his service in the Senate.

Working within the established process for establishing new centers, Paul Simon pressed ahead with Illinois allies like former U.S. Representative John Porter, Chicago Mayor Richard Daley, and the Job Corps community to ensure that Chicago's application met all program specifications and that the funds for expansion would be there when Chicago's charter was approved. These years of effort succeeded in meeting that goal. Eventually funds were appropriated for expansion of the Job Corps program, and Chicago's Job Corps center now is open and serving the Chicago community and, most importantly, its young people.

Naming the Chicago Job Corps Center for Paul Simon would be especially fitting for three reasons: Job training and employment policy are central elements of the legacy of his service in Congress; he has long been recognized as a diligent and effective champion of the Job Corps' mission; and he spent years to fulfill the goal of opening a Job Corps center in Chicago. Other centers in the Job Corps network have been named for individuals, and this designation would be particularly fitting for the Chicago center, a facility Paul Simon worked tirelessly to create.

Paul Simon was clearly one of the Senate's most respected voices. This legislation would honor his service and his commitment to youth and job training. It is a small but very appropriate way to recognize his leadership. I invite my colleagues to join Senator FITZGERALD and me in honoring Senator Paul Simon through this legislation.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. LEAHY, Mr. DURBIN, Mr. KOHL, Ms. COLLINS, Ms. LANDRIEU, Mr. MCCAIN, and Mrs. CLINTON):

S. 379. A bill to establish the National Commission on the Modernization of Federal Elections conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. KERRY. Mr. President, I am pleased to join my colleagues Senators SCHUMER and BROWNBACK as an original cosponsor on the Federal Election Modernization Act of 2001. It has been approximately three months since Americans cast their vote for President, and for many, there remains a degree of uneasiness about the whole process. Many Americans who voted or tried to vote feel disenfranchised. They believe their votes didn't count and their voices weren't heard.

We can be thankful that we are past the days of poll taxes, literacy tests, and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy nation in the world to be using voting equipment that is 30 years old. And it is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn't get counted, while their white suburban neighbors, using better equipment, could rest assured that there were no voting irregularities in their precincts that would have caused their votes to be discarded.

If we can't promise all of our citizens that their votes will count equally, then all of the past work this nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

That is why I am pleased to join my colleagues on this bill. The bill creates a blue ribbon commission that will study the way we administer Federal elections and recommend ways to modernize the process. The bill also establishes a five-year, $2.5 billion grant program to help upgrade state and local election systems.

Both of these elements are critical if we are going to have real reform of our election processes. The commission, which will include among its advisory members a representative from the US Commission on Civil Rights, will study methods of voting and counting votes, methods of ensuring accessibility to the polls and to voting equipment, and methods of identifying registered voters. Its mission will be to provide Congress with recommendations to better ensure that all of our citizens can exercise their fundamental right to vote and have that vote count.

The second piece of this legislation provides states with a portion of the estimated $3–9 billion they will need to upgrade their voting systems. This bill provides $2.5 billion over five years in Federal matching grants to States and localities to buy new voting equipment, overhaul election administration technology, train poll workers, or implement any other recommendation of the Commission. States and localities will maintain their independence in administering their elections, as states are not required to carry out the Commission's recommendations. But more and more states are sure to apply for grants to finance the reforms they wish to adopt.

The Federal government must provide states with at least a portion of the resources they will need to overhaul their voting systems. State officials, from governors to county supervisors, face competing demands for funds every day, as they decide how to pay their teachers, pave their roads, and remove their garbage. When it comes to paying for Federal elections, buying the newest, most reliable technology may be far down on their list of priorities. That is why the Federal matching grant program is so important. It gives the incentive, as well as the resources, to make improvements that are necessary to assure the integrity of our elections.

If there is a silver lining to the chaos that followed the election in November, it is that Congress is now fully aware that we must repair our election system nationwide. This bill is critical to that effort.

By Mr. ALLARD (for himself and Mrs. HUTCHISON):

S. 381. A bill to amend the Uniformed and Overseas Citizens Absentee voting Act, the Soldiers' and Sailors' Civil Relief act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

Mr. ALLARD. Mrs. President, the bad taste left in everyone's mouth after the Florida election debacle is certainly strongest in those who had their franchise questioned while, incredibly, they were away serving our country. Military men and women are forced to give up some opportunities during their military service that the rest of us can still enjoy. They surrender some of the freedom of speech, privacy and personnel liberty that we take for granted. But losing their right to vote is never something they agreed to face, and never something we should allow them to face.

The bill I am introducing today with Senator KAY BAILEY HUTCHISON, the Military Voter Support Act, enhances the voting ability of absentee military voters in six key ways. This bill will help us ensure that we will not see the repeat of campaign lawyers scrutinizing military ballots in a partisan attempt to silence their voice.

I know that I was not the only one who felt outrage over this. My office received a flood of calls and letters from Colorado citizens equally upset. I hope this bill proves to our uniformed voters that we not only value their service, we value their voice, and we value their right to vote.

The language applies to service members, their spouses, and voting age dependents who are necessarily absentee with them.

The bill prohibits a state from disqualifying a ballot based upon lack of postmark or witness signature alone—this was the basis for most absentee ballot challenges in Florida. Technical faults beyond the control of the voter should not endanger their ballot.

The bill secures the voting residence of a military voter as they travel on orders. It prevents a repeat of the 1997 Texas lawsuit challenging future intent of residency.

It will allow polling places to be operated on military installations to serve military voters and others at the discretion of the appropriate service Secretary. The law against this was revived and enforced by the Clinton Administration for the 2000 elections.

There is a Catch-22 for military voters who are discharged and move before an election but after the residency deadline. They cannot vote through the military absentee ballot system. Yet sometimes they are not able to fulfill deadlines to establish residency in a State. This bill allows them to use the proper discharge forms as a residency waiver and vote in person at their new polling site.

Given the technologies available to us, it should be possible for the military to devise and run an efficient and reliable electronic voting program. The bill calls for a demonstration program during the 2002 elections of a possible electronic voting system for the 2004 elections.

After each election the Pentagon Federal Voting Assistance Program makes recommendations to each state on ways to improve the voting ability of absentee voters by state statute changes. This bill brings more attention to bear on these improvements—and hopefully generates more state legislature interest—by requiring the states to report on their implementation of these suggestions to the Secretary of Defense. I believe this mild requirement upon a state will raise the profile of these fixes, and facilitate in-depth discussion and study by the states. And that will, in turn, only serve to improve military absentee voting.

I sincerely hope that military members understand that we in the Congress are as outraged as they are about the problems they experienced in voting. This bill is a way to attack those problems. With it, I hope the 2002 election and every one following is a far better demonstration of our democracy and the value we place on the right to vote.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Ms. COLLINS, Mr. DEWINE, and Mr. ENZI):

S. 382. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination in Health Insurance Act. I am delighted to be joined by Senators FRIST, JEFFORDS, COLLINS, DEWINE, and ENZI as original cosponsors of this bill, which provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

Similar language passed the Senate in the last Congress as part of the Patients' Bill of Rights, and as an amendment to the FY2001 Labor-HHS-Education appropriations bill by a vote of 58 to 40. The only substantive difference between this year's legislation and last year's is the inclusion of a safe harbor provision to prevent conflict with the new HHS medical confidentiality regulations.

This bill ensures that people cannot be denied insurance coverage on the basis of genetic information, cannot be dropped from coverage on the basis of genetic information, cannot be charged exorbitant premiums based on genetic information, and cannot be discriminated against for requesting or receiving genetic services.

The bill also ensures that insurance companies cannot release a person's genetic information without their prior consent, and cannot carve out covered services because of an inherited genetic disorder. Finally, we included safe harbor language to prevent conflict with the new privacy regulations published in December by the Department of Health and Human Services.

Scientists are finding genetic links to a whole host of diseases such as breast cancer and Huntington's disease—in fact, there are now tests for over 450 disorders including Alzheimer's, cystic fibrosis, Parkinson's, glaucoma, and kidney and colon cancer. Last June America learned that scientists have completed their mapping of the human gene. This was a remarkable and historic event that opens the door to new scientific breakthroughs that may well help lead us one day to the cause and cure for many of these diseases.

Unfortunately, this remarkable news has the potential to become a dangerous tool. As the old adage goes, ''knowledge is power'' and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Today in America, we know that an estimated 15 million people are affected by over 4,000 currently known genetic disorders. And while we cannot yet prevent the diseases that genetic testing can help us find, we can give carriers of these mutated genes the information they need to take extra precautions to protect their health and that of their loved ones.

It is important to remember that while genetic testing is helpful as an informational tool, it still remains an inexact science. Prediction does not mean certainty—in the case of the Alzheimer's gene, for example, there is less than a 35 percent chance that a patient who tests positive for the mutated gene will actually develop the disease. And yet, that person should not have to worry about their health insurance coverage?

For instance, when it comes to breast cancer, we know that early detection can often mean the difference between life and death. We also know that women who inherit mutated forms of either of two genes related to breast cancer—BRCA1 or BRCA2 have an 85 percent risk of developing the disease. So, should a woman test positive, she is more likely to take measures such as regular mammograms and self-examinations that can detect cancer early—thereby giving herself a fighting chance.

But at the end of the day, all of this means nothing if people are afraid to take advantage of genetic testing. And people are afraid that the trade-off for gaining an edge in the battle against disease could be losing health insurance—or higher premiums. That's just plain wrong. We need every advantage we can get when it comes to breast cancer and other diseases, and that's why we need this bill.

The bill we are offering will address these concerns and will allow our health care system to catch up to the tremendous health care advances of the past few years. It makes no sense to be on the cutting edge of medicine but remain in the dark ages when it comes to genetic discrimination.

Anyone who has heard me speak on this issue before has heard me tell of the story of Bonnie Lee Tucker, a constituent whose situation is so compelling that it bears repeating. Indeed, Bonnie Lee puts a face and a name to the very problem I am trying to address here with this bill.

Nine women in Bonnie Lee's immediate family have been diagnosed with breast cancer. And Bonnie Lee herself is a breast cancer survivor. So you can imagine that Bonnie Lee is very worried about her daughter, and would like more than anything to have the BRCA test for breast cancer. But she hasn't because she is frightened that having this test could ruin her daughter's chances of ever obtaining insurance in the future.

Bonnie Lee Tucker is not alone. Across this country there are mothers and fathers who are caught in a grip of fear for their children—fear that they may have passed along a disease that, without early detection and treatment could kill their child and fear that if a genetic test detects a mutated gene they will have ruined their children's chance of obtaining insurance further down the line.

This bill will put an end to discriminatory insurance practices based on genetic testing and allow patients the freedom to access vital information about their health—and I hope my colleagues will join us in supporting it.

Mr. FRIST. Mr. President, I rise today to speak on the critical issue of genetic discrimination and to once again proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, and DEWINE, in introducing the Genetic Information Nondiscrimination in Health Insurance Act of 2001. This progressive, forward-looking legislation, which we have developed and pushed over the past several years, will provide patients with real protections against the threat of genetic discrimination in health insurance.

This week, researchers will, for the first time, publish the complete human genome map and sequence. As a physician and researcher, I applaud the completion of this work, and recognize that, although much has been done, much more remains before we may have a complete understanding of the human gene and its role in many diseases.

Over the past several years, I have closely followed the progress of the research into the human gene, aware of the prospect that it has to radically alter the practice of medicine, but also concerned by its potential for harm. The past generation has witnessed dramatic progress in this area—and I am aware of the great differences in medicine between the time when my father was visiting patients' homes with his black doctor's bag and my own experiences in heart and lung transplantation. But our increasing knowledge of the human genome represents an opportunity for revolutionary advances in medical diagnoses and treatment. Having access to these secrets of the human gene may open doors to an entirely new way of practicing medicine over the coming decades, by producing drugs designed for specific genes and genetically engineered organs for use in organ transplants, as well as enhancing the ability of preventive care based in large part on genetic testing.

We have already identified genes that are associated with an increased risk of diseases such as breast cancer, colon cancer and Alzheimer's dementia. In the past several weeks, in fact, researchers announced the discovery of a gene linked with type 1, or juvenile, diabetes, noting that, although the gene

may not be the sole cause of the disease, targeting the gene, may help prevent its onset. As science moves forward, researchers will continue to learn more about links between genes and the risk of future disease. And, as more is learned in these fields, physicians will be able to better treat their patients against the risk of future diseases by prescribing preventive measures based on an individual's genetic tests.

However, as important as these advances are, there exists a threat to our ability to realize their full potential. If, as has been found to be the case, patients fear retribution for carrying ''bad'' genes and refuse to be tested, then much of the fruits of these labors will have been in vain. As more individuals fear discrimination in health insurance through denial of coverage or costly premiums, they will be more likely to refuse genetic testing. For example, as I noted when we first introduced this legislation two years ago, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination.

Often here in the United States Senate, we are asked to pass legislation in response to past or ongoing problems. But the legislation we are introducing today gives us a great opportunity to avoid this, to pass forward-thinking legislation that will prevent a problem, rather than be forced to revisit this issue in a few years to attempt to remedy a problem.

Particularly in the fields of biomedical research, where scientific progress moves at a rate much quicker than public policy debate and legislation, we are often forced to confront issues after the fact. But although we know that the fear of health insurance discrimination based upon one's genetic test results is already present in society, we have an opportunity through this legislation to calm that fear and to prevent such discrimination from ever taking place. But let no one misunderstand me. While this legislation is a chance to prevent what might happen, our window of opportunity is rapidly shortening. The every-escalating speed of genetic discovery demands that Congress move to prohibit discrimination against healthy individuals who may have a genetic predisposition to disease.

The bill that I introduce today with Senators SNOWE and JEFFORDS does just that. The Genetic Information Nondiscrimination in Health Insurance Act of 2001 prohibits group health plans or health insurance issuers from adjusting premiums based on predictive genetic information regarding an individual. It prohibits issuers in the individual insurance market from using predictive genetic information to deny coverage or set premium rates. It prohibits insurers from even asking an individual for predictive genetic information or requiring that person to undergo genetic testing. And it makes certain that insurers establish and maintain appropriate safeguards for the confidentiality of predictive genetic information as well as provide patients a description of those procedures in place to safeguard their predictive genetic information.

Over the past several years, Congress has invested great amounts in biomedical research, through the push to double the budget of the National Institutes of Health and other initiatives. The underlying goal in these endeavors has been to see patients benefit from our investments and fully utilize these medical advancements to improve their health. The deciphering of the human genome presents an unparalleled opportunity to more towards this goal of improving patients' health, but this will not be possible unless individuals are willing to be tested. Patients must feel safe from repercussions based on their genetic profile. The prohibition of genetic discrimination in insurance will remove the greatest barrier to testing and thus further accelerate our scientific progress.

