The House met at 2 p.m.  

The Speaker, the Reverend Daniel P. Coughlin, offered the following prayer:  

With the psalmist we pray: “O Lord open my lips and my mouth will declare Your praise.”  

Even before the first word is formulated, Lord, guide our minds, our thoughts, our hearts and desires. By Your Holy Spirit, breathe into us a new spirit. Shape this Congress and our world according to Your design that we may fulfill Your holy will.  

Give us the gift of attentive hearts and open minds, that through the diversity of ideas, we may sort out what is best for this Nation. Let us not be afraid of silence; that even before we speak, we may heed Your revealed Word with longing.  

May our speech be deliberately free of all prejudice that others may listen wholeheartedly. Then our dialogue will be mutually respectful, surprising even us with unity and justice. And our words as well as our lives will give You praise now and forever. Amen.  


THE JOURNAL  

The Speaker. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.  

Pursuant to clause 1, rule I, the Journal stands approved.  

PLEDGE OF ALLEGIANCE  

The Speaker. Will the gentleman from Nevada (Mr. Gibbons) come forward and lead the House in the Pledge of Allegiance?  

Mr. Gibbons 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.


COMMUNICATION FROM THE CLERK OF THE HOUSE  

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:  

Office of the Clerk,  
House of Representatives,  

Hon. J. Dennis Hastert,  
Speaker, House of Representatives,  
Washington, DC.  

Dear Mr. Speaker: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 22, 2001, at 12:25 p.m.  

That the Senate passed S. Res. 10.  

With best wishes, I am  
Sincerely,  

Jeff Trandahl,  
Clerk of the House.


COMMUNICATION FROM THE CLERK OF THE HOUSE  

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:  

Office of the Clerk,  
House of Representatives,  

Hon. J. Dennis Hastert,  
Speaker, House of Representatives,  
Washington, DC.  

Dear Mr. Speaker: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 24, 2001 at 11:02 a.m.  

That the Senate passed S. Res. 12.  

Appointments:  
Board of Regents, Smithsonian Institution, Senator Leahy, Vermont.  

With best wishes, I am  
Sincerely,  

Jeff Trandahl,  
Clerk of the House.


APPOINTMENT OF MEMBERS TO HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE  

The Speaker. Pursuant to clause 11 of rule X and clause 11 of rule I, the Chair appoints the following Members of the House of Representatives to the Permanent Select Committee on Intelligence:  

Mr. Bereuter of Nebraska,  
Mr. Castle of Delaware,  
Mr. Boehlert of New York,  
Mr. Bass of New Hampshire,  
Mr. Gibbons of Nevada,  
Mr. LaHood of Illinois,  
Mr. Cunningham of California,  
Mr. Hoekstra of Michigan,  
Mr. Burr of North Carolina, and  
Mr. Hutchinson of Arkansas.


APPOINTMENT OF MEMBERS TO THE NORTH ATLANTIC ASSEMBLY  

The Speaker. Pursuant to 22 U.S.C. 1928a, the Chair appoints the following Members of the House to the United States Group of the North Atlantic Assembly:  

Mr. Bereuter of Nebraska, Chairman,  
Mr. Regula of Ohio,  
Mrs. Roukema of New Jersey,  
Mr. Hefley of Colorado,  
Mr. Gilmor of Ohio,  
Mr. Goss of Florida,  
Mr. Ehlers of Michigan, and  
Mr. McInnis of Colorado.


RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM  

The Speaker laid before the House the following resignation as a member of the Committee on Government Reform:  

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.  

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
COMMUNICATION FROM STAFF MEMBER OF HONORABLE JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS
The SPEAKER laid before the House the following communication from Anthony Traficanti, office of the Honorable James A. Traficant, Jr., Member of Congress:


Hon. J. Dennis Hastert, Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker:

This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

Anthony Traficanti,
Office of Congress.

COMMUNICATION FROM ECONOMIC DEVELOPMENT AND COMMUNITY OUTREACH REPRESENTATIVE OF HONORABLE JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS
The SPEAKER laid before the House the following communication from Claire Maluso, Economic Development and Community Outreach Representative of the Honorable James A. Traficant, Jr., Member of Congress:


Hon. J. Dennis Hastert, Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker:

This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

Claire Maluso,
Youstown, OH.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mrs. Biggert). The Chair will entertain 1-minute requests.

PRIVACY OF AMERICANS IS UNDER ATTACK

(Mr. Hutchinson asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Madam Speaker, I rise today to address a growing concern in this Nation, and that is the concern that the privacy of Americans is under attack. With the explosion of the Internet, changes in financial and medical laws and an increasingly intrusive Federal Government, people’s personal information seems to be collected, sold, and transferred without adequate protection.

Madam Speaker, Congress must be engaged on this issue. In the last Congress, 250 of my colleagues joined me in supporting a bill establishing a historic commission that would have studied the protection of an individual’s privacy. This would be the first such commission in 25 years. Now that the 107th Congress has begun, our agenda is very full; but the protection of the individual privacy remains one of the most important issues that we could address.

Several bills have been introduced. They should be considered. I encourage Congress to take up privacy legislation, but I believe it should be done in a responsible manner that allows for the appropriate flow of information without compromising the privacy of individuals. I believe a privacy commission is the right way to address this very important subject.

BALTIMORE RAVENS MAKE APPLESAUCE OUT OF NEW YORK GIANTS

(Mr. Cardin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Cardin. Madam Speaker, in the 1958 NFL championship game, Baltimore’s beloved Colts defeated the New York Giants in the greatest game ever played. The game that created the modern-day NFL.

This past Sunday, Baltimore’s beloved Ravens wrote the latest chapter in Baltimore’s glorious football history, again defeating the New York Giants in Super Bowl XXXV, in a 34 to 7 blowout.

The Ravens’ victory was keyed by a swarming, stifling defensive unit that now ranks as the greatest of all time. Led by Ray Lewis, the NFL’s Defensive Player of the Year and Super Bowl MVP, the Ravens’ defense cut the Giants down to size, leaving the team from the Big Apple as so much applesauce.

While the defense deserves the headlines it has received, the game was truly a team effort, with the offense and the special teams making big plays. In addition to Ray Lewis, the Ravens got major contributions from the other Lewises as well. Jamal Lewis pounded out 102 yards in rushing offense, and Jermaine Lewis scored a kickoff return that broke the Giants’ backs.

Today the City of Baltimore is the site of a victory parade, as the people of America’s greatest city honor America’s greatest football team. To all the Ravens, to owner Art Modell, I extend my heartfelt congratulations on a great season and a great Super Bowl championship.

A NEW ERA BEGINS

(Mr. Gibbons asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Gibbons. Madam Speaker, this has been an exciting January here in Washington, but as we begin our work of the 107th Congress, it is important...
that we keep our focus on what we were sent here to do. As Members of Congress, we stood in this Chamber to take our oath of offices, promising to do the will of the American people; and this month we witnessed the inauguration of a new administration, and administered a new agenda dedicated and committed to leading this Nation with integrity and fairness.

Madam Speaker, this 107th Congress has the opportunity to usher in a new era of politics. Together, this Congress and the Bush administration can successfully address the challenges facing our Nation, including ensuring military readiness, providing quality health care for all, and enacting meaningful education reform. We were elected to accomplish these goals, and now it is time for us to do our work and that of the American people.

CONGRESS CANNOT DEFEND AMERICA WITH STYROFOAM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker. CSC Steel Company in my district has filed for bankruptcy protection, laying off 500 people. The reason is clear: foreign steel is being illegally dumped into America at record levels. Now if that is not enough to polish your starchless, the Clinton administration last month allowed an $18 million loan to a Chinese steel company. From my friends on the left, beam me up.

Yes to Chinese steel; no to American steel. Is it any wonder the American steel industry is going belly up? I urge every American wants the best schools we can provide for our children. Everyone American deserves a tax cut. Everyone American wants us to pay off the debt; and, yes, we can afford to do both. Every American wants to help our seniors get prescription drugs and make sure Social Security will be there for the next generation. In fact, a recent Zogby poll showed that up to 40 percent of the people who voted for Al Gore support the Bush agenda. Education to address the debt pay-down, strong national defense, strengthening Social Security and Medicare, these are the issues the American people have as-signed to us. These are the issues our President has campaigned on. These are the issues the country wants addressed. We have a mandate. The President has a plan. Let us roll up our sleeves, go to work, enact the President's agenda. It is really the people's agenda.

RURAL POVERTY, AN UNNOTICED PROBLEM IN OUR NATION

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Madam Speaker, rural poverty is a huge, largely un-noticed problem in our Nation. Currently, the three lowest-income counties in the United States are in my district. The poorest county averages less than $4,000 annual income per person.

Paradoxically, in these counties, the unemployment rate is extremely low, the character level is excellent, and the work ethic is exceptional. The problem is that these rural counties are totally dependent upon production agriculture. For this reason today, along with several colleagues, I am introducing a bill that will provide a one-time, $500,000 capital gains tax exemption for farmers and ranchers who sell their land. This exemption would equal the capital gains exemption already granted to homeowners. Many producers feel they cannot retire because of their tax situation. This bill will help. I encourage support.

ARMED SERVICES APPRECIATION PAY RAISE ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Madam Speaker, today I introduce the Armed Services Appreciation Pay Raise Act, the ASAP Act, to increase the salaries of our dedicated service personnel by 3.5 percent this year. When combined with next year's scheduled pay increase, this act will put an additional $150 per month in their pockets.

The issue should transcend politics. As long as there are military personnel collecting food stamps, as long as there are Americans who choose not to serve because they cannot afford to, we obviously have a problem that needs to be solved.

More and more is being asked of the men and women in our Armed Forces, especially our active Reservists and National Guard members who have shouldered an increasing burden through our military draw-down. But we have not appropriately rewarded them for their increasingly important role in our national defense.

Madam Speaker, I promised the people of Montana that recognizing the contribution of our young men and women in uniform would be the first legislation I introduced as a United States Congressman. Today, I am proud to honor that commitment by introducing the ASAP Act.

THE RACE AGAINST DRUGS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, I rise today to discuss an issue that is very important to America. That is, how do we reduce drug use among our young people. I will be joined tomorrow at a press conference by NASCAR race driver Ricky Craven and representatives from other government agencies to talk about a new program to reduce drug use among young people, with a $2.5 million grant from the Department of Justice for the Race Against Drugs.

The Race Against Drugs is a nationwide drug prevention education program aimed at educating today's youth about the dangers of substance abuse. The program was developed in May of 1990, in partnership with the National Child Safety Council, the Department of Justice, the Center for Substance Abuse Prevention, and the Department of Health and Human Services, and 23 motor sport sanctioning organizations.