Patients must not forgo genetic testing because they fear they may be discriminated against in insurance. We have the opportunity—we have the duty—to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

By Ms. SNOWE:

S. 383. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 384. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable; to the Committee on Finance.

Ms. SNOWE. Mr. President, long-term care is an issue that continues to tug at Congress and this country. In 1997 close to $117 billion was spent on long-term care—almost 12 percent of total U.S. health care expenditures. And it is estimated that those in need of long-term care will double by 2025, up from the 9 million using these vital services today.

The appropriate care for an individual should be an issue that is made by that individual and their loved ones. For many people, remaining at home is their choice. It allows them to remain with their loved ones in familiar surroundings. But we all know the truth is that in many cases it comes down to the financial realities of the family. We need to do more to assist these people and their families so that they really do have a choice.

Toward that end I am introducing a bill that provides a tax credit for families caring for a relative who suffers from Alzheimer's disease. When I first came to Congress over 20 years ago, not a single piece of legislation devoted to Alzheimer's disease had even been introduced. We have come a long way since then, as today ''Alzheimer's'' is a household word. It is also the most expensive uninsured illness in America.

Alzheimer's treatment is estimated to cost $100 billion each year. And according to the Alzheimer's Association it costs businesses in this country more than $33 billion a year due to caregiver absenteeism. Sadly, the number of those affected by this disease is rising and will continue to rise dramatically, from 4 million today to over 14 million by the middle of the century. As staggering as these numbers are, they pale in comparison to the emotional costs this disease places on the family.

The first bill I am introducing today would allow families to deduct the cost of home care and adult day and respite care provided to a dependent suffering from Alzheimer's disease. This bill is important because we need to, as a country, help lessen the financial and emotional cost of Alzheimer's by providing some relief to Alzheimer's patients and their families.

The second bill I am introducing today will strengthen the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of the tax credit to low-income taxpayers. This bill expands the dependent care tax credit, makes it applicable respite care expenses, and makes it refundable.

In 1976, the dependent care tax credit was created to help low- and moderate-income families alleviate the burden of employment-related dependent care. We have changed the DCTC since it was created 25 years ago and in fact, in the 1985 Tax Reform Act we indexed all the basic provision of the tax code that determine tax liability except for DCTC. We need to make the credit relevant by updating it to reflect today's world.

As more and more women enter the workforce combined with the aging of our population, we are continuing to see an increased need for both child and elder care. Expenses incurred for this care can place a large burden on a family's finances. The cost of full time child care can range from $4,000 to $10,000. The cost of nursing home care is more than of $40,000 a year. Managing these costs is difficult for many families, but it is exceptionally burdensome for those in lower income brackets.

My legislation will do that by indexing the credit to inflation and making it refundable so that those who do not reach the tax thresholds will still receive assistance. It also raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earing $15,000 or less. The scale would then be reduced by 1 percentage point for each additional $1,000 more of income, down to a credit of 20 percent for person earning $45,000 or more.

In order to assist those who care for loved ones at home, the bill also expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent care and $2,400 for two qualifying dependents.

I hope my colleagues will join me in supporting these two bills that will provide assistance to families that wish to provide long term care to their loved ones at home.

By Mr. THURMOND (for himself and Mr. GRAHAM):

S. 385. A bill to amend title 10, United States Code, to remove a limitation on the expansion of the Junior Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise to introduce legislation to improve our existing laws regarding the Junior Reserve Officers' Training Corps programs, more commonly known as JROTC. Established by Congress in 1916, Junior ROTC has demonstrated over the decades that it works. Junior ROTC is an elective high school course taught by retired military personnel at selected private and public high schools in the United States and its territories. It is also taught abroad through the Department of Defense Dependents School System. The main goal of JROTC is to motivate and develop young people. In order to accomplish this goal, the program combines classroom instruction and extracurricular activities oriented on attaining an awareness of the rights, responsibilities, and privileges of citizenship; developing the student's sense of personal responsibility; building life skills; and providing leadership opportunities.

As we are all aware, President Bush recently placed our Nation's youth at the top of his agenda. In his forward to the ''No Child Left Behind'' Education Reform Plan, the President stated that ''[the] mission is to build the mind and character of every child, from every background.'' There is no existing education program that accomplishes exactly this goal better than JROTC. What students study in Junior ROTC is not primarily found in textbooks. What is learned by students enrolled in JROTC is not at the disposal of students and schools without the JROTC programs. As former Commandant of the Marine Corps, General Charles Krulak, summarized in a March 19, 1999 letter to me, ''as we seek to identify and develop young men and women of character, this program does it all.''

Widely recognized studies have praised JROTC as having a dramatic positive impact in high school education. In fact, one report noted that JROTC cadets boast a better class attendance rate, a lower number of disciplinary infractions, and a higher number of graduates. The report also stated that ''Cadets performed better than the overall school population in every area that is routinely measured by educators, including: academic performance, grade point average, the Scholastic Aptitude Test, and the American College Test.'' It comes as no surprise that schools districts throughout the United States are clamoring to establish JROTC units at hundreds of high schools.

While the primary purpose of JROTC is to develop good citizens, there are, in fact, tangible benefits to our Nation's Armed Services. Statistics demonstrate that over 40 percent of students who graduate from the JROTC program choose some form of military service. Without a doubt, this fact proves conclusively that good citizens choose to serve their country.

The JROTC program's contribution to our Nation's schools, communities and Armed Forces is no less than remarkable in conveying a sense of service, patriotism, leadership communication skills, team work, and self-esteem. After JROTC and advancing into their futures, young men and women carry such virtues into America's society while serving as a bridge between the military and civil society at a time when the two have tended to diverge. The dividends of this cannot be overstated.

Soon we will be unable to expand the proven and praised Junior Reserve Officers' Training Corps programs. By law, the JROTC program is limited to having 3,500 units for schools throughout the United States. Each of our military services have limits to the number of units they may establish, and the Marine Corps has already reached its limitations. Without changing existing law, thousands of high schools will never have the opportunity to reap the benefits of the JROTC program. Furthermore, some Services have encountered difficulty recruiting retired Officers and Non-Commissioned Officers to fill instructor positions at certain high schools, especially in inner-city and rural schools. These staffing difficulties compromise the ability to establish these especially critical new units.

The legislation that I am introducing today is straightforward and simple. It seeks to repeal limitations on the number of Junior Reserve Officers' Training Corps units and opens the door to the many retired Guard and Reserve Officers and Non-Commissioned Officers who have expressed an interest in serving as JROTC instructors, but because of the existing law are unable to do so.

I urge my colleagues to support this legislation. Every Member in Congress has a stake in assuring its unfettered enactment.

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. 385

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

SECTION 1. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 2. CLARIFICATION OF AUTHORITY TO AUTHORIZE EMPLOYMENT OF RETIRED NATIONAL GUARD AND RESERVE PERSONNEL AS JROTC ADMINISTRATORS AND INSTRUCTORS.

Section 2031(d) of title 10, United States Code, is amended by inserting ''regular or reserve component'' after ''as administrators and instructors in the program, retired'' in the matter preceding paragraph (1).

By Mr. TORRICELLI (for himself, and Mr. CORZINE):

S. 386. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Great Falls area in Paterson, New Jersey. I am joined by my colleagues from New Jersey, Senator CORZINE, and pleased to announce that companion legislation has already been introduced in the House of Representatives by Congressman BILL PASCRELL.

Paterson is known as America's first industrialized city. Alexander Hamilton founded Paterson in 1792 as a mercantile private-public partnership, using the powerful falls to power industry. He built a laboratory, and established the Society for the Establishment of Useful Manufactures which actively promoted the textiles industry. Textiles were a large part of the development of industry in Paterson, once known as the Silk City, and regarded as the center of the textile industry for many years.

New and developing industries located to Paterson and contributed to the growth of the city. New immigrants, arriving at nearby Ellis Island, settled in Paterson, and provided the workforce necessary for this newly industrialized city to thrive.

Rich in history, the Paterson Great Falls is also endowed with natural beauty. The Great Falls is an island of beauty in a sea of urban development. The Great Falls is the second largest waterfall on the East Coast, and attracts visitors from within and outside of New Jersey.

Paterson Great Falls is also an educational tool for New Jersey's children. Students young and old travel to Paterson Great Falls to witness its natural splendor, to learn about the industrial revolution, and the pioneers who helped build our Nation.

This area is truly a valuable asset to the State of New Jersey, and I feel it is

only proper to share this wonderful resource with the entire nation by establishing the Paterson Great Falls as a unit of the National Park Service, NPS.

The Federal Government has already acknowledged the significance of Great Falls, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence Great Falls, and the NPS would provide staff and tours, and allow for a better, more educational interpretation of the site.

This designation is warranted. Our Nation's urban history is currently under-represented by the NPS. Not many sites tell the story of the growth of our Nation and its economy from that of agrarian to industrial. Other than Lowell, Massachusetts, a one-time industry powerhouse whose historic district was designated a national park, I am not aware of another NPS site which represents our Nation's rich urban history.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Paterson Great Falls area. I ask that my colleagues join me in support of this worthy effort, so that a critical chapter in the story of our nation may be told to future generations.

SENATE RESOLUTIONS

SENATE CONCURRENT RESOLUTION 15—TO DESIGNATE A NATIONAL DAY OF RECONCILIATION

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That on a date to be determined by the Speaker of the House of Representatives and the President pro tempore of the Senate, the Chaplain of the House of Representatives and the Chaplain of the Senate shall conduct a joint assembly, to be conducted in the House Chamber, in which Members of the House of Representatives and the Senate will be able to express the past struggles that we as a Nation have experienced, overcome, and still struggle with, and thereby lead the Nation in beginning the process of reconciliation.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF CONGRESS THAT THE GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE IN NEWPORT, RHODE ISLAND, WHICH IS ON DISPLAY AT THE B'NAI B'RITH KLUTZNICK NATIONAL JEWISH MUSEUM IN WASHINGTON, D.C., IS ONE OF THE MOST SIGNIFICANT EARLY STATEMENTS BUTTRESSING THE NASCENT AMERICAN CONSTITUTIONAL GUARANTEE OF RELIGIOUS FREEDOM.

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

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: ''For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support'';

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

Mr. REED. Mr. President, I rise to join my colleague from Rhode Island, Senator CHAFEE, in introducing a resolution commemorating the letter sent by President George Washington to Touro Synagogue in Newport Rhode Island, the oldest Jewish house of worship in the United States.

When Roger Williams came to Rhode Island in the 1630s, an individual's right to worship without government interference was unknown in other colonies or countries of the world. He made religious tolerance the core principle of his new settlement, and it became a beacon of hope for those suffering from persecution.

By the middle of the 17th century, 15 Jewish families, who knew the pain of intolerance firsthand, arrived in Newport to reclaim their faith and rebuild their lives. This group included Jews from Spain and Portugal who had been forced to become Christian converts to escape persecution. Rhode Island's lively experiment promised a new beginning.

The 18th century say many steps toward the realization of this promise, as increasing trade and religious tolerance spurred the growth of Newport and its Jewish community. By 1759, with about 75 families totaling some 300 people, the Congregation turned to the construction of a permanent house of worship. Four years later, this Synagogue was dedicated in a service led by Reverend Isaac Touro, the spiritual leader of the Congregation.

As this country's first President, George Washington was the leader of a nation still crafting its ideals and identity. Although the new Constitution had won ratification, many Americans feared that its concentration of power in a federal government threatened the individual liberties for which they had so recently gone to war. To alleviate these fears, Washington began a nationwide tour in support of a Bill of Rights that would explicitly protect basic freedoms of Americans against government intrusion.

This tour brought Washington to Newport in August 1790. During his visit, Washington received an eloquent letter from Moses Seixas, the warden of Touro Synagogue. Seixas commended the President for his work and leadership in establishing a government that respected the inalienable rights of all citizens.

Washington's response embraced Seixas' simple, elegant phrases to renew his and the nation's commitment to Rhode Island's founding principle. Addressing a Congregation dedicated to religious liberty in a state based on this ideal, Washington reaffirmed religious freedom as essential to the new nation's identity.

When Washington declared that ''the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as

good citizens,'' he made Rhode Island's history of religious liberty a model for the nation. ''To bigotry no sanction.'' It is for good reason that these words continue to resonate today, as we confront the challenges of an ever more closely linked, yet endlessly diverse community of nations. We all know too well the destruction that bigotry causes, and this plague is still with us. The fight for tolerance is as necessary now as in the days of President Washington or Roger Williams.

This fight for tolerance is the reason the original letter sent by George Washington remains on permanent display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C. This fight for tolerance is also the reason Americans of all religious faiths gather at the Klutznick Museum each February and at Touro Synagogue each August to hear readings of the letter. It is my hope these commemorations inspire us to follow the examples set by Roger Williams and President Washington and continue to fight for religious and personal liberty for all.

SENATE RESOLUTION 25—DESIGNATING THE WEEK BEGINNING MARCH 18, 2001 AS ''NATIONAL SAFE PLACE WEEK''

Mr. CRAIG (for himself and Mr. CLELAND) submitting the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 25

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term ''safe places'' at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 500 communities in 32 states and more than 9,000 locations have established Safe Place programs;

Whereas over 47,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 18 through March 24, 2001 as ''National Safe Place Week'' and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 26—STATING THE SENSE OF THE SENATE REGARDING FUNDING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. KERRY (for himself, Mr. SCHUMER, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 26

Whereas home energy assistance for working, low-income, and middle-income families with children, the elderly on fixed incomes, individuals with disabilities, and others who need such assistance is a critical part of the social safety net in cold weather areas during the winter, and a source of necessary cooling assistance during the summer;

Whereas the Low-Income Home Energy Assistance Program (referred to in this resolution as ''LIHEAP'') provides a highly targeted, cost-effective way to help millions of low-income residents of the United States pay their home energy bills;

Whereas more than ⅔ of the households that are eligible for assistance through LIHEAP have annual incomes of less than $8,000, and approximately ½ of those households have annual incomes of less than $6,000;

Whereas regular and emergency funding for LIHEAP for fiscal year 2001 has been exhausted in some States and nearly exhausted in several other States;

Whereas as a result, more than 30,000,000 households around the Nation may be left without energy assistance in areas that may face several more weeks of cold winter weather; and

Whereas without additional funding, members of those households may be forced to make an unacceptable choice between heating their homes or purchasing food, medicine, or other basic necessities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and Congress should immediately prepare and enact a supplemental appropriations bill to provide $1,000,000,000 in regular funding for LIHEAP, $152,000,000 for weatherization assistance grants under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), and $37,000,000 for State energy conservation plan grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SENATE RESOLUTION 27—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE 1944 DEPORTATION OF THE CHECHEN PEOPLE TO CENTRAL ASIA, AND FOR OTHER PURPOSES

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 27

Whereas for more than 200 years, the Chechen people have resisted the efforts of the Russian government to drive them from their land and to deny them their own culture;

Whereas beginning on February 23, 1944, nearly 500,000 Chechen civilians from the northern Caucasus were arrested en masse and forced onto trains for deportation to central Asia;

Whereas tens of thousands of Chechens, mainly women, children, and the elderly, died en route to central Asia;

Whereas mass killings and the use of poisons against the Chechen people accompanied the deportation;

Whereas the Chechen deportees were not given food, housing, or medical attention upon their arrival in central Asia;

Whereas the Soviet Union actively attempted to suppress all expressions of Chechen culture, including language, architecture, literature, music, and familial relations during the exile of the Chechen people;

Whereas it is generally accepted that more than one-third of the Chechen population died in transit during the deportation or while living in exile in central Asia;

Whereas the deportation order was not repealed until 1957;

Whereas the Chechens who returned to Chechnya found their homes and land taken over by new residents who violently opposed the Chechen return; and

Whereas neither the Soviet Union, nor its successor, the Russian Federation, has ever accepted full responsibility for the brutalities inflicted upon the Chechen people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should commemorate the 57th anniversary of the brutal deportation of the Chechen people from their native land;

(2) the current war in Chechnya should be viewed within the historical context of repeated abuses suffered by the Chechen people at the hands of the Russian state;

(3) the United States Government should make every effort to alleviate the suffering of the Chechen people; and

(4) it is in the interests of the United States, the Russian Federation, Chechnya, and the international community to find an immediate, peaceful, and political solution to the war in Chechnya.

Mr. HELMS. Mr. President, next week will mark the tragic anniversary of Stalin's mass deportation of Chechen civilians from the northern Caucasus to the barren steps of Central Asia. In the early morning hours of February 23, 1944, thousands of Chechen families were ordered out of their homes, arrested, and loaded on to rail cars. Some five hundred thousand Chechens were deported to Central Asia. Tens of thousands, mainly women, children, and the elderly, died en route to Central Asia.

These deportations were part of Stalin's systematic effort to suppress the

Chechen people and to strip them of their culture and history, including their language, architecture, music and even familial ties.

It was only in 1957 that Stalin's deportation order was repealed. However, many of those Chechens that were able to make the arduous journey back to their homes in the Caucasus found them occupied by new residents, many of whom violently opposed the Chechen return.

Today, the Chechen people are enduring yet another brutal assault directed by Moscow's authorities. Over the last year and half Russian President Vladimir Putin has conducted an indiscriminate war against the Chechen people. Russian forces subjected Chechnya's capital, Grozny, to a destruction unseen in Europe since World War II, and they have leveled numerous other Chechen towns and villages. Russian forces have herded the Chechen population into refugee or internment camps. This war against the Chechen people has left literally hundreds of thousands homeless and countless thousands of innocents dead. Let us not forget that more than 100,000 Chechens were killed in the Russo-Chechen war of 1994–1996—100,000 out of a population of fewer than a million.

Mr. President, it is with these facts in mind that I introduce a resolution marking next week's anniversary of Stalin's mass deportation of the Chechen people in 1944. My hope is that this resolution will communicate to the Chechen people the Senate's awareness of the suffering that they have endured and are enduring today. It is my hope that this resolution will prompt others to view the ongoing war in Chechnya within the historic context of the repeated abuses suffered by the Chechen people. By promoting a broader awareness of the history of Chechen people, I am confident that this resolution will contribute positively to the efforts of those who are trying to prompt a peaceful, political, and just end to war in Chechnya.

AMENDMENTS SUBMITTED

SMITH AMENDMENT NO. 12

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; which was referred to the Committee on Energy and Natural Resources.

On page 3, strike subsection (d) and insert the following:

(d) LIMITATIONS.—

(1) IN GENERAL.—A cost-of-service based rate shall not apply to a sale of electric energy at wholesale for delivery in a State that—

(A) prohibits public utilities from passing through to retail consumers wholesale rates approved by the Commission; or

(B) imposes a price limit on the sale of electric energy at retail that—

(i) precludes a public utility from recovering costs on a cost-of-service based rate; or

(ii) has precluded a public utility from making a payment when due to any entity within the western energy market from which the public utility purchased electric energy, and the default has not been cured.

(2) NO ORDERS TO SELL WITHOUT GUARANTEE OF PAYMENT.—Notwithstanding any other provision of law, neither the Secretary of Energy, the Commission, any other officer or agency in the Executive branch, nor any court may issue an order that requires a seller of electric energy or natural gas to sell electric energy or natural gas to a purchaser in a State described in paragraph (1) unless there is a guarantee that, as determined by the Commission, is sufficient to ensure that the seller will be paid the full purchase price when due.

(3) REQUIREMENT TO MEET IN-STATE DEMAND.—Notwithstanding any other provision of law, a State public utility commission in the western energy market may prohibit a public utility in the State from making any sale of electric energy to a purchaser in a State described in paragraph (1) at any time at which the public utility is not meeting the demand for electric energy in the service area of the public utility.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall—

(1) conduct an investigation to determine whether any public utility in a State described in subsection (d)(1) has been rendered uncreditworthy or has defaulted on any payment for electric energy as a result of a transfer of funds by the public utility to a parent company or to a subsidiary of the public utility (except a payment made in accordance with a State deregulation statute); and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce and Committee on Energy and Natural Resources of the Senate a report describing the results of the investigation.

(f) DURATION.—A cost-of-service based electric energy rate imposed under this Act shall remain in effect until such time as the market for electric energy in the western energy market reflects just and reasonable rates, as determined by the Commission.

(g) REPEAL.—This Act is repealed, and any cost-of-service based electric energy rate imposed under this Act that is then in effect shall no longer be effective, on the date that is 2 years after the date of enactment of this Act.

Mr. SMITH of Oregon. Mr. President, today I am filing an amendment to S. 287, bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.

My amendment would clarify the circumstances under which the Commission may impose interim limitations on the cost of electric energy, and provide a sunset date. While I applaud my colleague's efforts to help restore stability to the wholesale electricity market on the west coast, I believe S. 287 continues to insulate retail customers in California from the energy crisis in a way that is hampering conservation and investment in new generation.

By contrast, my constituents and energy-sensitive businesses in Oregon are already feeling the effects of the price volatility in the west. Utilities in the northwest are facing current rate increases of eleven to fifty percent. The customers of the Bonneville Power Administration are facing the prospect of 95 percent rate increases beginning in October, when current contracts expire.

I know that there is significant support for short-term wholesale price caps for the entire western market. However, that doesn't address what is still going on in California, where retail prices are capped at a level that is insulating consumers from the price shocks being felt by the rest of the West. So long as these retail rates remain capped at the current levels, there is no incentive to conserve, and no incentive for additional generation. Both conservation and additional generation are the keys to the long-term solution.

Much of the media attention in recent weeks has focused on efforts to keep the lights on in California and to keep that state's two largest utilities from going bankrupt. But the West Coast energy market extends to eleven other western states, including Oregon, that are all interconnected by the high-voltage transmission system.

I believe there is more that California can and must do immediately to address this situation. I know the California legislature is grappling with this situation, and I hope it will take the steps to restore the creditworthiness of California's utilities.

First and foremost, it must approve further electric rate increases. This is necessary to send the right price signals to Californians to conserve energy. Further, price increases are necessary to help California's investor-owned utilities—which have recently been reduced to ''junk bond'' status—from going bankrupt.

Avoiding bankruptcy for these utilities is important for Oregon and other western states. Since the middle of December, Northwest utilities have been forced to sell their surplus power into California, with no guarantee of being paid. If the California utilities subsequently seek bankruptcy protection, it will be Oregonians who are stuck with the bill for California's failed restructuring effort.

In fact, certain Oregon utilities are already receiving bills from California's power exchange for funds owed to the exchange by California utilities. In addition, the Bonneville Power Administration is owed over 100 million dollars for power sales it made into California in November 2000.

My amendment to the legislation offered by my colleague from California would do the following: It limits the authorities provided to the Federal Energy Regulatory Commission (Commission) to impose west-wide wholesale price caps by stipulating that the wholesale price cap cannot be imposed on sales into any state that has refused to allow utilities to pass on Commission-approved rates, has capped retail rates at levels that do not allow utilities to recover costs on a cost-of-service based rate, or has capped rates at a level that results in a default of payments for electricity.

Further, the amendment stipulates that the Secretary of Energy, the Commission, or the courts may not order sales of electricity or natural gas into any such state without guarantees of being paid. It also allows state public utility commissions in other western states to make sure that utility service areas are served before utilities in their respective states can sell into what might be a higher market in California.

It also orders the Secretary of Energy to conduct an inquiry into the charges of shifting funds between utilities and parent holding companies. Two weeks ago, at a hearing of the Energy Committee, I asked three California utilities if they were seeing any decrease in demand in response to calls for conservation. The answer was no.

I also asked several energy experts if, in their opinion, state officials in California were taking the measures needed to fix their broken restructuring effort. Again, the answer was either ''No'' or ''Mostly, but not completely.''

To put a human face on what is happening in my state, I would like to discuss a letter I recently received from a rural school district in my state. Basically, they are pleading for the energy crisis to be fixed because, as a small school district, they are having to take resources away from students to pay energy bills. Their local utility has just added a 20 percent surcharge to the cost of electricity. The district also heats a number of its school buildings with natural gas. In November 1999, the bill was $4,383.59. By November 2000, the bill to heat the same buildings was $11,942.

Another small school district in my state is concerned that its power bills may go up by $100,000. For them, that means laying off two teachers.

Oregon is doing its part to conserve, and to build new resources. My amendment today is trying to prod California to send the right price signals to its consumers to join us in this fight.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 1, 2001 at 9:30 a.m. in room SD–106 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to received testimony on S. 26, a bill to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market, S. 80, California Electricity Consumers Relief Act of 2001, and S. 287, a bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC–2 Senate Russell Courtyard, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, February 15, 2001 at 11 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on President Bush's Education Proposals during the session of the Senate on Thursday, February 15, 2001 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 15, 2001 at 10 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that a member of my staff, Kevin Krukfy, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. LOTT. For the information of all Senators, the two sides of the aisle are in the process of clearing a resolution, if at all possible, on the energy situation. We are hoping to work through that. If we can do so, we expect it will pass on a voice vote. Therefore, there will be no further votes this week.

The Senate will reconvene on Monday, February 26, and following the reading of George Washington's Farewell Address by the junior Senator, appropriately, from Virginia, Mr. ALLEN, the Senate will then conduct a lengthy period of morning business.

On Wednesday of that week, the Senate will be expected to begin consideration of the bankruptcy bill.

I thank my colleagues for their cooperation.

Again, I want to say that we may or may not have a resolution with regard to the energy situation. But the Senate would like to acknowledge there is a problem in this country and commit to taking appropriate and comprehensive actions in dealing with this problem in the weeks ahead.

I wish all of my colleagues a very enjoyable Presidents' Day work period.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PAUL D. COVERDELL

Mr. DODD. Mr. President, we have just adopted a resolution offered by the majority leader and others that will honor our former colleague, Paul Coverdell of Georgia, for his service as a Member of this body, as a member of the political life of the State of Georgia, and as a Director of the U.S. Peace Corps.

This resolution, among other things, would name the Washington national headquarters of the Peace Corps as the Paul D. Coverdell Peace Corps Headquarters.

The bill would also authorize $10 million in appropriations to give an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of Biomedical and Health Sciences at the University of Georgia.

The legislation to honor our former colleague, in addition to what was done last year—when we enacted the Paul D. Coverdell Worldwide School Act of 2000—would designate the Worldwide Schools Program as the Paul D. Coverdell Worldwide Schools Program that was begun by Senator Coverdell when he was Director of the Peace Corps.

Last year's action was a fitting one by this Congress to honor our former colleague and is an appropriate tribute which recognizes the special contribution Paul Coverdell made to the Peace Corps during his tenure as its Director. I strongly and enthusiastically supported its enactment.

Let me, first of all, say there is a particular reason I speak on this particular issue, in addition to my affection for Paul Coverdell and the years I spent working with him.

As I mentioned a moment ago in the colloquy with the distinguished majority leader, some 33 years ago, after I finished college, I served as a Peace Corps volunteer in the Dominican Republic not far from the Haitian border for 2½ years in the mountains. I worked with 22 communities and some 11,000 people in the northwest region of that country. It was an important period of maturation in my life. I learned

a great deal about myself and have a deeper appreciation of my own country.

Serving outside of the United States and seeing the shortcomings of other nations, one appreciates in many ways unimaginable as a U.S. citizen, how fortunate we are to live in this great country with 200 years of strong democracy and freedoms and opportunities that the world envisions. One also comes away with a deeper appreciation of other cultures and other peoples. It was a wonderful experience.

I have often said that next to my family and the circumstances of growing up in a strong, healthy household with five siblings and wonderful parents, no other event in my life was as significant as these years as a Peace Corps volunteer—as a part of growing up and learning more about myself, sparking, in many ways, a determination to be a part of public life. And that has occurred over the years since my arrival in the House of Representatives as the first former Peace Corps volunteer to be elected to the Congress, along with Paul Tsongas that year, a blessed memory. And then I arrived in the Senate, along with Paul Tsongas, 2 years after his arrival, as Peace Corps volunteers here. Today I am the only returning volunteer.

I sometimes like to have some fun with my colleague from West Virginia, Mr. ROCKEFELLER, the junior Senator from West Virginia, who was a staff member of the Peace Corps. But we make a significant distinction between staff members and volunteers. The 161,000 Americans who are former Peace Corps volunteers will appreciate that distinction.

There are deeply emotional and strong feelings that I have about this organization and the contribution that it has made to our Nation and to millions of people all over the globe.

This was an idea that was born in a speech given by another Senator in the State of Michigan as he was running for President in 1960. His name was John Fitzgerald Kennedy. He said, on the steps of the University of Michigan, that he had an idea where Americans of all ages might take a period out of their lives to serve the needs of others around the globe. It was an idea that Hubert Humphrey had talked about as a Senator—not specifically the Peace Corps, but he had raised the idea of Americans serving the interests of others around the globe.