As one of several who has been fighting for increasing funding for effective drug prevention programs targeted towards America's youth, we know that this year's grant represents by far the largest level of support the Race Against Drugs has received from the Federal Government. We will have a race car, race drivers and a new innovative means to reduce drug use among youths. Join us at this press conference tomorrow, January 31 at the Triangle at 12:30 p.m.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in re- cess until approximately 5:30 p.m. today.

Accordingly (at 2 o'clock and 17 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.
FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

Mr. LA'TOURRETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 93) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers, as amended.

The Clerk read as follows:

H.R. 93

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 “Federal Firefighters Retirement Age Fairness Act”.

SEC. 2. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.

(1) In general. The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting “, firefighter,” after “law enforcement officer,” and

(B) by inserting “, firefighter,” after “that officer”;

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.

(1) IN GENERAL.—The second sentence of section 422(b) of title 5, United States Code, is amended—

(A) by inserting “, firefighter,” after “law enforcement officer” each place it appears; and

(B) by striking “courier” the second place it appears and inserting “courier, as the case may be.”;

(2) CONFORMING AMENDMENT.—Section 422(b) of title 5, United States Code, is amended by striking the first sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LA'TOURRETTE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LA'TOURRETTE).

Mr. LA'TOURRETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 93, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LA'TOURRETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider H.R. 93 this evening, important legislation introduced by our colleague, the gentleman from California (Mr. GALLEGLY). This bipartisan legislation amends Federal civil service law relating to the Civil Service Retirement System and the Federal Employees Retirement System to provide the same mandatory separation age for Federal firefighters and Federal law enforcement officers who have 20 years of service.

Currently, the mandatory separation age is 55 for firefighters and 57 for law enforcement officers. In both cases, an agency head may allow the employee to work until the age of 60 if that is required by the public interest.

The Subcommittee on Civil Service has examined the legislative history of these mandatory separation ages and it has determined there is no rationale for continuing to maintain the discrepancy that currently exists. If enacted, H.R. 93, this bill, will bolster our firefighting capabilities. Allowing these brave men and women the option of continuing to serve for an additional 2 years makes it easier to maintain more experienced firefighters in the field and in senior management positions.

Madam Speaker, I encourage all of our Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it certainly is a pleasure to be here this afternoon on the first bill of this session. Madam Speaker, last year more than 6.5 million acres of land, more than two times the ten-year national average, burned. Federal firefighters who were there to extinguish the flames may have worked even longer. More than 29,000 people were involved in firefighting efforts, including approximately 2,500 Army soldiers and Marines, and fire managers from Canada, Australia, Mexico and New Zealand.

In addition, 1,200 fire engines, 240 helicopters and 50 air tankers were in use last season. If nothing else, last year’s fire season taught us that we must pass legislation that will be of equal benefit to the Federal public safety community.

The bill works to eliminate a number of inequities found in the computation of Federal retirement benefits. A number of Federal workers, including Federal firefighters, have been denied full retirement benefits since the Civil Service Retirement Act of 1920. As a result, Federal firefighters have been denied retirement at age 55 to 57 allowing Federal firefighters the option of continuing their careers for an additional 2 years. The bill has gained bipartisan management and labor support with the endorsement of the International Association of Fire Chiefs, as well as the American Federation of Government Employees and the National Association of Government Employees.

Madam Speaker, H.R. 93, the Federal Firefighters Retirement Age Fairness Act, is a bill I first introduced way back in 1995 to stop the forced early retirement of our Federal firefighters. The bill raises the mandatory retirement age for Federal firefighters from 55 to 57 allowing Federal firefighters to continue fighting fires for an additional 2 years.

In June 2000, the Washington Post reported a 5.8 percent reduction in the number of firefighters nationwide. H.R. 93 will help stem the declining firefighter population and will help the Federal Government retain some of its most experienced firefighters.

In addition to supporting this legislation, I urge my colleagues to support a bill I introduced in the 106th Congress, and plan to reintroduce this session, that will be of equal benefit to the Federal public safety community.

Introducing last session as H.R. 1769, the bill works to eliminate a number of inequities found in the computation of Federal retirement benefits. A number of Federal workers, including Federal firefighters, have been denied full retirement benefits since the Civil Service Retirement Act of 1920. As a result, Federal firefighters have been denied retirement at age 55 to 57 allowing Federal firefighters the option of continuing their careers for an additional 2 years. The bill has gained bipartisan management and labor support with the endorsement of the International Association of Fire Chiefs, as well as the American Federation of Government Employees and the National Association of Government Employees.

Several years ago, Congress raised the mandatory retirement age for Federal firefighters from 55 to 60. However, Congress neglected to raise the retirement age for Federal firefighters. As a result, we are losing...
Mr. LATOURETTE. Madam Speaker, I urge all of my colleagues to vote in favor of this public safety bill.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume to make the following comment: That the gentleman from New Jersey, Mr. PALLO, really hides his own light under a bushel basket. He was very effusive in his praise of the gentleman from California (Mr. GALLEGLY) and the gentleman from Pennsylvania (Mr. WELDON) and others which is well deserved, but those of us that served in the last Congress know full well the contribution of the gentleman from New Jersey (Mr. PASCRELL) as the lead sponsor for carrying the fire bill through this House and those women that serve in the fire services owe the gentleman from New Jersey (Mr. PASCRELL), our friend, a great deal of the credit.

Mr. GRUCCI. Madam Speaker, I rise today to honor all of the brave and fearless firefighters across the Nation who risk their lives on a daily basis.

This is a common-sense bill that provides 9,120 Federal firefighters with the opportunity to continue their careers for an additional 2 years. This is a simple measure that is afforded to other Federal law enforcement officers in order to stop the forced early retirement of well-qualified, experienced, emergency service personnel.

As my colleagues know, firefighters do more than just respond to fires. They also respond to traffic and medical accidents and natural disasters like hurricanes. It is crucial that our Nation maintains a firefighting force of highly capable, highly trained competent men and women who are fully prepared to respond to any critical emergency situation.

Once again, Madam Speaker, I thank the gentleman from California (Mr. GALLEGLY), the sponsor of this fine bill.

Mr. CUMMINGS. Madam Speaker, I yield 6 1/2 minutes to the gentleman from Texas (Ms. JACKSON-LEE), from the 18th District of Texas. She certainly has been one at the forefront of addressing the issues concerning our firefighters.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from California (Mr. GALLEGLY), who is a colleague of mine on the Committee on the Judiciary, and the gentlewoman from California (Mrs. CAPPS) and the gentleman from Ohio (Mr. LATOURETTE) for bringing this bill to our best and most experienced firefighters to forced early retirement. Federal firefighters not only fight fires, they provide emergency medical service response, response to hazardous material situations and inspect and protect our military bases and other Federal facilities. In fact, they were among the first to respond to the Oklahoma City bombing. If enacted, this bill will bolster our firefighter HAZMAT and EMS capabilities.

We will maintain more experienced firefighters in the field and in senior management positions by allowing these brave men and women the option of continuing their careers for an additional 2 years.

As an added bonus, Madam Speaker, the CBO estimates that the bill will actually save the government $4 million over the next 5 years. We must act now to ensure we have the experienced personnel needed to fight our Nation’s fires and to be prepared to respond to future disasters.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the gentleman from the Eighth District of New Jersey (Mr. PASCRELL), who was the author of the Fire Act that became law during the last Congress. This was the first comprehensive fire bill ever passed on the part of DOD in the reauthorization. So he has been one of those Members of Congress who has, along with the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Mrs. CAPPS), been at the forefront of addressing the concerns and the needs of our firefighters.

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time.

Madam Speaker, I also thank my good friends, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. GALLEGLY) for once more stepping to the plate. We did make progress in the House of Representatives, but so many of our efforts which were bipartisan stopped at the doorstep. This is important legislation. It again helps us address the other half of the public safety equation which has been neglected for so long.

Whether we are talking about the gentleman from California (Mr. GALLEGLY), whether we are talking about the gentleman from Pennsylvania (Mr. WELDON), whether we are talking about the gentleman from Maryland (Mr. HOYER), people that have been out there on the stump for 10 years for our firefighters, I am honored to join with them in looking at one part of those folks who put their lives on the line every day by raising the mandatory retirement age for the Federal firefighters from 55 to 57. H.R. 93 allows Federal firefighters the option of continuing their careers for an additional 2 years.

How do public servants in public safety all over America are being pushed out of their jobs? We are losing, as the prior speakers have addressed, our most experienced people. While we are moving away from the high salaries, quote/unquote, that those folks may be receiving, their years of experience can never be paid for. We cannot put a dollar sign on it. We are addressing this inequity today.

Our Federal firefighters, our national forests, our National Fire Center in Idaho, are a very part of the national fabric. The Federal Firefighters Retirement Age Fairness Act has bipartisan management and labor support. It is only appropriate, Madam Speaker. After all, firefighters do not go into a burning building and ask the folks which political party they belong to.

It has also won the endorsement of the International Association of Fire Chiefs and the American Federation of Government Employees. As I always say, firefighters are the forgotten side of the public safety equation. This was again proven true when the Congress raised the mandatory retirement age for Federal law enforcement officers from 55 to 57 several years ago. At that time, Congress did not raise the retirement age for Federal firefighters, and is it not interesting we have played the game of catch-up with the 32,000 fire departments and the million firefighters in America. We are always playing catch-up. Thanks to the gentlemen and ladies I mentioned before, we are moving in the right direction.

Finally, let me again remind our colleagues that the role of the Federal Government is expanding. Several fire departments in this Nation reach across county and city lines to assist each other with natural disasters and incidents of domestic terrorism. In fact, there are two fire search and rescue units that have responded to international disasters on behalf of the United States, and our Federal firefighters have been called on to go out of the country just recently to Mexico to assist with problems in that country.

Collectively, the Miami-Dade Fire Rescue Department, Fairfax County Search and Rescue Teams, while not Federal fire departments, have traveled to several countries around the world. These men and women do a job unbelievably and they get no credit for it, usually. Natural and man-made disasters do not discriminate when and where they arise. Proudly, the firefighters of the United States do not discriminate when or where they provide help. The role of our firefighters is ever-changing. It is my belief that the role that the Federal Government plays during these changes must be commensurate.

Because the role of the American firefighters is expanding, this bill will bolster more than firefighting capabilities. Hazardous material response, emergency medical services, and natural disaster support will be enhanced, Madam Speaker. By allowing these brave men and women the option of continuing their careers for an additional 2 years, we will maintain more experienced firefighters in the field and senior management positions and, in fact, correct me if I’m wrong, it will even save the Federal Government money.

January 30, 2001

CONGRESSIONAL RECORD — HOUSE H81
the floor of the House, or presenting it at this time, H.R. 93.