Then, over the years, beginning with the remarkable leadership of Sargent Shriver as the first Director of the Peace Corps, there have been 14 other Directors over 40 years. Most remarkably, there was one directorship under Loret Ruppe, the wife of a former Republican House Member, who I served with for 8 years under the Reagan years. She led the Peace Corps in a most magnificent way. In fact, I remember she even forwent some of her salary initially because she did not feel she understood the Peace Corps well enough to take a salary. That is how dedicated she was to this organization.

But over the years, we have talked about the Peace Corps not as John Kennedy's Peace Corps or Hubert Humphrey's Peace Corps or Sargent Shriver's Peace Corps or Loret Ruppe's Peace Corps or my Peace Corps; it has been the Nation's. It just says: The Peace Corps. There is one room at the Peace Corps named for Sargent Shriver, but that is the only facility I know of that has a name on it at all, because we never thought it belonged to any particular person.

Literally hundreds of thousands of people, in direct and indirect ways, have made a significant contribution to this organization. I served with volunteers who lost their lives during the term of their service. Yet despite that, and the efforts maybe in some countries to designate certain places or areas in memory of these individuals, we have kept it sort of as a nameless organization in that sense.

I hope people understand that when this proposal was made—and I respect the fact that these things can happen—no one came and asked me what I thought about whether or not we ought to name this building after one particular individual. Had I been asked about it prior to this decision to move forward with it—regardless of who had come forward with any particular name—I would have expressed the same reservation. This has nothing to do with my deep respect for Paul Coverdell. As the majority leader pointed out, I gave a heartfelt set of remarks at the time of his passing, so I feel somewhat awkward in even standing up and talking about this. But we have to be far more judicious, and careful not to race down and offer resolutions to put names on buildings in this community and elsewhere without thinking through what the implications are.

For those who have served well, brought honor to institutions, to try to race ahead with one name over another does not serve this country well, does not serve its institutions well.

I was asked to be the co-chairman of a bipartisan group last year to choose two Senators' portraits to be painted on two ovals outside this Chamber in the reception area. Slade Gorton from the State of Washington was the other member of this two-member commission. We made selections after deep discussions with the Senate historian and with other Members. In fact, I remember having a conversation with the distinguished former minority-majority leader, Senator BYRD of West Virginia, about his ideas.

We went to our respective caucuses, shared these ideas, and, finally, after having vented the entire process, came to the Chamber with the suggestions of Senator Vandenberg and Senator Wagner of New York to be the two suggestions. But we went through the process even before we decided to put the portraits of the two Senators high up on the wall of the reception area.

I would urge my colleagues, aside from this particular set of circumstances, that rather than trying to compete with one another as to whether or not we are going to have a Republican or a Democrat or some particular name on a building, that we slow down, think, and be more careful about how we proceed on these matters.

That was the motivation, more than anything else, that caused me to object yesterday to this resolution going forward, the concerns I had about the naming process, in this particular resolution. So in no way does my lack of enthusiasm for this resolution, which is before us and which has just been adopted, suggest a criticism of Paul Coverdell's tenure at the Peace Corps. In fact, he was a very fine Director of the Peace Corps, who made a number of contributions to the organization, including the establishment, as we already heard, of the Worldwide Schools Program, and the dispatching of volunteers, for the first time, to Hungary and Poland.

As I said, there were also 14 other Directors of the Peace Corps who made significant contributions. Paul was not the Peace Corps's first Director. As I mentioned, Sargent Shriver was the first Director, who gave the organization the kind of direction and definition it needed at the outset and during his entire tenure. Loret Ruppe, who I mentioned, holds the honor of having served as the longest Director of the Peace Corps, which was during the 8 years of the Reagan administration. I respected Paul Coverdell enormously. I worked closely with him on Peace Corps issues when he was the Director between 1989 and 1991. I actually chaired his confirmation hearings before the Senate Foreign Relations Committee.

He and I continued to work together on Peace Corps matters when he joined the Senate in 1993, and served, as he did then, as the ranking member. I was then chairman of the subcommittee having jurisdiction over the Peace Corps. Whenever he would discuss any legislation related to the Peace Corps, the first thing Paul Coverdell would ask was, is it good for the Peace Corps? Is it going to create problems? Is it going to fracture the bipartisan consensus that has existed for 40 years with respect to this organization?

Paul always put the interests of the organization, and particularly the volunteers, first. I believe we should do so as well. That is our responsibility, in my view.

This year the Peace Corps will celebrate its 40th anniversary since being established by President Kennedy in 1961. The Peace Corps stands as a living embodiment of the well-remembered challenge that President Kennedy posed to all Americans more than four decades ago: It is not what your country can do for you but, rather, what you can do for your Nation.

The Peace Corps was first established by Executive order during the early

days of the Kennedy administration. Sargent Shriver was named as its first Director. Soon thereafter Congress enacted legislation to codify it into law.

The legislation is quite simple. It set forth three goals for the organization: to help the people of interested nations in meeting their need for trained men and women, to help promote a better understanding of Americans on the part of peoples served, and to help promote a better understanding of other peoples on the part of Americans.

As the first Director of the Peace Corps, Sargent Shriver confronted the special challenge of transforming President Kennedy's challenge to America's young adults into an operation program that would meet the three goals established by this organization.

During the 5 years of his tenure as Director, Sargent Shriver gave form to the dream of voluntary service. The 14 Directors who followed in his footsteps benefitted from the foundation that he had established for the organization. However, each succeeding Director, in his or her own way, has also made significant contributions, which has kept the Peace Corps strong and vibrant over these past 40 years.

The heart and soul of the organization, however, is not the Directors of the Peace Corps, or the Peace Corps staff in Washington, or the buildings; it is the volunteers—past, present, and future.

Over the past 40 years, more than 161,000 Americans, young and old, men and women, have given up at least 2 years of their lives in service to our Nation, and in far flung corners of the world. I was privileged, as I said at the outset of these remarks, to be one of those volunteers.

Peace Corps volunteers have served in 130 nations, working to bring clean water to communities, teaching their children, helping start small businesses, and more recently joining in the international efforts to stop the spread of AIDS.

Today, there are more than 7,000 volunteers serving in 76 nations, working to put a living face on America for those people in developing countries who might never otherwise have any contact with America or her values. Through the Peace Corps, the United States has shared its most valuable resource in the promotion of peace and development—its people. That is our greatest resource, and volunteers are the very embodiment of our best values.

The men and women who have served and answered the call of the Peace Corps reflect the rich diversity of our Nation, but they have one thing in common; namely, a common spirit of service, of dedication, and of idealism. We should not let politics or partisan bickering ever in any way diminish that spirit. Let us continue to respect the unique nature of the Peace Corps and show deference to the tens of thousands of volunteers who have given their time to make the Peace Corps the internationally respected organization that it is today. It is more than one director. It is more than any one volunteer. In fact, the sum total of the Peace Corps is larger than all of its parts. That is why we should not try to embody the spirit of the organization by placing one of its elements above the others.

For those reasons, I raised the objections and the reservations about this resolution. I withdrew those reservations in the spirit of cooperation, knowing it is important that the Peace Corps not be embroiled in this kind of battle.

I hope in the future more patience will be demonstrated, more consultation involved, before we move ahead at the pace we did with this particular proposal. My respect and admiration to Paul and his family, to his wife, and to his staff and others who have worked with him over the years. Please understand that my objections raised here today, my reservations raised here today, have nothing whatsoever to do with my deep admiration for him, his work as Senator, or his work as Director of the Peace Corps during his 2 years of service.

I thank my colleague from West Virginia and yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent, on behalf of the majority leader, that the Senate now enter into a period for the transaction of morning business and Senators be permitted to speak for up to 10 minutes each, with the exception of my own statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION PROCESS REFORM

Mr. BYRD. Mr. President, one of the most significant pieces of legislation ever enacted by Congress was the Congressional Budget Act of 1974. In my capacity as Majority Whip, as well as Chairman of the Senate Rules Committee's Subcommittee on the Standing Rules of the Senate, I was deeply involved in the preparation of the Senate version of that bill, S. 1541. I assembled a staff working group to make extensive revisions to a bill that had been reported out of the Committee on Government Operations. That staff group consisted of representatives of the chairmen of the ten standing committees of the Senate, four joint committees, the House Appropriations Committee, the Congressional Research Service, and the Office of Senate Legislative Counsel, and the parliamentarian of the Senate—at that time, Robert Dove.

On March 19, 1974, we took S. 1541 to the Senate Floor. At that time I stated that, ''when Senators look back some years in the future, many may be able to say that this was among the most important measures acted upon during our entire service in Congress.''

As I pointed out in my remarks on March 19, 1974, ''In the fifty years subsequent to the enactment of the Budget and Accounting Act, Congress had permitted its 'power of the purse' under The Constitution to slip away, or diminish.'' That trend, as I further pointed out, had been magnified during the previous five years. While presidents over many decades had occasionally seen fit to withhold funds appropriated by Congress, in the years leading up to the enactment of the Congressional Budget Act of 1974, the President had expanded this practice to cover programs throughout the Government. Many billions of dollars had been withheld, not because of any changes in circumstances after the action of the Congress in approving the funding, but merely because the President did not agree with the priorities or the judgments made by the Congress. As a consequence, the confidence of the public in its Government processes had been diminished.

In order to give force, then, to Congress's spending choices, and in order to stop this arbitrary withholding by the executive branch, it was necessary to put into place a new Budget and Impoundment Control Act. S. 1541 established a comprehensive congressional budget process. Under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

Let me repeat that sentence. There are probably Senators who wonder, why do we have a reconciliation process? Why was it created in the first instance? Let me say again, under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills and any other spending measures.

Perhaps I should say that again, just to show how far we have wandered from the course originally conceived by the Congress as the reconciliation process. At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills—all of them; today that would be 13 annual appropriation bills—followed by the annual appropriation bills and any other spending

measures. Then Congress would issue any reconciliation instructions that might be necessary to bring the spending and the revenues in line with the budget resolution. That process was to then involve the passage of a second budget resolution.

Reconciliation involves a two-stage process in which reconciliation instructions are included in the budget resolution in order to direct appropriate committees to achieve the desired budgetary results, and then to incorporate those results into an omnibus bill which is considered under expedited procedures in the House and the Senate.

In its report entitled, ''The Budget Reconciliation Process: Timing of Legislative Action,'' updated October 24, 2000, the CRS states that reconciliation was first used during the administration of President Carter in calendar year 1980 for fiscal year 1981. According to the Congressional Research Service, then, reconciliation was not used at all from the time of enactment of the Congressional Budget Act of 1974 until 6 years later, in calendar year 1980. During the period since 1980, for fiscal years 1981 through 2001, there have been 14 reconciliation measures enacted into law and three that have been vetoed.

As was contemplated by the Congressional Budget Act of 1974, the reconciliation process has been a very important and powerful tool with which to enforce the policies of annual budget resolutions. As a properly used deficit-fighting tool, reconciliation bills that have been enacted have resulted in well over a trillion dollars in budgetary savings in the past two decades.

I have often—at least in recent years—referred to the reconciliation process as a ''bear trap.'' It is a bear trap because of the fast-track procedures that were included in the Congressional Budget Act to help Congress enact quickly necessary changes in spending or in revenues to ensure the integrity of the budget resolution targets.

This fast-track procedure limits Senate debate on reconciliation bills to 20 hours, and that time can be further limited by a nondebatable motion approved by a majority vote so that there being 20 hours on the resolution, a majority at any time could yield back its 10 hours, leaving only 10 hours, and then can proceed to move that the remaining 10 hours be reduced to 2 hours or 1 hour or a half hour or zero. That would be a nondebatable motion, and it needs only a majority to carry. Only germane amendments are allowed to reconciliation bills. Time on reconciliation bills, as I have already said, may be further limited by nondebatable motion. A determined majority could, in fact, as I have indicated, limit Senate consideration of reconciliation bills to no more than 1 hour, no more than 10 minutes, or no time at all.

Reconciliation bills, unfortunately, have proven to be almost irresistible vehicles for Senators to use to move all manner of legislation because of these fast-track procedures. At times, the misuse has been gross. On June 22, 1981, when the Senate was considering S. 1377, the Omnibus Reconciliation Act of 1981, then-majority leader, Howard Baker, called up amendment No. 171, which was cosponsored by me—I was then the minority leader—and by Senator DOMENICI of New Mexico, who is chairman of the Budget Committee, and by Senator Fritz Hollings of South Carolina, the then-ranking member of that committee.

Let me read a brief excerpt from a colloquy that occurred during the debate on that amendment:

Mr. BAKER. Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as an institution. So long as a preponderance of its subject matter has a budgetary impact, a reconciliation bill could contain non-budgetary amendments to substantive law, and still be protected under the Budget Act. That notwithstanding, I believe—

This is Senator Howard Baker talking—

that including such extraneous provisions in a reconciliation bill would be harmful to the character of the Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights.

That was the then-majority leader, a Republican, Howard Baker, speaking with reference to the protection of minority rights. His party was not in the minority. His party was in the majority at that time. But he spoke out on behalf of minority rights.

Senator Baker further said:

It would evade the letter and spirit of Rule XXII.

It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practices. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith—

This is Republican majority leader, Howard Baker, speaking now —

with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights.

For principally these reasons, I have labored with the distinguished minority leader—

Referring to Senator Robert C. Byrd—

with the chairmen and ranking minority member of the Budget Committee, and with other committee chairmen to develop a bipartisan leadership amendment. This amendment would strike from the bill subject matter which all these parties can agree is extraneous to the reconciliation instructions set forth last month in House Concurrent Resolution 115. What will remain in the bill is directly responsive to these instructions, has a budgetary savings impact, and plainly belongs in a reconciliation measure.

That is the end of my excerpt of Senator Baker's remarks.

Mr. President, I followed Senator Baker's comments in 1981, as follows:

Mr. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the United States Senate.

The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.

The reconciliation bill, if it includes such extraneous matters, would diminish the value of Rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally unfettered process of debate and amendment because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope, talking about the scope of a reconciliation bill.

I went on to say at that time:

The amendment offered by the majority leader—

Meaning Mr. Baker—

and me omits several nonbudget related authorizations which should also be stricken from this bill. The fact that they were not included in this amendment should not be construed as accepting their inclusion in the bill.

We have gone as far as we can go in this amendment, but we have not gone as far as we should go.

And then, Mr. President, the amendment was agreed to by voice vote.

The Senate's first several years' experience with reconciliation was described in a Congressional Research Service report entitled ''The Senate's Byrd Rule Against Extraneous Matters in Budget Reconciliation Bills,'' updated July 9, 1998. In that report, CRS states that reconciliation legislation often contained many provisions that were extraneous to implementing budget resolution policies. Reconciliation submissions by committees have included things that had no budget effect, that increased spending or reduced revenues when the reconciliation instructions called for reduced spending or increased revenues, or that violated another committee's jurisdiction. It was for this reason that I put forth what has come to be known as the ''Byrd rule'' as a means of curbing such practices.

The Byrd rule has been extended and modified several times over the years and in 1990 was incorporated into the Congressional Budget Act of 1974 as section 313 and made permanent, 2 U.S.C. 644.

I will not take the time of the Senate to go into great detail about the operations of the Byrd rule as applied to reconciliation measures. Suffice it to say, however, that, in general, a point of order authorized under the Byrd rule

may be raised in order to strike extraneous matter already in the bill as reported or discharged—or in the conference report—or to prevent the incorporation of extraneous matter through the adoption of amendments or motions.

A motion to waive the Byrd rule or to sustain an appeal of the ruling of the Chair on a point of order raised under the Byrd rule requires an affirmative vote of three-fifths of the membership of the Senate. It takes 60 votes to waive that Byrd rule.

That Byrd rule has been criticized up one side and down the other. It has been criticized by the other body, by Members of the other body critical of the Byrd rule, but they should be thankful for the Byrd rule.

What I am attempting to lay out for the Senate today is the fact that this reconciliation process, while being very effective in enabling Congress to meet its deficit reduction targets over the past two decades, is fraught with opportunities for abuse because of its fast-track procedures.

When we created this reconciliation bill process, it was unthinkable that it would be used in ways that it has come to be used. The procedures have been abused. The abuse consists in the fact that those procedures take away from Senators the opportunity to offer their amendments and to debate them fully. That is the Senate's raison d'etre, its reason for being.

Reconciliation is a nonfilibusterable ''bear trap'' that should be used very sparingly and, I believe, only for purposes of fiscal restraint. That was the intention in the beginning. It was not intended to be used as a fast track in order to ram through very controversial, very costly tax cuts or to ram through authorization measures that otherwise might entail long and vigorous debate. In other words, reconciliation should be used only for reducing deficits or for increasing surpluses in years when no deficits are projected.

Relevant to this matter is a statement made on the Senate floor by the distinguished chairman of the Budget Committee, Mr. DOMENICI, and repeated in the ''Budget Process Law Annotated, 1993 edition,'' on page 204. Here is what he said:

Mr. President, will the distinguished minority leader—

Senator BYRD—

permit me to respond to what ''extraneousness'' means thus far in its evolution in the Senate? Let me suggest that, going back to 1981, we have evolved these four definitions, and I believe they are used by minority and majority members of the committee now. I would just read them quickly:

One, provisions that have no direct effect on spending and which are not essential to achieving the savings.

Two, provisions which increase spending and are not so closely related to saving provisions that they cannot be separated.

Three, provisions which extend authorizations without saving money, and which are not so closely related to saving provisions that they cannot be separated.

Four, provisions which invade another committee's jurisdiction, whether or not they save money.

And I am not saying that is all inclusive, but, up to this point, that is what we have been using.''

So, Mr. President, there we have it, the statement in 1985 of Mr. DOMENICI, our distinguished Budget Committee chairman, as to what should be considered ''extraneous'' in reconciliation bills going back to 1981.

Nevertheless, in recent years, regrettably, the Republican congressional leadership has chosen to stray from the definitions set forth by Mr. DOMENICI. In fact, our distinguished Democratic Leader, Mr. DASCHLE, came to the Senate Floor on May 21, 1996, during consideration of the fiscal year 1997 budget resolution, and delivered very eloquent remarks concerning the fact that the budget resolution then before the Senate contained reconciliation instructions which in our distinguished leader's view should not have been in order, essentially because that budget resolution for fiscal year 1997 instructed a committee to produce a reconciliation measure that actually increased the deficit. At that time, Mr. DASCHLE pointed out what I believe most Senators felt in their hearts was the proper use of the reconciliation process, namely, that reconciliation instructions should be used to ensure that authorizing committees achieved their deficit- reducing targets and that they should be used as a way of forcing deficit reduction on committees. That should be the sole reason for using the highly restricted vehicle called reconciliation.

As our Democratic leader, Mr. DASCHLE, stated, ''We deprive Senators of their normal right to debate and amend only because we seek to ensure that the committees follow through in the crucial business of exercising fiscal responsibility.'' Nevertheless, the Chair ruled that the reconciliation instructions in question were in order, and the vote on the appeal of that ruling sustained the chair by a party-line vote of 57 yeas to 43 nays. And, so, those reconciliation instructions were included in the fiscal year 1997 budget resolution. It bears noting that the conference report on the budget resolution for 1997, on pages 82–83, contained a discussion concerning that year's reconciliation process. I quote from page 82 of that conference report as follows,

''Notwithstanding the fact that the authors of the 1974 Budget Act were neutral as to the policy objectives of reconciliation, since 1975, reconciliation and reconciliation legislation has been used to reduce the deficit. The conferees note that, while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit, but would result in a balanced budget by 2002.''

So, Mr. President, the fiscal year 1997 reconciliation instructions, according to the conference report, resulted in deficit reduction, despite the fact that one of those reconciliation instructions allowed for a tax cut.

Now that brings us to the problem we have faced in the last two years. In 1999, the reconciliation process was used by the Republican leadership to allow for a $792 billion tax cut to be brought to the Senate using fast-track budget reconciliation procedures, taking away the rights of Senators to debate fully and amend that tax cut bill. I believe this was the first time (or at least one of the rare times) that reconciliation instructions were issued that mandated a worsening of fiscal discipline for the Federal Government. Unlike the fiscal year 1997 budget resolution, I do not believe that the budget reconciliation instructions in 1999 resulted in improving the fiscal status of the Federal budget. Again, in the year 2000, the reconciliation process was used to allow for major tax cuts to be brought before the Senate in reconciliation bills. In short, we have, in my view, abused and distorted beyond all recognition the original, very limited purpose for the optional reconciliation procedure.

Now, Mr. President, we have reason to believe the majority will again this year, put together a budget resolution which will contain reconciliation instructions to the Senate Finance and House Ways and Means Committees directing them, this time, to bring forth a $2 trillion tax cut bill. Bad habits tend to perpetuate, it seems.

In a recent article entitled, ''Budget Battles, Government by Reconciliation,'' in the National Journal on January 9, 2001, the author, Mr. Stan Collender, states that, ''. . . At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process.''

Amen. Amen. A steady degradation of the congressional budget process. ''Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues.'' We have virtually turned reconciliation on its head.

Mr. President, there is no reason whatever to consider the President's tax cut proposal as a reconciliation bill. The Senate should take up that massive tax cut proposal, which could result in loss of revenues to the Federal Treasury of over $2 trillion over the coming decade, as a freestanding measure, and today I'm writing to the two leaders urging that be done. It should be fully debated and amended. That is what was done in 1981 when Howard Baker was majority leader and I was minority leader.

President Reagan sent to Congress his tax cut proposal, as well as numerous proposals to cut spending. Appropriately, Congress used the reconciliation process to accomplish the spending cuts in the Omnibus Budget Reconciliation Act of 1981, but the Reagan tax cuts were brought before the Senate as a freestanding bill and were fully debated without depending on reconciliation fast-track procedures. More than one hundred amendments were disposed of and the Reagan tax cut bill was debated for twelve days prior to its passage. The Senate Republican leadership chose to do the right thing by bringing the Reagan tax cut bill to the Senate as a freestanding measure, rather than to use fast-track reconciliation procedures. It was thoroughly aired and the President's leadership was strengthened in the process. Taking the easy way, doing the expedient thing rarely requires much leadership. The Republican Leader, Howard Baker, did the right thing for his President, for the Senate, and for the country.

In 1994, my own leadership pleaded with me—my own Democratic leader—at length to agree to support the idea that the Clinton health care bill should be included in that year's reconciliation package. Not only did then Majority Leader Mitchell attempt to persuade me to go along, President Clinton also pressed me to allow his massive health care bill to be insulated by reconciliation's protections. And particularly the request to me was, ''don't make a point of order under the Byrd rule.'' That would require 60 votes to overcome. There was the key: the Byrd rule.

Mr. President, I could not—and I stated so to my own majority leader, and I stated so to my own party leader in the White House—I could not in good conscience look the other way and allow what was clearly an abuse of congressional intent to occur. I intended, if nobody else did, to make that point of order under the Byrd rule.

So confronted with that situation, our majority leader and the others who were calling on me to go along accepted in good grace the fact that there was no point in pursuing that course.

I felt the changes, as dramatic as the Clinton health care package which would dramatically affect every man, woman, and child in this Nation, had to be subject to scrutiny by the people of this country through amendment and debate. I said to the President, and I said to my majority leader, and I said to others who importuned me to go along, I said I cannot in good conscience allow the rule to be abused. The people of this country are entitled to know what is in the bill. It is a very complicated bill. It will be a very costly bill, a very far-reaching bill. Not only the people of this country but also the Senators who are voting on the bill need to know what is in it. They have a right to know what is in it. So I could not and I would not and I did not allow that package to be handled in such a cavalier manner.

That wasn't easy to do. I stood up against my own majority leader. I stood up against the President of my own party and the White House.

It was the threat—the threat—of the use of the Byrd rule that bolstered my position. I had 60 votes; that 60-vote provision was in my hand. In other words, I make the point of order, and if the Senate waives it, it takes 60 votes. It would be pretty hard to do. So my view prevailed, and ultimately, the Clinton health care proposal was not passed.

It is time for this abuse of the reconciliation process to cease. We should not be using tight expedited procedures to take up measures that worsen the fiscal discipline of the Federal budget and that have far reaching, profound impacts on the people of this Nation.

Take up measures of that kind and debate them for only 20 hours, if the full 20 hours allowed should be taken? Or debate them for half that long? Is that the way to fulfill our obligation to the people of this country? Is that the way that we live up to the oath we take to support and defend the Constitution of the United States against all enemies, foreign and domestic?

It is an undermining of the legislative process to use the reconciliation instrument in order to enact a huge tax bill which is very controversial. There will be a lot of division of opinion on it. There are Senators who would want to offer amendments. But that beartrap of reconciliation measures, if that instrument is used, Senators will be denied the right to stand on their feet and debate at length and to offer amendments to that huge tax bill.

It is not just the Senators who would be denied the right to debate and amend, it is the people, the people who send Senators here, the people back there on the Plains and the prairies and on the stormy deep, in the coal mines of this country, in the factories, in the offices. They are the people who would be denied the opportunity. They are going to pay for whatever mistake or mistakes such a huge tax cut measure will promote.

The Bush tax cut bill should be brought up and debated as a freestanding bill, just as all appropriations bills are handled. Even emergency supplemental bills, to provide assistance to those who are hit by natural disasters, are fully debatable and amendable by the Senate.

If any proposal ever did, the President's tax proposal requires extensive debate, thought, and caring concern. There are too many issues, too many unanswered questions. We are finding that out in the Budget Committee, which is chaired by Mr. DOMENICI and the ranking member of which is Senator KENT CONRAD. We have had good hearings, good witnesses, good questions.

The tax proposal could sap the budget of the resources needed to solve the Social Security and Medicare crises that loom just over the horizon, due to the impending retirement of the baby boom generation. I am talking about those people who are sitting out there in front of me; that is the baby boom generation. I was around a long time before the baby boom generation came along. A long time. After just 4 years of surpluses, this bill could put us back on a course towards deficits, returning us to the days when we had to spend the Social Security surplus for day-to-day Federal operations. Do you want to go back to that? Is that where we want to go back to?

This bill would allocate over 42 percent of the tax cuts to the highest 1 percent of the taxpayers; over 42 percent of the tax cuts to the highest 1 percent of the taxpayers. One might say they are the people who pay that, pay most of the taxes. Well, wouldn't you like to be among that group? I would like to be in that group that pays most of the taxes. So shouldn't we have a discussion about this? Shouldn't we have a debate about it?

Hear me, shouldn't we have a debate on this matter? I urge the leaders of this body to consider this. Give us a debate on this matter. Let the Senate work its will, after thoughtful debate and with Senators having an opportunity to offer amendments.

If this bill undermines the financial markets' confidence that our Government is committed to long-term fiscal discipline, it could return us to the days of high interest rates, making the average wage earner's mortgage, education, and automobile more expensive. I think that possibility deserves a little debate. Don't you? How about you, who are watching through those cameras up there?

Mr. President, the Budget Committee, to the credit of the chairman and ranking member of that committee, has held numerous thought-provoking hearings, and the testimony from those hearings has provoked excellent questions from the members of that committee. But the testimony has been, by no means, conclusive about the wisdom of huge tax cuts.

I will support a tax cut. I like to vote for tax cuts. That is the easiest vote that one can cast. I have cast 15,877 rollcall votes in my tenure here in this body, and what an easy matter it is to vote to cut taxes. It doesn't take any courage. It doesn't take any backbone to vote to cut taxes. That is easy.

But the testimony has not been conclusive about the wisdom of huge tax cuts, about the size of the surplus, about the accuracy of 10-year projections—and they are all over the lot, those projections, believe me. It is like predicting the weather. To predict what a surplus will be a year from now, 2 years from now, 10 years from now?—the efficacy of large tax cuts as a tool for stimulating the economy; the wisdom of having some sort of trigger mechanism before proceeding with these tax cuts; the ability to protect Social Security and Medicare in light

of giant tax cuts; or the ability of our economy to continue its present rate of growth. Serious doubts have been expressed by many of those testifying and in the Budget Committee, itself, by members on both sides of the aisle.

Yet I believe that the majority fully intends to bring the budget to the Senate floor with the President's tax proposal shrouded in this protective armor of reconciliation, virtually shutting out debate and precluding amendments by the full membership of this body—by the full membership of this body.

Why hold these excellent, thought-provoking hearings at all, if that is the plan? Why do we have to have hearings, if that is the plan from the beginning?

Hearings are intended to try to discover the flaws in a proposal, and to help Members make an informed judgment about the wisdom of proceeding with a matter. We who serve on the Budget Committee may have our chance to exercise our judgment on the budget, but what about the rest of the body? There are many, many views in this Senate on both sides of the aisle, and these views deserve to be heard.