It gives me time to acknowledge the importance of this legislation, the Federal Firefighters Retirement Age Fairness Act, but as well, it gives me a moment to speak about the courage, the importance of firefighters, both on the Federal level and on the local level. I rise in support of H.R. 93, the Federal Firefighters Retirement Age Fairness Act, that would amend the Federal civil service law to provide that the mandatory retirement age for Federal firefighters be raised from 55 to 57 years. This adjustment would put Federal firefighters on par with Federal law enforcement officers. I appreciate very much the words of the gentleman from Baltimore, Maryland (Mr. Cummings) and will join him in his effort to promote his legislation as well.

Madam Speaker, in reviewing this bill, I was reminded of Benjamin Franklin who, in paying tribute to firefighters wrote, "Neither cold, nor darkness will deter good people from hastening to the dreadful place to quench the flame. They do it not for the sake of reward or fame; but they do it for the reward in themselves, and the love they have for their fellowman.

If we just chronicle over the last 5 years or so the kind of heroic and courageous efforts of our firefighters, well worth noting is the enormous number of western fires that we have called them to help us in, certainly the great tragedy of the City of Oklahoma, where firefighters were coming in from all over the country, assisting Federal firefighters, and certainly the enormous amount of tragedies, natural disasters that we have faced, whether it has been flood or hurricane or tornadoes, we have called upon firefighters and emergency medical personnel under the jurisdiction of firefighters to help our Nation.

The poem by Benjamin Franklin is true today, as it was in the days of Benjamin Franklin. Madam Speaker, H.R. 93 recognizes this fact and was introduced not to honor our nation's firefighters, but to recognize their desire to serve their country. Every day, firefighters pursue the dangers of their jobs with unflinching hearts and unwavering spirits. They face dangers on a daily basis that few of us can even imagine. Because of them, homes and loved ones are protected. Time and time again, the battle fires, rescue children and the old, save lives and return to the firehouse with the quiet pride of knowing that they truly make a difference.

Federally employed firefighters not only fight fires, they provide emergency medical service response, respond to hazardous materials situations, and inspect and protect our military bases and other Federal facilities. As I indicated, they were among those who first responded to the Oklahoma City bombing.

Tomorrow, I will meet with a number of my constituents from the firefighters' pension program in Houston. I would like to say to them personally now on the day of this legislation that, although it covers Federal firefighters, it is important to emphasize how much the firefighters in my own hometown have sacrificed in our community, in the cold winter, and we have found with the housing stock in Houston that we have had, unfortunately, a series of tragedies because of the very tinderbox-type of housing stock and the utilization of space heaters. So our firefighters have been called upon to do great service.

As I indicated, in my home city of Houston, the Houston Fire Department, which does not have a mandatory retirement age, is very successful in preventing fires, due, in part, to the contributions of seasoned and experienced firefighters. For example, experienced firefighters of the Houston Fire Department have established successful programs over the years to educate the public on ways to prevent fires through community service seminars, fire safety meetings, as well as a smoke detector donation program, which has been very successful.

In addition, the Houston Fire Department, as introduced and announced by my mayor, Mayor Lee P. Brown, will receive international certification as of today, January 30, 2001. The experienced members of the Houston Fire Department found that, without the proper education, which have formed their many years of experience, 81 percent of youth that have played with and started fires would do it again. However, because of the Houston Fire Department's fire prevention programs which were established by seasoned veterans, it has maintained a 98 percent success rate in preventing fire-setting behavior.

Madam Speaker, the Houston Fire Department has been successful and as head of fire departments across the country because of the contributions of many of its firefighters who would be forced to retire if they were under the current Federal firefighters mandatory retirement requirement. Therefore, this bill is a common-sense bill that seeks to follow the lead set by this Congress who, several years ago, raised the mandatory retirement age for Federal law enforcement officers from 55 to 57. While Congress members have not reexamined the retirement age for Federal firefighters at that time, H.R. 93 by the gentleman from California (Mr. Gallegly) would bring to parl the mandatory retirement age of firefighters with that of Federal law enforcement officers.

Presently, we are losing our best and most experienced firefighters forced to retire early, and H.R. 93 would correct this, but it would also reward individuals who want to serve. Madam Speaker, H.R. 93 even has bipartisan support from both management and labor, and has received the endorsement of the International Association of Fire Chiefs, as well as the American Federation of Government Employees and the National Association of Government Employees.

I want to pay tribute, as I said, to my local firefighters union 941 and acknowledge that, in addition to the expertise that they have, the service they have rendered, this was a difficult year for Houston inasmuch as we lost two of our valiant firefighters, for the first time in many, many years that firefighters lost their lives in protecting Houstonians' lives and property. They are willing, and the Federal firefighters and I believe this is true, are willing, and the Federal firefighters are simply asking, allow us to do it a little longer.

If enacted, H.R. 93 will bolster our firefighting and emergency services capabilities. We will maintain more experienced firefighters in the field and in senior management positions by allowing these brave men and women the option of continuing their careers for an additional 2 years. In addition, the CBO estimates that enacting H.R. 93 will actually save the government $4 million over the next 5 years.

Madam Speaker, I support this bill and I believe this will help us not only pursue them here in this country, but fight fires abroad as we have been asked to do quite frequently; and it will ensure this Nation has the experienced personnel needed to fight fires throughout the country. I urge my colleagues to join in this bipartisan effort.

Madam Speaker, in support of H.R. 93, the Federal Firefighters Retirement Age Fairness Act that would amend the federal civil service law to provide that the mandatory retirement age for federal firefighters be raised from 55 to 57 years old. This adjustment would put federal firefighter's retirement age on par with federal law enforcement officers.

Madam Speaker, in reviewing this bill I was reminded of Benjamin Franklin, who in paying tribute to firefighters wrote, "Neither cold, nor darkness will deter good people from hastening to the dreadful place to quench the flame. They do it not for the sake of reward or fame; but they do it for the reward in themselves, and the love they have for their fellowmen."

This quote by Benjamin Franklin is true today, as it was in the days of Benjamin Franklin. H.R. 93 recognizes this fact and was introduced not to honor our nation's firefighters but to recognize their desire to serve their country. Every day, firefighters pursue the dangers of their jobs with unflinching hearts and unwavering spirits. They face dangers on a daily basis that few of us can even imagine. Because of them, homes and loved ones are protected. Time and time again, the battle fires, rescued children and the old, saved lives and return to the firehouse with the quiet pride of knowing that they truly make a difference. Federal firefighters not only fight fires, they provide emergency medical service response, respond to hazardous events in this country, and inspect and protect our military bases and other Federal facilities. In fact, they were among those who responded to the Oklahoma City bombing.
For example, experienced firefighters of the Houston Fire Department have established successful programs over the years to educate the public on ways to prevent fires through community service seminars, fire safety meetings as well as a smoke detector donation program.

The experienced members of the Houston Fire Department found that without the proper educational programs which they have formed their many years of experience, 81 percent of youths that have played with and started fires will do it again. However, because of the Houston Fire Department’s fire prevention programs which were established by seasoned veterans, it has maintained a 98 percent success rate in preventing fire setting behavior. Mr. Speaker, the Houston Fire Department is successful and has been a role model for Fire Departments across the country because of the contributions of many of its firefighters who would be forced to retire if they were under the current federal firefighter’s mandatory retirement requirement.

This bill is a “common sense” bill that seeks to follow the lead set by this Congress who several years ago, raised the mandatory retirement age for “federal law enforcement officers” from 55 to 57. While Congress neglected to raise the retirement age for federal firefighters at that time, H.R. 93 will bring it up.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. HOYER), of the 15th Congress, of the stiffest and most left-leaning district which elected a conservative vociferous Republican to Congress.

I thank the gentleman from California (Mr. GALLEGLY) for his leadership in bringing this important measure, H.R. 93, the Federal Firefighters Retirement Age Fairness Act, before the House today. I want to thank my colleagues who have risen in support of this measure.

Everyday America’s firefighters are placing their lives and welfare on the line to protect our families, our homes and our communities and, in turn, they deserve our providing them with the resources and training that is so necessary as they face their dangerous tasks.

However, each year, regrettably, our veteran firefighters are forced into retirement because of the mandatory separation age for Federal firefighters. The Federal Firefighters Retirement Age Fairness Act amends the Federal Civil Service law relating to the Civil Service retirement system and the
Federal Employees' Retirement System to provide the mandatory separation age for the Federal firefighters, currently age 55, be made the same as the age that applies with respect to Federal law enforcement officers, which is currently age 57.

The important measure will positively assist the lives of thousands of our Nation's firefighters, who will continue to offer experience to the younger men and women who look to them for leadership and guidance as they enter the profession.

Madam Speaker, I rise today in strong support of H.R. 93 and urge our colleagues in the House to support this worthy measure for our Nation's firefighters, for their families and for the communities that they all protect.

Mr. CUMMINGS. Madam Speaker, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES), my colleague.

Mr. LATOURETTE. Madam Speaker, I am happy to yield another 30 seconds to the gentleman from Ohio (Mrs. JONES), so she has a full minute so we can hear what she has to say.

Mrs. JONES of Ohio. Madam Speaker, I want to thank my colleague from Maryland (Mr. CUMMINGS) and my colleagues (Mr. LATOURETTE) for yielding me this time.

Madam Speaker, I rise in support of this legislation. Having worked over the years with a number of firefighter organizations in Cleveland out of Ohio, particularly on September 11, which is my birthday, my house caught on fire, and I was so pleased with the work and the level of experience of the officers that came to assist me.

They did not know it was me at the time that they came, but they are really, really wonderful firefighter folks, and I am standing here to say if they want to work longer, we ought to let them work longer, in terms of providing experienced service as firefighters.

I thank the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) for the opportunity to be heard on this legislation, and I ask all of my colleagues to join us as we give firefighters a new opportunity, just an opportunity to work on behalf of the people.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Pennsylvania (Ms. JACKSON-LEE), my good friend.

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank the ranking member, the gentleman from Maryland (Mr. CUMMINGS), but I also want to thank the gentleman from Pennsylvania (Mr. WELDON) for his leadership on this issue.

Mr. LATOURETTE. Madam Speaker, I yield 2 1/2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Madam Speaker, we all should thank the gentleman from California (Mr. GALLEGLY) for bringing this to our attention. It moves the mandatory retirement age from 55 up to 57. The fact that this is the first piece of legislation this new body is considering I think helps demonstrate that perhaps this Congress holds the Nation's firefighters, its first responders.

This bill corrects an inequity. We owe, I think, a great debt to what are some of the heroes of this country. We have 1.2 million firefighters in this Nation. Over 90 percent are volunteers. That means they are out risking their lives to help us. They truly are the first responders.

We made a lot of progress, I think, towards reinforcing the fact that Congress supports firefighters. In this last session, we appropriated $100 million in grants to cost share with local communities to make sure that they have the equipment; that they have the personnel; that they have the capable training they need.