We are talking about a gargantuan tax cut—a behemoth, which threatens to eat up the surplus, drain the Social Security and Medicare trust funds, cripple domestic discretionary spending, siphon off needed defense dollars, and leave us fully unprepared to deal with natural disasters or foreign upheavals. We are talking about making very dramatic changes in our fiscal policies based on—what? Based on projections. And your projection is as good as her projection or as good as his or as good as mine—projections which are admitted by the projectors, themselves, to be very, very tenuous, indeed.

I believe that the American people, those people out there, out in the mountains, in the coastal areas, those to the Pacific, to the Atlantic, from the Canadian-U.S. line to the Gulf of Mexico—all of you ought to have the benefit of a full and thorough debate about the choices before us. Do we pay down the debt with surplus monies? Do we reserve some of the surplus to protect the solvency of the Social Security and Medicare Trust Funds? How do we go about creating a wise and thoughtful plan concerning prescription drugs? Do we spend more on education, and public infrastructure? Do we allow more for Defense abroad and anti-terrorism at home? These are questions which need to be put before the full membership of the Senate and the House, and, through spirited debate and the offering of amendments, before the American people.

This Senator just strenuously, strenuously objects to having these far-reaching, critical matters swathed in the protective bandages of a reconciliation process and ramrodded through this body like some self-propelled missile. Nobody who has listened to the testimony in the Budget Committee could possibly claim that the right choices are clear. They are not clear. There is vast uncertainty and disagreement about nearly every aspect of our future budget policy.

The President's proposals are not an edict, and the Senate is not a quivering body of humble subjects who must obey under any and all circumstances.

I suggest that, if the faint dream of effecting some sort of true bipartisanship in Washington for a time is ever to jell into something tangible, reliance on reconciliation as the torpedo to deliver a knock-out punch for the President is a tactic which must be abandoned.

It is not a fair course. It is not a wise course. And, it is a course which short-changes the American people.

We must not shackle the intellects of one hundred Members of the Senate in this way.

That is what we would be doing. We would shackle, hand and foot, the intellects of 100 Members. One-hundred representatives of 280 million people would be shackled in this body, and shackled, as well, on the other side of the Capitol in the House.

We must not ignore the viewpoints of millions of Americans. We should not fear the wisdom of open and free-ranging debate about a proposal which is, at best, risky business. Now is no time to circle the wagons. Now is the time to hear all the voices and build consensus among ourselves and among our people.

There will be no victory here, if we make the wrong choices and plunge this Nation back to deficit status. I implore the Leadership to bring whatever tax bill we write to the full Senate as a freestanding non-reconciliation bill for a thorough examination by this body. The President has said that he wants bipartisanship. He has said that he has faith in his plan. There is no need to hide behind the iron wall of reconciliation. Let us not damage the President's leadership with the ruthless misuse of a process in this body, which may hand him a very hollow victory, indeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I had the opportunity to hear a good part of the statement by the Senator from West Virginia. As on so many important occasions, he has spoken for this institution and for our country. He has reminded us once more that as we care about the sum and substance of an issue, the process can be a more powerful factor and force as it is in this particular case almost on the substance because what we are looking at is a process and a procedure which will deny this Senate its true role as defined by the Founding Fathers when they met in Philadelphia and devised this institution of the Senate to be a place where ideas clash and where the Nation's business is to be considered in an open and deliberate way. That was going to permit the opportunity for the fashioning and the shaping of the legislation after adequate debate and consideration.

He is reminding us once again about our responsibilities to meet our Founding Fathers' intentions for this institution and how their definition is actually being corrupted by a procedure which is known as the reconciliation process, which is a phrase that is probably not well understood in terms of its significance and importance in the consideration of this tax reduction but will have a very dramatic effect on the opportunity for the American people's will to be expressed by a good debate and by the opportunity for the Senate to work its will.

This is one of the most important speeches we will hear this year.

I commend the Senator for taking the Senate's time in making it. I have listened to him as he has studied the propositions during the past several weeks. I watched him on CNN the other night while he was in attendance at the Budget Committee and listening to those talking about providing adequate defense of our country. I watched him for several hours listening to those presentations. I watched him, as well, in the Budget Committee when he was listening to those who spoke about the economic conditions in this country and about the details of the President's budget. As always, no one studies these issues more deeply and more thoroughly or more comprehensively.

His speech today is not one of partisanship but one of statesmanship in reminding the Senate and, most importantly, also the leadership about its responsibilities to the American people. I thank him for making it.

I hope, although this Chamber is not well occupied at this moment, all of our colleagues will take the time to examine this speech in the RECORD tomorrow.

I hope he will continue to press these points as we go through this process in the days and weeks ahead because it is in the interest of this institution and our country.

I thank the Senator for the time he has taken and for the thoughtful presentation.

Mr. BYRD. Mr. President, if the Senator will yield, I thank the Senator from Massachusetts for his time, for his waiting, and for his very wise words.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. KERRY. Mr. President, I am introducing a resolution, which I send to the desk, that addresses one of the most urgent needs of citizens all across the country. That resolution is cosponsored by Senators SCHUMER, HARKIN, KENNEDY, DURBIN, and BOXER.

What it does is call on Congress to take immediate action to enact supplemental appropriations that will include funding for the Low Income Home Energy Assistance Program. This program helps more than 30 million of our fellow citizens in low-income households around the Nation to pay rising energy bills. Every one of these households have fixed and low incomes, and many include children and elderly. More than two-thirds of the households eligible for this assistance have annual incomes of less than $8,000. As energy prices have risen and so have the costs to heat or cool a home, those families face an unacceptable proposition of choosing between their food, medicine, and other basic necessities.

Unfortunately, this program has literally exhausted its funds in a number of States, and it is nearly exhausted in many others. As a result, thousands of households around the Nation—particularly in areas that may face several more weeks of the severe cold weather—are at risk. As many colleagues know, the price of heating oil, natural gas, kerosene, propane, and electricity has risen significantly over the past year and in some areas sharply enough to cause a deep financial burden on many households.

It is my hope that President Bush and the Congress can work together to address this situation. I have talked with many of my colleagues. They share my concern, and they, too, have constituents in need. We are only in the middle of February at this point, and already some States have exhausted their LIHEAP support. March and April can be very cold months in New England, New York, and throughout the Midwest.

This resolution calls on President Bush, who has been a strong advocate for LIHEAP, to work with our leadership to craft and enact legislation that would put $1 billion into the LIHEAP program to help those in need now when they need it. It also calls on Congress to support supplemental appropriations of $152 million in weatherization and $37 million on State energy conservation plan grants. These programs we believe can significantly help reduce energy use and reduce the overall expense of the program.

There has been a lot of talk of bipartisanship in this Congress. I am reminded that bipartisanship really always counts the most when the national needs blur the lines of ideology and party. These are the times when the Senate has been at its very best. I suggest, respectfully, that with Americans struggling with their heating bills, and all of their bills as a result of their heating bills, and with commonsense relief for so many people directly within our grasp, there should not be an excuse for inaction. There would be every reason to act responsibly and rapidly. I hope my colleagues will join us in doing so.

I thank the Senator from Alaska for his courtesy, and I thank the Chair.

Mr. MURKOWSKI. Mr. President, let me thank my good friend from Massachusetts for his concern over energy efficiency and conservation assistance to low-income families. I am sure he will be pleased to know that in my remarks today concerning the comprehensive energy bill that will be introduced on the 26th, Monday, when we come back, about noon, we cover under title VI an extensive area of concern not only to the Senator from Massachusetts, but I think the entire eastern corridor and other parts of the United States that are subject to cold winters and dependent on high-cost heating oil.

I think it is appropriate to also note the study that came out by the CSIS yesterday indicating a reality that some of us hesitate to take seriously, but on the other hand this study has been underway for some 3 years. It simply states the harsh reality that we are going to be dependent on hydrocarbons for the foreseeable future. It was estimated in that study that the increase would go from about 83 to about 90 percent of the energy used in the world would come from hydrocarbons, primarily from the developing countries.

So the reality that we are likely to suddenly relieve ourselves of our dependence on foreign oil, unfortunately, is probably not a reality. The rationale for that is obvious. We don't have the technology, very frankly, particularly in the areas of transportation, for any other mode. That doesn't suggest we should not continue to fund, if you will, alternative energy, renewable energy and so forth, and continue to try to develop technology, such as hydrogen and various other things. But to suggest that somehow out of this energy crisis we can do it through conservation and efficiency alone is unrealistic. I wish that were the case.

I encourage all of my friends to take a look at this report, which is done by an objective, unbiased group.

Let me refer specifically to sections in our draft energy bill, and for the benefit of my friend from Massachusetts, who I see has left the floor, I will start from the beginning rather than what I was prepared to do, which was to comment specifically on the areas associated with the concerns of low-income families and programs on energy efficiency, conservation, and so forth. I will be happy to do that now that I see my friend is back. I think it represents an awareness and an acknowledgment of a situation that simply has to have relief.

In title VI—energy efficiency and conservation assistance to low-income families—we propose an extension of low-income home energy assistance. That specifically extends authorizations for the low-income home energy assistance programs, or LIHEAP, as it is termed, increasing authorized amounts from $2 billion to $3 billion, and it increases the authorized emergency funds from $600 million to $1 billion annually and extends programs making payments to States.

The other portion that we think is important is the energy-efficient schools program, which in draft section 602, which establishes a new program within the Department of Energy making grants to local school districts and improving energy efficiency of school buildings, expands the use of renewable energy, and authorizes $200 million in fiscal year 2002, increasing in subsequent fiscal years.

We have proposed amendments to the weatherization assistance program which expand eligibility and funding authorization for weatherization assistance—providing grants to low-income households to improve residential energy efficiency.

Then we have a portion that provides amendments to State energy programs. It sets procedures for regular review of existing State energy conservation programs and encourages regional energy conservation and planning.

It sets State energy efficiency goals of reducing energy use by 25 percent by the year 2010, compared to 1990 usage, and expands and extends authorization for State energy programs of $50 million in fiscal year 2000, increasing in subsequent fiscal years.

I look forward to our discussion when we come back from our recess on various aspects of our comprehensive bill and the bill that has been introduced by my good friend, Senator BINGAMAN, today which covers some of the areas in which the Senator from Massachusetts expressed an interest. Certainly, we have the motivation to try to respond because there is more than a need for LIHEAP. There is a need for more generation in this country to meet the crisis that is evidenced in California.

I am going to proceed with a general outline of the bill at this time.

Mr. KERRY. Will my colleague yield for 30 seconds?

Mr. MURKOWSKI. I will yield for a question.

Mr. KERRY. Let me say to my colleague, I very much welcome what he is suggesting, and this is a debate I will welcome and I know many of my colleagues will because there is a great deal of difficulty for the country in deciding what we do about the dependency as described.

I say again to my colleague and to my other colleagues, there is a distinction between the authorization that he is requesting, which is in the next budget cycle, and the supplemental appropriations that we are requesting to deal with the crisis now for families who are out of money and States that are out of money.

Regrettably, what the Senator—and I know the Senator knows the distinction well—is proposing is down the road, whereas we face an immediate crisis in LIHEAP funding at this moment. I think the Senator will agree with me, will he not, that there is that distinction between these bills?

Mr. MURKOWSKI. Mr. President, I am not going to get into a debate on

the issue now. It was unfortunate today that both sides could not reach a resolve on the resolution concerning energy. It went to the Democratic side, and there was a reluctance on the other side because it did not include redress of the California dilemma, which is very difficult, as you know.

A lot of people are working on that. We have to recognize, first of all, that we have an energy crisis in this country. It is not unique to one area. California needs immediate assistance. All one has to do is talk to the California legislators, and the reality is to sit down in a timely manner and address this with some corrective action, which is going to involve a large segment of examination of not only conservation, weatherization, alternative energy, renewable energy, but making sure we go back to our conventional sources of energy—it has to come from somewhere—and use our technology to produce it in a safer manner with less of an environmental footprint.

As we all know, what we have concentrated pretty much on in the last several years is natural gas at the expense of coal and other things.

I am going to proceed with my remarks. I thank my friend from Massachusetts for his comments.

I alert all Members as to what is in this bill because it attempts, first of all, to address the broad interests associated with the crisis as we see it. It goes beyond the energy crisis because it is affecting the economy of this Nation as we see higher prices, shortages, and we see a growing consumer concern, a lack of confidence. A lot of it stems from the energy situation in this country.

What we are attempting to do, with the efforts of many people, is bring together a comprehensive outline. We will introduce the legislation on Monday the 26th. It will be referred, I believe, under rule XIV to the calendar, and from there it is referred to the two committees of jurisdiction. There is a tax aspect, and I suspect that will move to the Finance Committee on which I serve. The other portion will move to the Energy and Natural Resources Committee, which I chair.

It is our intention then to begin hearings on this legislation as soon as possible, and other legislation that has been introduced. Senator BYRD has a coal bill. Senator BINGAMAN has a bill affecting LIHEAP. At the same time, I urge Senator GRASSLEY, the chairman of the Finance Committee, to begin holding hearings, as well, on the tax aspects of this proposed legislation.

It is important to note the role of the administration. The Vice President has announced the formation of an energy task force. This task force is unique because it attempts to set energy policy for this Nation—what direction should we go. Unlike the previous effort where the Secretary of Energy, the head of the EPA, and the Secretary of the Interior pretty much went their separate ways, he is attempting to bring them together to address how we are going to handle resource development on public land for oil and gas, what role the Department of Energy is going to play in coordinating, if you will, an action that EPA may initiate that could put off the ability to produce more oil and gas—a coordinated effort to make policy.

We are going to get that from the administration, I imagine, 40 to 50 days from now. That will be incorporated in either a substitute or amendments to this proposed legislation.

Believe me, the legislation we will introduce is probably not in its entirety the legislation that is going to be adopted. It is going to be massaged, it is going to be cut, it is going to be stricken, it is going to be added to.

We have to start. It is not going to be a piecemeal effort. It is an attempt to address, across the board, in a responsible manner, the concerns affecting the dilemma in this country as we seek energy policy, as we seek relief and address the economy that is being affected by this.

The first title covers general provisions to protect energy supply and security. It involves consultation and reports on Federal energy actions affecting domestic energy security and supply.

Then we have an annual report on U.S. energy independence. The idea is to what extent should we try and maintain a greater degree of independence in this country from the standpoint of our national security.

It covers the National Strategic Petroleum Reserve and requires a study and report. As my colleagues know, we try to keep a 90-day supply. Today, we have about a 56-day supply, and the merits of having that should our imports be interrupted is paramount.

We have a study of existing rights-of-way to determine capability to support new pipelines or electric power transmission. It is just not enough to have energy. We have to transport it. Some of our pipelines are old. Some of our transmission facilities are inadequate. We have problems with eminent domain. How do you get there from here? How do you cross public lands?

We have a section covering the expanded use of Federal facilities to generate hydropower. We have a section requiring a nuclear generation study. Twenty percent of our energy comes from nuclear energy, and we have yet to deal with the nuclear waste issue. We were one vote short of a veto override in this body last year. We still, very frankly, are seeing the nuclear industry strangling on its own waste and our inability to address it with resolve. The French adopted in 1973 a nuclear program and they are almost 90 percent dependent on nuclear energy. They recover the plutonium, reinject it in the reactors, and address the waste in a responsible way. We cannot seem to get over that hump, yet we are 20 percent dependent.

We have a section on development of a strategy for spent nuclear fuel.

We have a section to study the status of the domestic refining industry. It is interesting, during a portion of our previous discussion on this topic, when we brought 30 million barrels out of the Strategic Petroleum Reserve, suddenly we found out our refineries were at full capacity. We have not built a refinery in 20 years. What a rude awakening.

We have a section to review the Federal Energy Regulatory Commission's annual reports on the availability of domestic energy resources to maintain the electric grid, a study of financing for new technologies, a review of regulations to eliminate barriers to emerging energy technology, interagency agreements on environmental review of interstate natural gas pipeline projects, a program for pipeline integrity safety and reliability, and research and development for new natural gas technologies.

For clean coal technology, we have cost and performance goals. We have technological research and development programs, authorization and appropriations for R&D power plant improvement initiatives, various coal mining research and development provisions, and programs to improve railroad efficiency.

For oil and gas we have deepwater and frontier royalty relief which has been so beneficial in the Gulf of Mexico where we have seen drilling take place now in 3,000 feet of water. Lease sales are going as deep as 6,000 feet. The technology has been developed rapidly and successfully.

Some in the media have picked this up and said this is a boondoggle for big oil. There is no alternative minimum tax here. This isn't something for big oil. Big oil can do very well on its own. It does not need assistance. However, the small guys do. The stripper wells do. Some of the independents do.

So we have a use of royalty in kind to fill the Strategic Petroleum Reserve. We have improvements to Federal oil and gas lease management. We have a royalty reinvestment in America provision. On nuclear, we have the Price-Anderson amendments which address the liability on the nuclear plants. We have a nuclear energy research initiative, nuclear energy plant optimization programs, nuclear energy technological development, nuclear energy production incentive, and nuclear energy improvements.

We have a provision for the Arctic Coastal Plain Security Act Of 2001 which proposes opening up ANWR, which I will discuss in my concluding remarks because that seems to be the lightning rod in the whole bill.

I mentioned when my friend, Senator KERRY from Massachusetts, was here, the title on energy efficiency conservation assistance to like families. We have covered that. We also have enhancement and extension of authority relating to Federal energy savings, performance contracts, Federal energy efficiency requirements, energy efficiency science initiatives. We also have

an alternative fuels and renewable energy section, a significant section. We have an exception to HOV passenger requirements for alternative fuel vehicles. If you have an alternative fuel vehicle, something that doesn't run on gasoline, you can take it on the HOV lane all by yourself. We have alternative fuel credits for qualifying infrastructure, State and local governments use of Federal alternative refueling requirements, and mandates on Federal fleet fuel economy, and use of alternative fuels.

If we are going to mandate things, the Government ought to lead the way, not the public. Our bill requires Federal agencies to increase the fuel economy of newly acquired Federal fleet passenger cars and light trucks by at least 3 miles per gallon by the year 2005. We are putting government where it ought to be, leading the way.

We have local government grant programs, extension of special treatment of duel-fuel vehicles under Department of Transportation fuel economy standards. We have renewable energy programs for residential, access to renewable energy resources. We have hydroelectric relicensing reform, which includes processes for consideration of Federal agencies on the condition of licensing of various facilities, including hydro dams, coordinating environmental review processes, and a study of small hydro projects. This bill helps ensure electric energy transmission reliability, and repeals PURPA mandatory purchase and sale requirements. We also repeal the Public Utility Holding Company Act, and encourage emission-free control measures under the State implementation plans.

On the aspect of taxes, we have enhanced oil recovery credit extended to certain nontertiary recovery methods, such as horizontal drilling. We have extension of Section 29 credits for producing fuel from nonconventional sources. We have 10-year carryback for a percentage of depletion for certain oil and gas properties. We repeal the current net income limitation on that percentage depletion. We clarify the definition of a ''small refiner'' as used in an exception to the oil depletion deduction, and we accelerate depreciation of oil and gas pipelines, petroleum facilities, and refineries. We also have capital construction funds for U.S. drilling vessels. We provide credits for investment to qualifying clean coal technology.

Regarding coal, we have huge coal reserves in this country. We could reduce our dependence on imported oil but we have not built a new coal-fired plant since 1985 because you cannot get a permit. We've used natural gas for electric energy producing capability, but we have the coal here. We have the technology to clean it up, and we should use it. We may have to adjust the permitting process to expedite it, but not at the sacrifice of the environment by any means.

We have new credits for investment for qualifying advanced clean coal technology, credits for production for qualifying advanced clean coal technology, and provisions relating to private loan financing for long-term natural gas contracts. We include the electric power industry's agreement on so-called ''private use restrictions'': tax-exempt bond financing of certain electric facilities, and we allow expensing of costs incurred for temporary storage of nuclear fuel. We have tax incentives for energy efficiency: credits for distributed power and combined heat and power property, a tax credit for energy efficiency improvements to existing homes and for construction of new energy-efficient homes, a tax credit for energy-efficient appliances and motor vehicles, and we have a credit for alternative fueled vehicles and for qualified electric vehicles, credit for retail sales of alternative fuels as motor vehicle fuel, extension of deductions for certain refueling property, and an additional deduction for the cost of installation of alternative fuels.

For renewable energy, we make modifications to the Section 45 credit for electricity produced from renewable resources, and extend it to include waste energy, and we establish a new tax credit for residential solar and wind property. Finally, we treat facilities using bagasse, sugar cane waste, to produce energy as solid waste disposal facilities.

Now if your particular area of interest is not in here, let us know and we will include it. This is a comprehensive bill. I remind all of my colleagues, this is an effort to start a process to address a problem that is affecting not only our economy but is creating a growing energy crisis moving from California across the country.

One of the lightning rods in the bill is the issue of ANWR, which is in my State of Alaska. I have tried several times, but I can't seem to get across the significance of trying to put this in perspective. I am happy to say that the occupant of the Chair is not from Texas because Alaska happens to be 2½ times the size of Texas. Put this in perspective: If we overlay Alaska on the United States, we get a picture of how big Alaska is. In the north it would touch Canada, and in the south it would touch Mexico; on the right it touches Florida, and on the left it goes to California. It is a big hunk of real estate.

What does it consist of? Anchorage is our largest city. In the upper right-hand corner is an area that is magically called ANWR. What does ANWR mean? It means the Arctic National Wildlife Refuge. That sounds pretty significant. What does ANWR consist of? Congress in 1980 made significant decisions in determining what this area would consist of and be used for. Out of the 19 million acres in ANWR, they determined they would designate 8.5 million acres of it as pure wilderness—that is the area in black with the slashes—8.5 million acres wilderness, no track vehicles, no activity of any kind. Visitors can go in on foot, and that is it. They decided to make 9.5 million additional acres a refuge. This area below was designated a refuge, even though the whole 19 million acres is classified as a refuge. But they did one other thing. They left out the Coastal Plain. This is the area in tan. That is 1.5 million acres. If you add all that up, you get 19 million acres. That is all of ANWR. But the difference and the point is, there cannot be any development in the wilderness. There cannot be any development in that refuge where the pointer is.

Congress has, solely, the authority to open up the ANWR Coastal Plain area. It is important to note what is in there because some people say it is the Serengeti of the West; it is the Grand Canyon—whatever. There is an Eskimo village there. People are living there. There are about 227 residents of Kaktovik.

Let me show you some pictures of Kaktovik. Here are some kids going to school in Kaktovik in the morning. You notice they didn't do a good job shoveling the walks. It is pretty harsh. It is winter about 10 months of the year. The kids are happy. One of them is getting some new teeth. You wonder why they are in the Eskimo parkas. Those ruffs are wolf ruffs. Do you know why they wear wolf ruffs? Because the breath doesn't freeze on wolf fur, but it freezes on others.

Here is what it looks like in the summertime. To suggest this is a pristine wilderness with nothing on it is a bit misleading. People live there. They hunt.

You can see the radar site. That is the radar site, in part. That is the DEW line, and the Arctic Ocean, and the ice is out there. There is an airfield and a couple of hangars, schools, little stores, and so forth.

We have another picture of Kaktovik. But my point in going through this is to illustrate that, indeed, in ANWR there is a designated area with only the authority by Congress to open it up, and it is that tiny fraction. Let's go back to the map again, the tiny fraction that we are considering, and that is the Coastal Plain.

If we do the arithmetic, we have already said it is 19 million acres in the ANWR area, and we are talking about leasing 1.5 million acres. And then the question is, What happens if you do that?

Let me show you a couple of things.

You see over on the left is what they call the Trans-Alaska pipeline. That is a 800-mile, 48-inch pipeline. It was built about 26 years ago and runs from Prudhoe Bay the length of Alaska. That goes the whole length of the State, 800 miles down to Valdez. That is where the oil flows. That is already there.

It comes, you will notice, from Prudhoe Bay. Prudhoe Bay is the largest oilfield in North America. It has been producing about 20 percent of the total crude oil produced in the United

States for about 26 years. That pipeline was built so we could move that oil to market.

We tried to move it by tanker. We built the Manhattan and thought we would take it through the ice to the east coast. It did not work. The ice is simply too thick, so we built a pipeline. But the interesting thing is that the environmentalists said: If you build that pipeline the length of Alaska, the moose and the caribou are going to be divided. They will not be able to cross it. It is going to be an environmental disaster. That is a hot pipeline because that oil is hot when it comes out of the ground, and if you put the pipeline in permafrost, frozen ground, it is going to melt the ground, it is going to break, and you will have a mess on your hands.

All those doomsayers were wrong. It didn't happen. These are the same arguments being used today. They are saying if you go up there and open up that area, you are going to have a disaster.

What you have is interesting. You already have, between Prudhoe Bay and ANWR, an area—BP has a discovery in Badami. Badami is about 40 miles from Prudhoe Bay towards ANWR. There is a pipeline that goes out to Badami. Another 40 miles of pipeline added to that 20 and you will be in ANWR.

Another significant thing, there was one oil well drilled in Kaktovik, drilled there before 1980. It is what is called a tight hole. No one knows what is there other than Chevron and BP, but the geologists are excited because they say this area could contain a major discovery of a magnitude of ranging anywhere from 3.2 billion to 16 billion.

When you look for oil, you usually don't find it. If you look for it in Alaska, you better find a lot or we can't develop it. If we can't get 5,000 barrels, forget it; it will not be economically viable. That is where Prudhoe Bay has been so prolific. If it is not there in the magnitude it has to be, then the whole argument is academic. The question is, How significant is it?

I want to show a couple of photos of what the pipeline is used for. It has a dual use.

Here are three bears going for a walk on the pipeline. The reason they are walking there is it is easier than walking on the snow. It is like a paved highway. Nobody is bothering them, nobody is shooting them.

Here is a picture of what happens in Prudhoe Bay in the summertime, which doesn't last very long. These are the caribou. These are not stuffed; they are real. Nobody is bothering them, shooting them, running them down. This herd was 3,000 animals in the central Arctic when we started Prudhoe Bay. There are 26,000 caribou there now. We are doing fine.

We talk about the polar bear. Let's show an ice picture. It is mostly ice up there, but here is a nice picture. That is a nice ice picture. That is the harsh, bleak ANWR area in the wintertime, 10 months of the year. They say the polar bears are there—they are not there, they are out at sea.

Talk about polar bear, the U.S. has the greatest conservation for polar bear of any of our Arctic neighbors. If you want to trophy hunt polar bears, you can go to Russia or Canada, but you can't do it in the United States. It is prohibited. You can't take them. The Natives can take them for subsistence. So that is a bogus argument. There is a new study out and the number of polar bears have increased dramatically.

Here is a picture of the technology we have today, as far as drilling in the Arctic. You notice the ice road? There is no gravel road. They pour water on the snow, it freezes, and bingo, you have a road. OK?

That is a drill rig out in the middle of nowhere. You see the cars moving, you see the Arctic Ocean out there. That is the footprint. That is directional drilling. We have technology that lets you drill 100 wells through one of these, one spot, with directional drilling. It is not like in the old days.

What does it look like in the summertime? It looks like this for about 2 months. There is the tundra and that is what comes out, and the footprint is pretty small.

This is the drilling technology. This is out of the New York Times about 2 weeks ago. It shows you how they drill from one spot and go into various areas because they have a technology that they call 3–D seismic. It used to be 2–D. They can look down now and spot these little spots. Where they used to, if they hit the big one on the right, they were lucky, but now they can go after those little ones and get greater recovery through this from directional drilling technology. So you don't get a footprint all over the place, but the footprint is estimated to be 2,000 acres out of 19 million.

We asked the geologists to tell us—Prudhoe Bay is a big oilfield—we asked what the footprint is total, all the pipelines, the gathering stations, the bunkhouses, the various things. I think the figure was about 6,000 acres, but they said if they were going to do it today, they could do a field the size of Prudhoe Bay with a technology of 1,000 to 2,000 acres. So we are looking at the increasing manageability of the footprint.

I think I said enough about the technology. I think I have given you a picture of what ANWR consists of in the 19 million acres. I have tried to portray what is at risk here, 1.5 million acres.

But I will conclude with a little reference to some of my colleagues, some of whom said if this comes up, we are going to filibuster the issue.

Let me remind my colleagues. Don't they have an obligation to come up with an alternative? What are the alternatives? If we look at reality, we have to admit that with a 56-percent dependence on imported oil, and the reality of EIA saying that is going to increase to 70 percent by the year 2010, or thereabouts, and the CSIS study that says unfortunately we are going to become more dependent on the world for hydrocarbons and oil, that suggests there is not much relief in sight; we are going to continue to become more and more dependent.