Madam Speaker, I am pleased to support H.R. 93 as the next step in our efforts to address issues of concern to the fire community. As the chairman of the Oversight Committee on the Fire Administration that oversees the National Fire Administration, I suggest to all my colleagues that it is important that we continue this kind of support. These are the men and women that go out and have baked goods sales to try to support and raise enough money to have the kind of equipment that is going to end up saving our lives and our property. So when my colleagues go back home, thank these individuals. This is a good bill. Let us move on with it, and I hope that we continue this effort of supporting our first responders.

Mr. CUMMINGS. Madam Speaker, we have a limited amount of time, and it is my understanding that the gentleman from Ohio (Mr. LATOURETTE) has agreed to yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. LATOURETTE. Madam Speaker, that is correct. In the spirit of bipartisanship, I rise in support of H.R. 93, the Federal Firefighters Retirement Act, and this measure increases the mandatory separation age for Federal firefighters from 55 to 57.

Last year was one of the worst fire seasons in our Nation's history. My own congressional district experienced the devastating effects of the Cerro Grande and the Vivash fires which consumed over 75,000 acres, and burned over 200 homes.

The exemplary courage and dedication of the firefighters who have fought these wildfires was tremendous. In fact, these same firefighters continued to fight fire throughout the Nation beyond the normal fire season that charred almost 7 million acres. Last year, however, it became difficult to find enough firefighters to suppress, manage and support these large fires. This prompted the need to hire back some of the retired Wildland Fire Force.

We are losing wildland firefighters at an alarming rate to retirement or other occupations. For example, in 1999, 57 percent of the U.S. Forest Service firefighters were age 45 or older.

Madam Speaker, I would ask all my colleagues to support this bill.

H.R. 93 would allow the Federal Wildland fire agencies to keep experienced firefighters on the line to safely protect homes, families, and businesses. Moreover, the bill would allow these men and women to receive higher command qualifications.

H.R. 93 amends Federal civil service laws to make the mandatory separation age the
same with respect to the age in which Federal law enforcement officers can retire.

Furthermore, the legislation is estimated to save the Federal Government approximately $4 million over 5 years. By allowing Federal firefighters the option of continuing their careers for 2 years, we will bolster their firefighting capabilities with more experience and knowledge. I, therefore, urge my colleagues to support this measure.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. WELDON) whose name has been invoked many times during the course of the debate, a champion of firefighters all over the country and around the world.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON. Madam Speaker. I rise, first of all, in thanks for the outstanding leadership provided by my colleagues on both sides of the aisle. The gentleman from Ohio (Mr. LATOURETTE), for bringing this bill to the floor, who has been constantly supportive of efforts associated with the Fire Service, and the gentleman from California (Mr. GALLEGLY), my good friend and colleague.

Madam Speaker, I can tell my colleagues that when the gentleman from California (Mr. GALLEGLY) bites an issue, he does not let go, whether it is fighting for the support for the airborne firefighter by getting the military to respond to the MAPS program, or whether it is fighting for this legislation; the gentleman from California (Mr. GALLEGLY) has been there. It is not just with his words. I mean, the gentleman from California (Mr. GALLEGLY) has gone out on nightly experiences in D.C. with the paid fire department when he and I rode the fire trucks to get a feel for what our paid firefighters go through.

The gentleman from California (Mr. GALLEGLY) has been there on the scene in situations, in California, I have been with him on the wildlands fires, the earthquakes. The gentleman is someone who really believes that we have to do more to assist these brave Americans.

Madam Speaker, this Congress and the last Congress have been the most responsive in the history of this country to the needs of the men and women of our fire service. Both the paid and volunteer firefighters in this country have benefited from the actions of this Congress in a strong bipartisan way.

Madam Speaker, I want to thank my colleagues for, again, recognizing the fire service for what it is, the backbone of our country, the people who make America strong, I want to thank the gentleman from Maryland (Mr. HOYER), I do not see him in the room, but the gentleman from Maryland (Mr. HOYER), a tireless advocate for the firefighters as the original chairman of the Fire Caucus. And, again, thank all of my colleagues and ask for a very strong vote, again, for the support of the men and women who make America such a great Nation, our fire and EMS personnel.

Mr. CUMMINGS. Madam Speaker, it is my understanding that the other side will yield us 35 seconds.

Mr. LATOURETTE. That is correct, Madam Speaker.

Before I do, the gentleman from California (Mr. GALLEGLY) has asked for 30 seconds. Then I will be happy to yield the gentleman from Maryland (Mr. CUMMINGS) 30 seconds, if that is all right with him.

Madam Speaker, I yield 30 seconds to the gentleman from California (Mr. GALLEGLY).

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Madam Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE), again, for yielding me this time.

Madam Speaker, I want to thank all of my colleagues for their testimony this afternoon and for the kind words.

Madam Speaker, if this bill is voted on today, this bill will bolster our firefighting, HAZMAT, and EMS capabilities. We will maintain more experienced firefighters in the field and in senior management positions by allowing Federal firefighters the option of continuing their careers for 2 additional years.

I ask my colleagues to join with me this afternoon in passing this very important legislation.

The SPEAKER pro tempore (Mrs. CAPPS). The Chair recognizes the gentleman from Maryland (Mr. CUMMINGS) for 55 seconds.

Mr. CUMMINGS. Madam Speaker, our firefighters are often unseen, unnoticed, unappreciated, and unapplauded. By doing what we are doing today, I think we send a very strong message to them that we do appreciate them and we do appreciate the fact that they can serve beyond 55 years of life and probably could even go beyond 57.

But the fact still remains that we must continue to do what we are doing today; and that is to lift them up.

I want to thank the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. GALLEGLY), the gentlewoman from California (Mrs. CAPPS), and all of those people of this Congress who have taken it upon themselves to make sure that we send a very strong message to them.

With that, Madam Speaker, I urge all of our colleagues to vote in favor of the Federal firefighters Retirement Age Fairness Act.

Madam Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield the balance of our time.

Madam Speaker, I want to commend the gentleman from California (Mr. GALLEGLY) for introducing this important bill and for his efforts to bring it to the floor.

As our colleagues from the 106th Congress will remember, this bill passed the House under suspension on October 17, 2000, but failed to receive Senate action.

I want to take the time to thank the gentleman from Indiana (Mr. BURTON), the chairman of the full committee; the gentleman from Florida (Mr. SCARBOROUGH), the subcommittee chairman; the gentleman from California (Mr. WAXMAN), the ranking member of the full committee; and the gentleman from Maryland (Mr. CUMMINGS), ranking member of the subcommittee, for their effort.

Last year, Madam Speaker, the Congressional Budget Office estimated that the bill will actually save the government $4 million in direct spending over the next 5 years. The Office of Personnel Management, which administers civil service retirement, believes that it is appropriate to apply the same mandatory separation age to firefighters as we do to law enforcement officers.

I urge Members to lend their support. Mr. UNDERWOOD. Madam Speaker, I rise in support of H.R. 93, the Federal Firefighters Retirement Age Fairness Act. This sensible piece of legislation eliminates the unfair forced retirement for Federal firefighters by raising the mandatory separation age from 55 to 57, providing Federal firefighters with the same retirement for Federal firefighters as we do to law enforcement officers.

This bill goes a long way towards fairness and equity by giving a class of civil servants who provide valuable contributions towards public safety their just due. By raising the mandatory separation age for Federal firefighters, we do not only equate their benefits with Federal law enforcement officers, but we take into account their individual merits and their ability to continue substantial and dedicated service to the community.

Among the people who will benefit from the passage of this bill are about a hundred Federal firefighters from my home island of Guam. These folks who work for both the Navy and the Air Force aside from their assigned duties are called upon to assist the civilian community in times of calamities and disasters. Among their distinguished contributions was the assistance they provided during the recent crash of Korean Air Flight 801. On Guam, these civil servants are distinguished and greatly admired members of our community.

Let us take this occasion to show our appreciation for the dedicated contributions of Federal firefighters by allowing them service based on their own merits. I urge my colleagues to support H.R. 93.

Mrs. CAPPS. Madam Speaker, I rise today in strong support of the Federal Firefighters Retirement Age Fairness Act, a bill which would raise the mandatory retirement age for Federal firefighters to the same age as Federal law enforcement officers. As a proud co-sponsor of this bill, I appreciate the House taking up this significant legislation. Currently, federal firefighters must retire at age 55. The Federal Firefighters Retirement Age Fairness Act would correct this oversight by raising the retirement age to 57. This will allow more firefighters to remain on the front
The question is on the motion offered by the gentleman from Ohio (Mr. LA TOURETTE) that the House suspend the rules and pass the bill, H.R. 93, as amended.

The question was taken.

The SPEAKER pro tempore. The question was taken.

So (two-thirds having voted in favor thereof) the rules were suspended and this bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SANCHEZ. Madam Speaker, during rollcall vote No. 5 on January 30, 2001, I was unavoidably detained. Had I been present, I would have voted "yea."

January 30, 2001

Congressional Record — House
SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Illinois (Mr. Lipinski) please come forward and take the oath of office at this time.

Mr. LIPINSKI of Illinois appeared at the bar of the House and took the oath of office, as follows:

I do solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will perform this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

The SPEAKER. Congratulations.

BLUEPRINT FOR PROGRAM TO RALLY THE ARMIES OF COMPASSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

The controversial Mexico City language in the Fiscal Year 2002 Foreign Operations Appropriations bill the unfair restrictions imposed on international family planning providers. Keeping out of future appropriations what is often referred to as the “global gag rule” is both a moral and economic imperative.

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Stearns) is recognized for 5 minutes.

[Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONCERNING INTERNATIONAL FAMILY PLANNING RESTRICTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. Kilpatrick) is recognized for 5 minutes.

Ms. KILPATRICK. Madam Speaker, I rise today with a heavy heart as we acknowledge, unfortunately, that poor women and children all over the world will be unable to participate in the $425 million that this Congress passed in the Foreign Operations bill for family planning.

Unfortunately, about 10 days ago, President Bush signed an executive order that would not allow international family planning clinics to use the 400-plus million for family planning educational services as this Congress passed.

My colleagues might remember that, in that same Foreign Operations bill, we said that upon receipt, what no funds would be expended until February, 6 months after the beginning of the fiscal year.

It is unfortunate now, after much trepidation, a lot of meetings, a lot of bipartisan conversations that we now find ourselves in the position of poor women in countries around the world who receive funds from several countries unable to use the appropriations that this Congress provided for family planning.

People in need of health services unrelated to family planning are affected by this executive order. The executive order says that no monies from our Treasury, and it has been appropriated and approved, $425 million, can be used for health services in those countries that counsel on family planning.

We think that is wrong. We think that because we have put so much time and effort into this, and because America is the number one country in the world, that we have a responsibility to help those poorer countries who are in need of those health dollars, health dollars for diabetes, health dollars for heart disease, health dollars for a myriad of illnesses that those clinics help.

Our $400 million that was appropriated in a similar way with the knowledge that those funds not be expended until February; now those funds cannot be used in those poor countries. We think it is a shame. It is called international gag rule because those countries across the world who use our dollars also get other dollars from other places to help them in their family planning efforts. We think it is unfortunate. We think President Bush has made a mistake and we hope that he will revisit this.

Vulnerable populations around the world look to America for leadership. They look to us to help them with their family planning, to help them with their childhood illnesses, to help them with their health concerns.

As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, we had much debate on this issue. We think it is unfortunate, now that we stand here, not to be able to use funds that have been appropriated for the poorest of countries in the world, from the leaders of the free world, the citizens here in the United States.

Madam Speaker, if in fact this policy stands, can my colleagues imagine the hardships that those poor families will feel around the world, not able to use their health dollars for those illnesses, including family planning.

I hope, Madam Speaker, that we will take another look at this. I hope that President Bush will rescind that executive order. Family planning is one of the most sacred things that we have as women, God created women and created men with certain characteristics.

Only women can bear children, and we want to bear them when we need them, when we want them, and when we can take care of them. That is what that appropriation did for us in our Foreign Operations bill.

So I call on President Bush to rethink his position. There are millions of women across the world who look to America for assistance. $400 million is a small piece of the pie, but it certainly can save many lives, help many families and ensure protection for children who are poor and who need our assistance.

So Madam Speaker, again, I ask President Bush, please rescind the executive order, lift the gag rule on international planning. We call on him today and we hope he will heed our call.

Madam Speaker, the announcement of President Bush of his intent to reinstate the so-called “Mexico City” policy represents an abandonment of women and families in need around the globe. In December, Congress voted to lift the unfair restrictions imposed on international family planning providers. Keeping out of future appropriations what is often referred to as the “global gag rule” is both a moral and economic imperative.

The controversial Mexico City language specifies two major conditions that foreign nongovernmental organizations (NGO’s) must meet in order to receive family planning funds from the United States. First, the NGO must not perform abortions, except in cases of forcible rape, incest, or where the mother’s life is endangered if the pregnancy is carried to term. This condition refers specifically to NGO’s using private funds to provide abortion services since no U.S. funds have been used to perform abortions abroad since 1973. Second, the NGO must adhere to the country’s abortion laws, or engage in any effort to change the laws of their country governing abortion. This means that participation in a rally, the lobbying of government representatives or any advocacy efforts by an organization to either allow or even maintain legal abortions in their own countries would be grounds for the United States to rescind funding. Such a restriction is a clear violation of...
the right to free speech and would be unconstitutional in the United States.

Let us intimately examine the very real and humanitarian effects of withholding funding for international family planning. Oftentimes, facilities which provide family planning information also provide a majority of needed medical services to a given population. When the only health care facility in a rural community closes due to insufficient operating costs, who pays the price? The impoverished mother of seven seeking a tubal ligation to prevent future unplanned pregnancies pays the price. Young newlyweds desiring to learn about oral contraception and condom use, as well as natural family planning pays the price. A village in need of medical treatment for tuberculosis, malaria, iron-deficiency, or any other illness unrelated to reproductive issues pays the price.

If the United States is serious about its re-
solve to enhance the democracies, econom-
ies, health and education infrastructures, and human living conditions in the developing world, then it must acknowledge the inter-
dependence of these sectors in a country's development. Why should we realistically ex-
pect to witness significant increases in eco-
nomic growth within the trade, banking, or manufacturing industries when much of a country's population remains formally uneducated without access to basic medical services and information?

The difficult process of international devel-
opment requires a comprehensive approach, congressional funds appropriated for this pur-
pose have a proven track record of effective-
ness, but are in need of continued support. NGO's and health care facilities provide in-
valuable services that a developing nation's government is often unable to provide for fi-
nancial reasons. Understand unequivocally that no U.S. federal funds provide abortion services in this country or abroad. Let us never again allow this fact to be blurred within our discussions and debates with supporters of the global gag rule.

The removal of the Mexico City language from the Foreign Operations appropriations bill was a declaration by the United States that it is truly committed to democratic principles upon which the nation was conceived. The bill reaffirms our proactive concern for impov-
ered and underserved people throughout the globe. It is my sincere hope that the new ad-
ministration will demonstrate the compassion and moral leadership of the United States by retaining as a top priority the health and well being of women, children, and families world-
wide.

IN HONOR OF F. WHITTEN PETES, SECRETARY OF THE AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-
man from Utah (Mr. HANSEN) is rec-
ognized for 5 minutes.

Mr. HANSEN. Madam Speaker, today I rise in tribute to the Honorable F. Whitten Peters, the outgoing Secretary of the Air Force, who recently left office to return to private life.

In 11 years as Under Secretary, Acting Secretary, and Secretary, Whitt Peters led America's Air Force during a period of unprecedented change. Under his inspired leadership, the Air Force evolved from the garrison force that won the Cold War to the Expedi-
tionary Aerospace Force that domi-
nated the skies over Kosovo and Ser-
bia, deterred conflict around the globe, and delivered comfort to the afflicted in over 100 nations during the last year alone.

With unflagging energy and unfailing good humor, Secretary Peters has at-
ached and overcome a broad array of resource problems affecting the Air Force. Colleagues on both sides of the aisle will remember his work with us to secure additional resources for aircraft spare parts. He labored tire-
lessly to ensure that aircraft maintain-
ers had the tools and equipment re-
quired to perform their important du-
ties. And he made revolutionary use of Air National Guard and Air Force Re-
serve members to augment members of the Regular Air Force in keeping our aircraft flying. As a result of these and many other significant initiatives, the Air Force faced a decade-long de-
cline in aircraft readiness.

With similar vigor and success, Sec-
retary Peters has led the development of the Air Force as the service leader in the national security space arena. Today, the Air Force provides over 85 percent of the national security space funding and 90 percent of the people who perform the national security space mission.

More important, under Secretary Peters' leadership, the Air Force made national security space assets more re-
sponsive and more relevant to our na-
tional defense than ever before. He built pioneering partnerships between NASA, the National Reconnaissance Office, and the Air Force to rapidly ex-
plot emerging technologies that will move vital intelligence information to field commanders in minutes rather than months.

But, even with the most daunting challenges of global crisis, emerging technologies and constrained re-
sources, the 700,000 men and women of America's Air Force have always been his most important concern. His un-
ceasing efforts on their behalf in the halls of this building resulted in a bet-
ter quality of life and better compensa-
tion for every Air Force member. As a result, the Air Force exceeded its re-
cruiting goals in 2000 and is ahead of schedule for 2001.

When Peters came to the Office of the Secretary, he had inherited de-
clining retention rates among the troops at all levels. But his efforts have paid off. For the first 3 months of this fiscal year, first-term airmen are re-en-
listing at rates above the Air Force's goal. A goal that is already higher than the goal of any other service. And the Air Force's pilot shortage has been cut by a third in just over a year.

My colleagues, today the Air Force is better, much better, America is strong-
er, and the world is safer because of the dedication, sacrifice and hard work of Secretary Whitt Peters. I know my col-
leagues will join me in wishing him

HISTORIC DAY FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentle-
man from Indiana (Mr. SOUDER) is rec-
ognized for 5 minutes.

Mr. SOUDER. Madam Speaker, today was an historic day for the United States because our President, George W. Bush, announced a new office for faith-based initiatives.

Many of us have worked for many years, as has President Bush and the State of Texas, in many of these initia-
tives and are very excited about what the President has done. There have been many people toiling away in our inner cities, in our rural areas, and other places trying to extend a helping hand to the poor, yet often ignored in the public arena, while many groups who have been less effective have been able to get the funds.

Nobody is arguing that there are not well-meaning people in multiple bu-
reauocracies of the Federal Government and of State and local governments. But we also know that many of the most life-changing experiences, many of the most effective programs, have actually occurred at the neighborhood level, the grassroots level, from people who live in those communities, who work in those communities, who are deeply invested; they leverage the funds, and yet they are not eligible when we have different programs.

We have had a number of amend-
ments through this House, some of which have died in the Senate, some of which were vetoed, and some of which are in the charitable choice prov-
sions.

President Bush has gone one step fur-
ther. Not only has he said that he fa-


He also has a package for a charitable tax credit for nonitemizers, for example, something that the gentleman from Illinois (Mr. CRANE) pushed here for years, that I have had legislation as well, to try to expand the charitable credit that was in the bill of the COMMERCE, OCEANIC AND ATMOSPHERIC (Ms. WATTS) and Jim Talent that we have argued, that former Senator Dan Coats advocated in the Senate and worked with, because a tax credit that would put additional dollars into the charitable sector that would have such an impact at the local level would be a major breakthrough.

What we have seen out of our new President is not just a talk that related to the campaign to try to win but a comprehensive blueprint of how to actually accomplish this in office. That is not something that gains necessarily a lot of votes. Not a lot of lobbyists come to our office saying, hey, we will financially support you if you just back this faith-based initiative thing.

It comes with a lot of controversy because a lot of people, rightly to some degree, fear that this could be overextended, and they do not understand the full nature of this and the court limitations on it, and they are worried about religious liberty. But President Bush has stood up and said, this is too important, there are too many kids and families hurting in this country to continue to ignore the most effective way to reach many of these children who are uneducable.

I cannot say enough in praise of this initiative. I am excited about the Office of Faith-Based Initiatives. I am looking forward to the legislation that we will be bringing to the floor to work with this and to work with this office. This is a great morning in America today for many people who really need the help not only of the government but of their neighbors and the communities and the churches and others who can and do give them a chance in this wonderful free country.

ON THE GLOBAL GAG RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to express my extreme disappointment that the global gag rule has been imposed on U.S. assistance to international family planning programs once again. On his second full day in office, President Bush reinstated this Reagan-era restriction, gagging foreign private organizations from using their own funds to educate women and families about their full range of reproductive choices.

For decades, U.S. aid to family planning organizations overseas has helped these groups provide invaluable services for women around the world. Our Nation has a history of helping women educate themselves and to providing access to needed reproductive health services. I assure my colleagues that piling on restrictions to censor what foreign organizations can and cannot do with their own private funds is nothing to be proud of.

Each year in the developing world, nearly 500,000 women die from pregnancy-related complications. That is why our support for a full range of reproductive health services, including contraception, health workshops, counseling and maternal care becomes more important. Preserving such an impact at the local level would be a major breakthrough.

In this wonderful free country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

[Ms. PELOSI of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

HONESTY AND GLOBAL GAG RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, by reinstating the global gag rule as one of his first actions in office, President Bush quickly revealed how uncompassionate his conservatism will be. The gag rule will take money away from the world’s poorest women and girls. During the campaign, President Bush said that the United States should not appear arrogant in its foreign policy. Imposing limits on speech that would be unconstitutional here in the United States is the height of arrogance in foreign policy.