I was asked while giving a speech the other day: Senator, since it was 37 percent in 1973 and now it is 56 percent, at what point do you believe our national security interest is compromised? I thought about it for a minute. I said: The best answer I can give you is that in 1991 we fought a war. We fought a war over oil. We fought a war against Saddam Hussein to stop him from invading Kuwait. And ultimately his mission was to go into Saudi Arabia and control the world's supply of oil. That is how important it was. Was it a national security issue? Sure, it was. We don't want Saddam Hussein to control the oil. Where would we be today if Saddam Hussein controlled the oil?

When you look at 56 percent and the reality of our increased dependence, the idea comes across that maybe we ought to try to reduce our dependence on imports. Then the question is, How do you do it? Before I tell you how to do it—I will conclude with that. My wife keeps reminding me: You keep saying that, and you never keep your word.

That reality is associated with where we are now acquiring our greatest increase in imported oil. It is from Iraq. We fought a war in 1991. We lost 147 lives. We had 400-some wounded. We had 23 taken prisoner.

Let's look at our foreign policy and try to make it simple so it is understandable, because we are flying sorties over Iraq; we are bombing. He sells us 750,000 barrels a day. It is increasing, I might add. I met him. He is not a nice guy. You try to kind of figure out what he is up to, and you generalize by saying he is up to no good. We are getting 750,000 barrels a day. We are sending our money over there. We get his oil, put it in our airplanes, and go bomb Iraq. We do it again the next day. If you believe it, we have flown hundreds and thousands of sorties. We are buying his oil, giving him the money, putting it in our airplanes, and bombing him. I kind of question that foreign policy. It may seem a little oversimplistic.

Let's ask Saddam Hussein what he is doing with the money. He is building a military capability, a missile delivery capability, a biological capability, and where is it aimed? Our greatest ally, Israel.

If I have made a full circle, which has been my intention, I hope I have been able to communicate what I consider a terrible inconsistency.

What we have in this bill is a commitment and a goal to reduce our dependence on imported oil to 50 percent, or less, by the year 2010. We can do it in a combination of ways. One is by opening up the area of ANWR. One is

opening up the overthrust belt in Montana, in Wyoming, and Colorado—areas that have been withdrawn by the previous administration by the roadless policy. There are 23 trillion cubic feet of gas taken off commercial availability by that roadless designation in those States.

We can do something about reducing our dependence. Then we can bring on our improved technology of our conventional resources, such as nuclear, by addressing what we are going to do with nuclear waste; bring on our coal by developing our clean coal technology; and we can reduce our dependence, because it is in the national security interests of our Nation to reduce our dependence on the Mideast.

One thing the CSIS study points out is that for the foreseeable future the world will be looking at energy sources from unreliable, unstable areas of the world that foster terrorism. I get the message. I am sure you do, too.

The reality is that the argument against opening up this area is absolutely bogus. The bottom line is, the extreme environmental community needs an issue. And ANWR is their issue. It raises dollars. It raises membership. It raises fear. It never addresses the advanced technology and whether we can do it safely. Of course we can. We have had 30 years of experience in the Arctic. The footprint is smaller. The technology is better. But they need an issue that is far away, that the American people and most of the press can't afford to go up and look at.

I have pleaded with Members to come up before they speak as experts on what should be done in my State and look at it—take a look at it objectively. One Senator said to me after we landed and got out of the helicopter, after he looked around: All right, FRANK. Where is the wilderness? It is a mentality. Where is the wilderness? That is the wilderness. It is like there ought to be a sign that says ''Wilderness 2 miles around to the left''. You see. But I can't get Members to go.

We have a trip coming up. I implore those of you who feel strongly about this issue to find out something about it, because your information is coming from one source—America's environmental community. And this is their fight. They have to have it. It is their bread and butter. And they use scare tactics.

I am going to mention one more thing. This is a Canadian issue. We had the Canadian Minister on Environment here. He says to his Foreign Minister that we ought to oppose opening this area. He went down and talked to the Canadian Ambassador. Then he talked to our new Secretary of State. Canada looks on Alaska as a competitor for energy. That is neither here nor there. We get a significant amount, and a growing amount, of our energy from our good neighbors in Canada. But they do not practice what they preach, and they don't tell you the truth, unless you ask the right questions. Being on the Intelligence Committee, you know how that works.

Let me show you what this is. You see Alaska on the left. Over on the right is Canada. That green line divides them. You see the Arctic Coastal Plain up at the top. This is the route of porcupine caribou, which is a different herd from the pictures I showed you before. These animals migrate through northern Canada on that route that shows the tan area that moves around.

Up at the top, you see a lot of little things. Those are oil wells that the Canadians have drilled in Canada. There are about 89 of them. You see them particularly up at the top. They made a park out of that area because they did not strike any oil. That is Canada's own business. I admire them for making a park out of it. But the caribou were going through there when the oil wells were being drilled. The pregnant cows were going through there and going back to the calves. That is neither here nor there—just to point out an inconsistency.

They said they made a park out of it and that we ought to make a park out of ANWR. They don't tell you they built a highway through there. There it is—the Dempster Highway right through the migration of the caribou. It doesn't bother them. Trucks stop, and so forth. The greatest danger to the caribou is people running them down with snow machines and shooting them.

We have what we call the Gwich'in people. They are a fine group who live partially in Canada, at Old Crow, and over at Fort Yukon on our side. So they cross the border. This group many years ago proposed to lease some of their land on the Alaska side for oil drilling. We have the situation of the individual members on the leases. Unfortunately, there was not any interest because the geology wasn't very promising. So the oil industry did not choose to take them up on their leases. Of course, now they don't acknowledge they were ever willing to lease their land.

I just point that out as a bit of inconsistency. It is just part of the history, and we move on from there. But the difference is the Gwich'in people are two groups: The Gwich'in people themselves and the Gwich'in steering committee, which is funded by the national environmental groups, such as the Sierra Club. They, unfortunately, have a significant voice. And much of that voice is fear. They put fear in these people; that if we have this development up in ANWR, the livelihood and the dependence on the porcupine caribou herd will be sacrificed to the point they will lose their subsistence.

The other group is a little more open. To make my point—and I think it is important—if you look at the other map, the one showing the top of the world, you will see Alaska over here, and you see Barrow above Prudhoe Bay. This is our northern most community. It is a large Eskimo village.

What they have been able to do is, they formed a borough or a county. They formed their regional corporations. They formed their village corporations. They tax the oil activity. They tax the pipeline. They have the finest schools in the United States. They have indoor recesses. You can't believe it. They have health care.

Every child has an opportunity for a full-blown college education from the revenues that come in to the Eskimo people. They manage. They have become the strongest capitalists that I have ever seen. They do not have time for the inefficiencies of the Federal Government. It has been an extraordinary transition because they have a revenue stream. Their traditions of whaling are maintained.

What they have done is, they have invited the Gwich'ins up to see their standard of living on three occasions. The Gwich'ins almost came the last time, until the Gwich'ins' steering committee said: You can't go. You can't break the heritage. This is the influence, if you will, unfortunately, that exists.

Because the Barrow people now have educational opportunities, they have a choice. They can follow subsistence—hunting and fishing—they can go to college; they can move into jobs in the oil industry. There is very little employment in the Gwich'in area. That is their own business. I respect their choice. What I don't respect is the influence of the outside groups that use them. That is what I object to.

That is what a lot of this debate is all about because, as I said before—and the bottom line is—the environmental community needs this issue. They are milking it for all it is worth. A few of us are trying to bring in the realities that the arguments today against opening ANWR are the same arguments that were used against opening Prudhoe Bay 27, 28 years ago.

That is the extent of my harangue at this late hour, to try to put in perspective the debate. When my colleagues come to this floor and say: I am going to filibuster the issue, I think they ought to address the issue. I think they ought to go up and see for themselves. And I think they have an obligation to address the alternatives because you are not going to conserve your way out of this energy crisis. I think all of us who are realistic recognize that. We are going to need all of our sources of energy. We are going to need all of our technology. We are going to have to come together on reality.

There are two other things I wish to say. One is people might say, Senator MURKOWSKI, this is only a 6-month supply based on the reserves.

First of all, nobody knows what is in there. But let's say it is a 6-month supply. When you say that, that is assuming there is not going to be any other oil produced in the whole United States, in the gulf, or any place else for 6 months—pretty significant—no trains, no boats, no airplanes.

If you turn it around—and from my point of view—if we do not allow the development, that is like saying this country is not going to have 6 months' worth of oil for its trains, so forth and so on.

So you can flip that ridiculous argument around and it still comes out a ridiculous argument. So I do not put much significance in it, but, nevertheless, it is one of the arguments that is used.

Remember Prudhoe Bay? Ten billion barrels was the estimate. They have gotten 12 billion barrels already, and they are still kicking 1 million barrels a day. The technology is there, and certainly the need is. Again, I appeal to my colleagues who are still with us at this late hour, and all my colleagues, to recognize the national security interests of this country. And when—and at what point—we become vulnerable to imports, we have to consider what it does to the security of this Nation. We have already fought one war over oil. To me, that sends a pretty strong message.

I will simply recall the remarks of our friend and former colleague, Senator Mark Hatfield, who said: One of the reasons I support opening ANWR is I will never support sending another member of our Armed Forces into harm's way in the Mideast in a war over oil.

ORDERS FOR MONDAY, FEBRUARY 26, 2001

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 o'clock noon on Monday, February 26. I further ask consent that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and immediately following the reading of George Washington's Farewell Address by Senator ALLEN of Virginia, the Senate then proceed to a period of morning business until 4 p.m., to be divided in the following fashion: First, Senator MURKOWSKI will have from the completion of the Farewell Address to approximately 2:30 p.m.; Senator MILLER, 2:30 p.m. to 3:30 p.m.; Senator Cleland, 3:30 p.m. to 4 p.m.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. When the Senate reconvenes on Monday, February 26, Senator ALLEN will be recognized to read Washington's Farewell Address. Following the address, there will be further morning business until 4 p.m. During Monday's session, the Senate may also consider any legislative or executive items available for action.

DISCHARGE AND REFERRAL OF H.R. 2

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 2 and that the bill be referred jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 26, 2001

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 32.

There being no objection, the Senate, at 5:27 p.m., adjourned until Monday, February 26, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 15, 2001:

DEPARTMENT OF DEFENSE

PAUL D. WOLFOWITZ, OF MARYLAND, TO BE DEPUTY SECRETARY OF DEFENSE, VICE RUDY F. DE LEON.

EXECUTIVE OFFICE OF THE PRESIDENT

SEAN O'KEEFE, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE SYLVIA M. MATHEWS.

CONFIRMATION

Executive nomination confirmed by the Senate February 15, 2001:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JOE M. ALLBAUGH, OF TEXAS, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency.

Senate

Chamber Action

Routine Proceedings, pages S1439–S1542

Measures Introduced: Forty-eight bills and five resolutions were introduced, as follows: S. 340–387, S. Res. 25–27, and S. Con. Res. 15–16.

Pages S1462–64

Measures Passed:

Honoring Senator Coverdell: Senate passed S. 360, to honor Paul D. Coverdell. **Pages S1450–53**

John Joseph Moakley U.S. Courthouse: Senate passed H.R. 559, to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the ''John Joseph Moakley United States Courthouse''. **Pages S1453–55**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 91 yeas (Vote No. EX. 13), Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

Pages S1448–49, S1542

Nominations Received: Senate received the following nominations:

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense.

Sean O'Keefe, of New York, to be Deputy Director of the Office of Management and Budget.

Page S1542

Executive Communications: **Pages S1461–62**

Executive Reports of Committees: **Page S1462**

Measures Placed on Calendar: **Page S1461**

Statements on Introduced Bills: **Pages S1465–S1527**

Additional Cosponsors: **Pages S1464–65**

Amendments Submitted: **Pages S1529–30**

Additional Statements: **Pages S1459–61**

Notices of Hearings: **Page S1530**

Authority for Committees: **Page S1530**

Privileges of the Floor: **Page S1530**

Record Votes: One record vote was taken today. (Total—13) **Page S1449**

Adjournment: Senate met at 10:01 a.m., and pursuant to the provisions of H. Con. Res. 32, adjourned at 5:27 p.m., until 12 noon, on Monday, February 26, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1542.)

Committee Meetings

(Committees not listed did not meet)

MEDICARE AND PRESCRIPTION DRUGS

Committee on the Budget: Committee concluded hearings to examine the need for Medicare reform and efforts to provide prescription drug coverage to Medicare beneficiaries, and the budgetary issues these proposals raise, after receiving testimony from Gail R. Wilensky, Project HOPE, Bethesda, Maryland, on behalf of the Medicare Payment Advisory Commission; and Robert D. Reischauer and Marilyn Moon, both of the Urban Institute, and Kathleen E. Means, Patton Boggs, all of Washington, D.C.

NOMINATION

Committee on Governmental Affairs: Committee ordered favorably reported the nomination of Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

BUSINESS MEETING

Committee on the Judiciary: Committee began mark up of an original bill, to amend title 11, United States Code, but did not complete action thereon and recessed subject to call.

EDUCATION REFORM

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the Administration's education proposals to improve accountability and close the achievement gap in the education system, after receiving testimony from Roderick R. Paige, Secretary of Education.

House of Representatives

Chamber Action

The House was not in session. It will next meet on Monday, February 26, 2001 at 2 p.m.

Committee Meetings

FARM PROGRAMS FUTURE

Committee on Agriculture: Held a hearing on the future of farm programs. Testimony was heard from a public witness.

ELECTRICITY MARKETS: LESSONS LEARNED FROM CALIFORNIA

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled: ''Electricity Markets: Lessons Learned from California.'' Testimony was heard from Carl Wood, Commissioner, Public Utilities Commission, State of California; John M. Quain, Chairman, Public Utility Commission, State of Pennsylvania; Alan R. Schriber, Chairman, Public Utilities Commission, State of Ohio; and public witnesses.

MEDICARE REFORM—DRUG COVERAGE FOR SENIORS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled: ''Medicare Reform: Providing Prescription Drug Coverage for Seniors.'' Testimony was heard from Barbara Buckley, Assemblywoman, State of Nevada; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 16, 2001

Senate

No meetings/hearings scheduled.

House

No meetings/hearings scheduled.

Next Meeting of the **SENATE**

12 noon, Monday, February 26

Senate Chamber

Program for Monday: Senator Allen will read Washington's Farewell Address; following which, there will be a period of morning business (not to extend beyond 4 p.m.). Also, Senate may consider any cleared legislative and executive business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Monday, February 26

House Chamber

Program for Monday: Pro forma session.

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