That is not to say that all the news is bad. I was pleased to hear that President Bush has continued the fiscal year 2001 funding levels for international family planning. That was a very welcome statement. I hope that when President Bush takes another look at the facts, he will recognize that his actions actually encourage the procedure he is trying to reduce.

We know that family planning reduces the need for abortions. We know that it saves lives. The gag rule reduces the effectiveness of family planning organizations and should be eliminated. I urge the President to revoke the gag rule. I applaud my many colleagues that have joined me in doing so.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

[Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]
The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

GLOBAL GAG RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to President Bush’s decision to reinstate the Mexico City restrictions on United States assistance to international family planning organizations abroad. I also urge the Bush administration to stop misleading the American people by stating that American taxpayer dollars are being used for abortions overseas. The truth is that since 1973, under the HELMS amendment, the United States has prohibited foreign recipients of international family planning aid to use taxpayer funds to perform abortions. Despite this fact, however, President Bush’s press secretary, in his defense of the global gag rule, has continued to state that American taxpayer dollars are being used to pay for abortion services. This is just downright wrong.

President Bush’s decision to reinstate the global gag rule will deny United States family planning assistance to any organization that uses its own, non-United States taxpayer dollars to provide abortion services or engage in reproductive choice advocacy. This would be unconstitutional in our own country.

Each year, approximately 600,000 women die from preventable complications related to pregnancy and childbirth. Ninety-nine percent of these deaths are in developing countries. Complications from pregnancy and childbirth are the leading cause of death and disability among women aged 15 to 49 in the developing countries. And limiting access to family planning results in high rates of unintended and high-risk pregnancies, unsafe abortions, and maternal deaths.

It is crucial that women across the world have fundamental access to health care. Our support of international family planning helps save lives. It promotes women’s and children’s health and strengthens families and communities around the world. By denying women the right to choose, the Bush administration is denying women access to methods of contraception, leading to higher risks of getting and spreading the HIV/AIDS virus. Funding for family planning will help curb the spread of sexually transmitted diseases.

I urge the Bush administration to really correct their misstatements about international family planning aid. If not, it is our duty as Members of Congress to stand up and inform the American people that the President’s executive order will restrict funds to organizations that provide a wide range of safe and effective family planning services to women in need. Millions of women around the world are begging President Bush to reconsider this decision. I implore the President to consider the deadly ramifications of his decision and really help poor women in need of basic education regarding their health care.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

[Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SAWYER) is recognized for 5 minutes.

[Mr. SAWYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AID TO INTERNATIONAL FAMILY PLANNING SHOULD CONTINUE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today in coalition with my colleagues to express my deep concern and opposition to President Bush’s recent declaration to discontinue the aid in family planning and to reinstate the global gag rule. In essence, this global gag rule restricts foreign, nongovernmental organizations that accept international family planning funds from using their own non-U.S. money to provide legal abortion services or to lobby their own governments for changes in the abortion laws. While this gag rule is simply bad policy, its consequences are extremely severe, affecting the health of women and families in some of the poorest and neediest countries under some of the direst of circumstances. These consequences have not been fully or accurately disclosed to the American people. At its best, this global gag rule will serve to undermine a key priority of United States foreign policy, to promote Democratic values worldwide. At its worst, it will block access to contraceptive services and incite the incidents of illegal abortion and lead to higher maternal mortality rates. Instead of presenting these facts to the American people, President Bush provided the press with an attractive sound bite explaining his recent decision: Quote, I am opposed to American taxpayer dollars being used to pay for abortions overseas, end quote.

The statement is grossly inaccurate. As we know, the global gag rule is totally unrelated to the issue of taxpayers’ funds being used for abortions. In fact, since 1973, under the Helms amendment, the United States has prohibited the use of taxpayer funds from being used for the performance of abortions by foreign recipients of international family planning aid. That is nearly 30 years.

Before he was elected, George W. Bush said he wanted to change the way America thinks about abortion and he claimed to be a uniter and a wonderul adroit dancer around this issue every time he was asked. Nothing in his campaign suggested that he intended to take this step which, frankly, according to his words, he seems not to understand what he has done.

Mr. Speaker, I rise today not only express my strong opposition to President Bush’s efforts to reinstate the global gag rule, but I urge the Bush administration to correct their misstatements about international planning aid. The American people deserve to know the truth.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

IN OPPOSITION TO IMPOSITION OF THE GLOBAL GAG RULE

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my strong opposition to President Bush’s decision to reinstate the anti-democratic Mexico City restrictions on U.S. assistance to international family planning organizations. Also known as the Global Gag Rule, this provision prohibits non-governmental organizations (NGOs) that receive U.S. family planning assistance from using their own private non-U.S. funds to provide counseling, referrals, or services related to abortion or to engage in any effort to change the laws of their country governing abortions.

This harmful provision will not prevent abortions—desperate women will still find a way to obtain an abortion. But the restrictions will help to make abortions more dangerous and will inhibit access to family planning and reproductive health services to the world’s poorest and neediest people.

International family planning programs provide vital services that improve women’s health and mortality, improve child survival...
rates, and increase women's educational opportunities and earnings. Hundreds of thousands of women in the developing world—many of whom are young adolescents—die from complications of pregnancy or inadequate reproductive health care. Few of these girls and young women have equal access, much less the abortion option viewed by some in this body as the solution to unwanted pregnancies. The Global Gag Rule will cost women's lives!

Let's remember that it has been against U.S. law to use USAID funds for abortion or to promote abortion since 1973. The Global Gag Rule is a means of denying to women in other, poorer countries services that are legal in the United States even when these services are paid for with private funds.

The restrictions even go so far as to prohibit NGOs from using their own funds to lobby their own governments to change laws regarding abortion. The restrictions force foreign NGOs to choose between desperately needed family planning funding and their right to speak out on an important social issue.

Under the Global Gag Rule, an NGO that dared to protest a lack of post-abortion care and the jailing of women and girls who have had unsafe abortions would lose its U.S. family planning funds. If this NGO were the only family planning provider in a remote rural area—there are seldom multiple providers—then access to these services would be eliminated.

I find it incredible that the United States would use its enormous influence and power to curb free speech in the developing world. This is contrary to everything our country stands for. If the Congress attempted to pass such a provision affecting nonprofit agencies in the United States, it would be struck down as un-Constitutional.

In her Washington Post column of September 29, 2000, Judy Mann quotes Katherine Bourne, director of public affairs for Pathfinder, and international reproductive health organization, about the dangers of the Global Gag Rule:

"[The gag rule] allows these organizations to provide care when a woman is dying from a botched abortion, but "they are not parsing the language," Bourne says. "What they are hearing is: 'The U.S. doesn't like abortions. It endangers our funding. We'll stay away from it entirely.'"

"In other, we work with eight different NGOs," she says. "They tend to be in [remote areas] where there are no services. They are so nervous about it, they won't stock emergency post-abortion lifesaving care. They refer women to the public-sector hospital. That can make the difference between a woman going to a local clinic or a half-hour away or going to a public hospital that is an eight-hour walk away. If you are hemorrhaging from an abortion, you could die within hours."

All Americans want to see the number of abortions decline but best and most proven method of reducing abortions is to provide family planning services. The Global Gag Rule will not reduce abortions, but it will reduce access to family planning and lifesaving reproductive health services to the detriment of the world's poorest women and children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHLEY) is recognized for 5 minutes.

[N. HINCHLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

**Nomination of Senator Ashcroft**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the Speaker's kindness. I rise to join my colleagues who have spoken of their concern about the recent executive order that eliminates the opportunity of international family planning. My fellow colleagues have been extremely eloquent, and I would for a moment just like to expand that opposition to that decision by the administration to carry forth my opposition to the nomination of [fill in the name of the nominee]. I want to speak very eloquently.

I want to speak about the importance of the fundamental rights, civil rights, the right to vote, freedom of choice, all the laws of the land. Many colleagues have already noted that I believe that this USA Today, People for the American Way, captures my concern. Should a man who misrepresents the facts under oath be our Attorney General? And the fact is that, it is not to personally suggest that Mr. Ashcroft may not believe what he has said, but his actions speak louder than words.

When asked repeatedly whether he would be able to support Roe v. Wade, he indicated it was the settled law of the land but yet consistently throughout his Senatorial career, gubernatorial career and his other career, this individual showed that he was not in support of the law of the land, the Constitution of the United States, which gives a woman the right to choose.

In a decision dealing with voluntary desegregation in St. Louis, it was noted that in the first representation of his testimony he said the State was not liable and was not involved and, in fact, the State was involved and it was attributed to his position that caused this delay in a resolution of this desegregation order where the parties at hand voluntarily decided to resolve this.

His position as Attorney General or governor caused it to continue to be at odds, because of the voluntary agreement.

Do we believe in integration in this country? Do the laws provide us the opportunity for civil rights? Yes. And I believe the actions of this nominee do not speak well for him being able to enforce the law of the land.

Might I suggest that several other items come to mind and that, of course, is one that many of us have heard over and over again, that is the nomination of Judge Ronnie White and the comments being made by Senator Ashcroft that he was pro-criminal or had a criminal bent when over 60 percent of the time Judge White agreed with the nomination. Senator Ashcroft in confirming the death penalty.

Might I read this insert by Congresswoman WILLIAM CLAY as he introduced Judge Ronnie White before the Senate Committee on the Judiciary, upon which Senator Ashcroft said, I might cite one incident that attests to the kind of relationship that Judge White has with many and that is with a member of this committee Senator Ashcroft. When I recommended Judge White to the President for nomination and the President nominated him, one of the first people that I conferred with was Senator John Ashcroft. At a later date, he told me that he had appointed 6 of the 7 members of the Supreme Court. Ronnie White was the only one he had not appointed. He said, meaning Senator Ashcroft, he had canvassed the other six, the ones that he appointed. They all spoke very highly of Ronnie White and suggested that he would make an outstanding Federal judge. So I think that this is the kind of person we need on the Federal bench. These were the confirmation hearings on Federal appointments, hearings before the Senate Committee on the Judiciary 105th Congress.

Yet on the floor of the Senate, Senator Ashcroft vigorously opposed Judge Ronnie White, for what reason we do not know; and this nominee came out of the Committee on the Judiciary twice victoriously. One wonders whether or not in his explanation that the reason he opposed him was his record, when his record was clear, Judge White's record was clear. He was an independent justice who reviewed the facts in the Supreme Court, his record was well respected in his State.

Then we have the situation of Ambassador Hormel, who we have heard recently who has a different life-style, and because of a different life-style he opposed him.

Mr. Speaker, I want to thank my colleagues for this unique opportunity to offer a few observations on the nomination of Mr. John Ashcroft for attorney general of the United States. As Martin Luther King once stated, "Injustice anywhere is a threat to justice everywhere." That is why I am here today to speak out not only as a member of Congress, but as a citizen of our diverse and vulnerable nation. The Senate is moving closer to taking final action on Mr. Ashcroft's nomination. This Senate is one that has a different agenda, and one that I believe is not focused on the best interest of the American people.

Based on Mr. John Ashcroft's record of aggressive opposition to women's rights, civil rights, and the unfortunate hamstringing of the nomination of Judge Ronnie White, the Senate Judiciary Committee and its colleagues should vote down his nomination for the sake of uniting America. The attorney general for the
I felt compelled to have my voice heard on behalf of Judge White who had never been given the chance to defend himself from vicious attacks on his impeccable judicial record. More importantly, each Senator and Representative now knows that when Judge White’s nomination was brought to the Senate floor in October 1999, Senator Ashcroft spearheaded a successful party-line fight to defeat White’s confirmation, the first time in twelve years (since the vote on Robert Bork) that the full Senate had voted to reject a nominee to the federal bench.

In contrast to that effort, as former Congressman William L. Clay introduced Judge Ronnie White before the Senate Judiciary Committee he said the following: “I might cite one incident that attests to the kind of relationship that Judge White has with many, and that is with a member of this committee—Senator Ashcroft. When I recommended Judge White to the President for nomination and the President nominated him, one of the first people that I conferred with was Senator Ashcroft. At a later date, he told me that he had appointed Judge White to the Supreme Court. Ronnie White was the only one he had not appointed. He said he had considered the other six, the ones that he appointed, and they all spoke very highly of Ronnie White and suggested that he would make a fine Supreme Court Justice. So I think that this is the kind of person we need on the federal bench.” Confirmation Hearings on Federal Appointments: Hearings Before the Sen. Comm. On the Judiciary, 105th Cong., 2d Sess. 7–8 (1998).

Mr. Speaker, Mr. Ashcroft even opposed gathering statistics on traffic violations. After learning of the importance of law enforcement efforts to stem these unlawful activities in a number of states, Mr. Ashcroft seriously distorted White’s record, portraying it as pro-criminal and anti-death penalty, and even suggested, according to the London Guardian, that “the judge had shown a tremendous bent toward criminal activity.” Ironically, Judge White had voted to uphold the death sentence in 41 of the 59 cases that came before him, roughly the same proportion as Ashcroft’s court appointees when he was Governor.

In fact, of these 59 death penalty cases, Judge White was the sole dissenter in only three of them. As a matter of fact, three of the other Missouri Supreme Court judges, all of whom were appointed by Mr. Ashcroft as Governor, had sentences in greater percentage of cases than did Judge White. Ashcroft also failed to consider or mention that in at least fifteen death penalty cases Missouri Supreme Court Justice, Ronnie White, wrote the majority opinion for the court to uphold the death sentence. America owed an apology to Judge White and I admire his ability to move forward with his life. This is a judicial nominee for which Mr. Ashcroft had no substantial reason to oppose—and it is time that America knows the facts.

I took my responsibility in helping shed light on Judge White’s confirmation hearing before the Senate Judiciary Committee on the 17th of January of this month with great seriousness.

On the contrary, Mr. Ashcroft supports a constitutional amendment that would outlaw abortion even in cases of incest and rape and that would criminalize several commonly used forms of contraception.

As Missouri attorney general and governor, Mr. Ashcroft repeatedly used his office as a United States Senator to push through severe new restrictions on women’s reproductive freedom as part of an effort to get the Supreme Court to overturn Roe v. Wade. It is fair to say that many women in America have a right to be concerned because as attorney general Mr. Ashcroft could use the power the Federal government behind new strategies to defeat the right to an abortion in the Supreme Court. It is also reasonable to express doubts about whether he would fully enforce laws that insure access to abortion clinics by limiting violent or obstructive demonstrations by abortion opponents. He will look to the attorney general to enforce even-handed law enforcement and protection of our basic constitutional rights: freedom of speech, the right to privacy, a woman’s right to choose, freedom from governmental oppression and other vital functions. We cannot deny the attorney general plays a critical role in bringing the country together, bridging racial divides, and inspiring people’s confidence in their government.

I reviewed the series of questionable acts that can be found in Mr. Ashcroft’s record as a public servant, I find such action by Mr. Ashcroft to be inconsistent with the kind of vision and tolerance that the next top law enforcement officer will need to have. Mr. Ashcroft’s recommendation in the State of Missouri is one of those examples that makes me truly sad as an African American and I have an obligation to emphasize this very grave matter.

John Ashcroft, as Attorney General and as Governor of the State of Missouri consistently opposed efforts to desegregate schools in Missouri, which for more than 150 years, had legally sanctioned separate and inferior education for blacks.

Missouri has a long and marked history of systematically discriminating against African Americans in the provision of public education. During forty-five years of slavery, the State forbid the education of blacks. After the Civil War, Missouri was the most northern state to have a constitutional mandate requiring separate schools for blacks and whites. This Constitutional provision remained in place until 1976. For much of its history, Missouri provided vastly inferior services to black students. After the Supreme Court’s ruling in Brown v. Board of Education, the Missouri Attorney General, rather than ordering the desegregation of the schools, resisted this decision by ordering the State to maintain a de facto system of racial segregation throughout the 1960s. White students were assigned to
Mr. Speaker, I rise today to pay tribute to Dr. John Biggers and to insert my comments concerning the loss of this great artist within the record. I am sorry I had to put it in conjunction with my opposition to Senator Ashcroft.

Mr. Speaker, I rise today to pay tribute to one of Houston's best known and most beloved artists and teachers, and one of my constituents—Dr. John Biggers. Dr. Biggers passed away this month in his Houston home. He was one of the most renowned and beloved residents in our city, and there is no doubt that his death will leave a hole in our community and in the art world—a hole that will never be filled.

According to an article written in our local newspaper the Houston Chronicle, John Biggers' life began in racially divided Gastonia, N.C., a rural community near Charlotte, where he was a teacher, traveler, author and artist. Dr. Biggers was born in 1924, the youngest son of Paul and Cora Biggers' seven children.

His father was the son of a white plantation owner who at age 18 had the opportunity to attend a school for freed slaves and their children. There he met his future wife, Cora, and began preaching the gospel, accepting only good things, such as eggs, never money, for his ministries. When he died in 1937, Cora took in laundry to help support her family.

John Biggers arrived in Houston in 1949 to establish himself at the Texas Southern University. At 25 years old, he had a bachelor's and master's degree from Penn State and had received an honorable discharge from the U.S. Army.

John Biggers would go on to change the world and ours through painting. He has used his gift as a tool to paint the mosaics of life. He turned canvases into stories of life and was able to share with young and old people a continuing and colorful history of America.

His art has received national and international acclaim. He traveled to Africa and brought back the dreams and aspirations of those who lived there in the form of unbelievably life-like and moving art. He has shared them with those of us who live around the United States. He has given voices of others through art. More importantly, he has opened the eyes of children, including inner city children, who no longer wonder if they too can paint with a brush and turn a blank canvass into life in pictures.

I hope that Dr. Biggers' life and his work will serve as an inspiration not only to Texans but to all Americans, throughout the United States.

For his dedication and success teaching art in our community, Dr. Biggers received many awards and grants during his lifetime. Among the most prestigious was a 1957 UNESCO Fellowship that allowed him to study in West Africa. In March, he was to receive the first Texas Medal of Arts Award from the Austin-based Texas Cultural Trust. But these awards simply mark points in a larger than life experience—the life of Dr. John Biggers.

I extend my deepest sympathy to his sister Ferrie Arnold, his son, Brian, and his seven children. He was one of the most renowned and beloved artists and teachers. He was a teacher, traveler, author and artist. He was one of Houston's best known and most beloved artists and teachers, and one of my constituents—Dr. John Biggers. He passed away this month in his Houston home. He was one of the most renowned and beloved residents in our city, and there is no doubt that his death will leave a hole in our community and in the art world—a hole that will never be filled.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me also say in closing that I pay tribute to Dr. John Biggers and to insert my comments concerning the loss of this great artist within the record. I am sorry I had to put it in conjunction with my opposition to Senator Ashcroft.

Mr. Speaker, the passing of Dr. John Biggers is a loss to the State of Texas and the United States. His contributions to national and local culture will be sorely missed for generations.

I hope that many others learn from and follow his example of creating beauty for all to enjoy.

I thank my colleagues for this opportunity to pay tribute to this admirable man in the permanent history of this body. I also encourage my colleagues to continue to read the following article about Dr. Biggers, which appeared in the Houston Chronicle on February 16, 1997. The article does a fine job of capturing Dr. Biggers' life in words as his art has captured life in pictures.

[From the Houston Chronicle, Feb. 16, 1997]

FAME IS FINE, BUT ARTIST JOHN BIGGERS HAS IT EVEN BETTER

By Patricia C. Johnson

John Biggers smiles warily as he opens the door to his studio. It is the private world where he has conceived and executed monumental murals, drawings and easel paintings for 50 years of his life. The radio is tuned to a jazz station, and the music fills the air, bouncing off walls lined with partitions covered with paintings. African masks and figurines he's collected through the decades cram shelves at one end of the room, and the large table in the center displays a load of books and catalogs, open and unopened, mail, sketches and pens, even an occasional African carving that's strayed.

There have been two retrospectives of his work at the Museum of Fine Arts, Houston, an event the artist described thus as "miraculous."

Fifty-four years earlier, he was not allowed inside the museum to receive the prize awarded his drawing in the museum's annual exhibition. Standing outside the city, blacks were allowed inside only on specified times and days. The special arrangements that were made for Biggers and a colleague to view the show in advance became moot when the museum changed its admission policy a few months later to open its doors to everyone at all times.

Now "John Biggers: View From the Upper Room," has been traveling cross-country from Los Angeles to Boston's MFA, gaining national notice. It opens at Hampton University (Virginia) later this year, completing one cycle in the artist's rich career.

And when the University of Texas Press issued his landmark book, "Ananse: The Web of Life," last month, another cycle began to insert a whole new generation into the artist's rich career.

"You make art one piece at a time," Biggers says today. "Fifty years is a lifetime, it is a long time. And 50 years is very short, you have to do it all in that. You may be impressed with the great quantity of work. But, what about the dream?"

Giving form to that dream has been the consuming passion of a man so dedicated to making art that it is meaningful.

The artist's oft-told story begins in racially divided Gastonia, N.C., a community near Charlotte, where this teacher, traveler, author and artist was born in 1924, the youngest of Paul and Cora Biggers' seven children. His father was the son of a white plantation owner who at age 18 had the opportunity to attend a school for freed slaves and their children. There he met his future wife, Cora, and began preaching the gospel, accepting only good things, such as eggs, never money, for his ministries. When he died in 1937, Cora took in laundry to help support her family.

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John Biggers would go on to change the world and ours through painting. He has used his gift as a tool to paint the mosaics of life. He turned canvases into stories of life and was able to share with young and old people a continuing and colorful history of America. His art has received international and national acclaim. He traveled to Africa and brought back the dreams and aspirations of those who lived there in the form of unbelievably life-like and moving art. He has shared them with those of us who live around the United States. He has given voices of others through art. More importantly, he has opened the eyes of children, including inner city children, who no longer wonder if they too can paint with a brush and turn a blank canvass into life in pictures.

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According to an article written in our local newspaper the Houston Chronicle, John Biggers' life began in racially divided Gastonia, N.C., a rural community near Charlotte, where he was a teacher, traveler, author and artist. Dr. Biggers was born in 1924, the youngest son of Paul and Cora Biggers' seven children.
They had met at Hampton University, where both were undergraduates. He courted her for years, sometimes long-distance, before she finally agreed to marry him in December. Over the next few years of rural life, they were accustomed to living with warped personal and cultural wealth it possessed. Most blacks viewed acculturation as the goal. But Biggers, who had first learned about African art and life from his teacher, Viktor Lowenfeld, wanted “to change old images of poverty into new perceptions of honest, simple dignity,” he states in “Black Art in Houston.”

“We had to rip through veils . . . (and) understand new truths,” he said. Africa was the route to reconnecting with “our ancestors (who) walked with water, husbands of the land.” His desire to visit Africa was derided by everyone, especially his TSU colleagues, who urged him to go to Paris and London instead.

Still, the determined young artist persisted, and in 1957, a grant from UNESCO enabled Biggers and his wife to visit the ancestral land for six months. It was an epiphany, and it changed his life and his art forever. “When you’re young and have goals, you’re interested in reaching out and proving yourself. I’m not interested in that anymore,” he says.

“I’m a person who needs to work rather than celebrate. For me, the payoff is the work itself. It think this work I’m doing now is showing I’ve grown. It has greater simplicity, and I like that.”

Biggers has a mural commission, the 16th in his career, in progress. He titled it “Salt Water,” a metaphor for former student James McNeil to assist. Its final version will be 10 feet by 27 feet, painted with acrylic on canvas. On this cool winter morning, work is in the early stages, with McNeil painstakingly translating Biggers’ first small but detailed pencil drawing into a larger, color-coded version pinned to the studio wall.

In a corner, a half-finished painting sits on the easel waiting for the artist’s return. He is tired, he says, with a laugh.

“You see, the boy here is being born from the trees,” he says. “And this tree . . . is loaded with symbols and meanings distilled from decades of research and hundreds of artworks.”

He titled it “The Morning Star.” There, in Biggers’ unmistakable crystalline colors and geometric forms, are the father and mother, the son who’s being born and the daughter who’s yet to be conceived, in a mystical space with the symbolic rabbit and turtle. Ever the teacher and storyteller, he explains:

“You see, the boy here is being born from the blue sky. Those are his parents, sitting on a bench, which is on a barge, their feet on the blue sky. Those are his parents, sitting on the brick house in the tree-lined Riverside neighborhood east of the Museum District that is their home. They are their ancestors, their family also lives, to the urban cacophony. In a way, it’s returning to the dreams of his youth, discovering the connectedness to the Earth and its rhythms that he had discovered on that first visit to Africa.

“I like the little frogs and the birds and the trees.” He’s delighted by the attention he’s receiving and making him come to the fore, but he’s tired, he says. “When you’re young and have goals, you’re interested in reaching out and proving yourself. I’m not interested in that anymore,” he says.

“I’m a person who needs to work rather than celebrate. For me, the payoff is the work itself. It think this work I’m doing now is showing I’ve grown. It has greater simplicity, and I like that.”

Biggers has a mural commission, the 16th in his career, in progress. He titled it “Salt Water,” a metaphor for former student James McNeil to assist. Its final version will be 10 feet by 27 feet, painted with acrylic on canvas. On this cool winter morning, work is in the early stages, with McNeil painstakingly translating Biggers’ first small but detailed pencil drawing into a larger, color-coded version pinned to the studio wall.

In a corner, a half-finished painting sits on the easel waiting for the artist’s return. He is tired, he says, with a laugh.

“You see, the boy here is being born from the trees,” he says. “And this tree . . . is loaded with symbols and meanings distilled from decades of research and hundreds of artworks.”

He titled it “The Morning Star.” There, in Biggers’ unmistakable crystalline colors and geometric forms, are the father and mother, the son who’s being born and the daughter who’s yet to be conceived, in a mystical space with the symbolic rabbit and turtle. Ever the teacher and storyteller, he explains:

“You see, the boy here is being born from the blue sky. Those are his parents, sitting on a bench, which is on a barge, their feet on the floor, which is a xylophone.” The soft voices of the other components, their shapes and their origins in ancient African myths, and their timeless meaning.

“Individual life is very short,” he says, “all things rise and fall, live and die. But if we agree the spirit does not die, that it renews the world, time takes a different dimension.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, at its organizational meeting on January 3, 2001, pursuant to clause 2(a)(1)(A) of rule XI of the rules of the House, the Rules Committee adopted in an open meeting, with a quorum present, its committee rules for the 107th Congress. Pursuant to clause 2(a)(1)(D) of rule XI of the rules of the House and clause (b) of rule I of the rules of the Committee on Rules, the rules of the Committee on Rules are hereby submitted for printing in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON RULES—U.S. HOUSE OF REPRESENTATIVES, 107TH CONGRESS

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, or printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee’s rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular Meetings

(a) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(b) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in this rule referred to as “Chair”), there is no need for the meeting.

(c) Additional regular meetings andhearings of the Committee may be called by the Chairman.

Notice for Regular Meetings

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting:

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution,

(B) the committee report thereon, and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(b) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.
Emergency Meetings

The Chair may call an emergency meeting of the Committee at any time on any matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be open to the public unless closed in the Chair's discretion. The meeting shall be open to the public until such time as the Chair determines the meeting is actually present for such purpose. A majority of the members of the Committee shall constitute a quorum.

Voting

No vote by any member of the Committee may constitute a quorum.

Special Meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 5—MEETING AND HEARING PROCEDURES

In General

(a) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking minority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the recommendation is made or, as soon thereafter as the proposed language becomes available.

Quorum

(b) (1) For the purpose of taking testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) Meetings of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subcommittee hearing, or of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B), or of taking any other action.

Hearing Procedures

(d)(1) With regard to hearings on matters of original jurisdiction, the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the committee a brief summary of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee for such purpose to a maximum of 5 minutes; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or sub-contract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the presentation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the Rules of the House shall apply to any hearing conducted by the committee.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, representatives of the Committee may issue subpoenas to appear and testify before the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, of the Committee or subcommittee, and when a quorum is present as the Chair determines.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 6—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction, and shall provide the full Committee with copies of the report on each review.

(2) Not later than February 15 of each year, the Committee shall hold a meeting of its subcommittees for the purpose of considering its obligations and responsibilities and to determine the matters which subcommittees shall be charged to examine within its jurisdiction.

(3) The Chairman of the Committee shall provide the full Committee with copies of the reports of such subcommittee for the purpose of considering its obligations and responsibilities and to determine the matters which subcommittees shall be charged to examine within its jurisdiction.

(4) The Committee shall report the report of each subcommittee to the Committee in a joint meeting of both the Committee and the Chairman of the Committee.

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budgetary Branches, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Technology and the House, which shall have general responsibility for measures or matters related to the impact of technology on the process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for other matters, or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall have specific responsibility for other matters, or matters as the Chair refers to it.

Referral of Measures and Matters to Subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special rule providing for the committee to report on any measure or resolution shall be referred to a subcommittee of the Committee.

(b)(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) The chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) The size and ratio of each subcommittee shall be determined by the Committee, and the members of each subcommittee shall be elected to the full Committee, and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) The Chair may meet or hold a hearing at the same time as a meeting of the full Committee or subcommittee.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a Vacancy

(f)(1) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such documents with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.
the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the Chair's direct supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on Administration under clause 9 of rule X of the Rules of the House.

Subcommittee Staff

(c) From funds made available for the appointment of Chair of the subcommittee, shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of Staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Certification of Staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in the form of a bill or resolution authorizing the staff member's work for that member for the preceding calendar month.

Travel

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed as an exercise of the rulemaking power of the House, and copies of the transcript shall be made available to each such Member at least 48 hours before the time of the meeting at which the vote on the certification occurs. Any such change in the rules of the House shall be published in the Congressional Record within 30 calendar days after its approval.

PAY OF WITNESSES

The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified or supplemented in the manner and method as provided for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

THE PARDON OF MARC RICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McNINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McNINNIS. Mr. Speaker, as has become customary, I have to spend the first 5 minutes rebutting some of the previous statements that were made here on the House floor.

First of all, let me say to my colleagues that spoke preceding my comments here, that as a former police officer I take issue with some of the
statements that were made in regards to Judge White’s decisions. If one will take a close look at that case, it will be revealed that three police officers were killed by the defendant in that particular case, and I think that spending a little time on the facts would be helpful. The officers are interested in looking at the specifics.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I will not.

Ms. JACKSON-LEE of Texas. Then the gentleman does not want the truth.

Mr. MCINNIS. The gentlewoman, of course, in her previous comments stated one side, and here we are for rebuttal.

Mr. Speaker, look at facts of the case. Look at the officers that were killed in the line of duty. In fact, I remember the gentlewoman from Texas (Ms. JACKSON-LEE) speaking with seriousness of heart and sincerity last year when a law enforcement officer in the State of Texas lost his life.

On this floor, I think we ought to, all of us at least, have an obligation to address facts. It is very easy to come down here and give one side obviously because it is a debate floor. It is a presentation of one side, but at least both sides ought to present what the facts are.

Second of all, I need to clarify the statement by the preceding speaker. Her statement is that President Bush’s executive order, and I quote, eliminates international family planning. That executive order does not eliminate international family planning. What does the executive order do? What that executive order does is it simply makes it clear that the American taxpayer should not pay for abortions in foreign countries.

Now I know a lot of people, obviously, on the pro-life side. I know a lot of people on the so-called pro-choice side, I believe that maybe anti-abortion, but I know a lot of people who believe in a woman’s right to choose but they do not go so far as to say take money from taxpayers, from working Americans, and send it to foreign countries to pay for abortion. I know a lot of people, myself included, that believe that international family planning, excluding abortion, is important, but this rule does not say no more international family planning. I think that the accuracy of these statements, we need to take some time so that the statements that we make that are portrayed are factual in basis.

Mr. Speaker, I want to speak this evening really about two things that I feel very strongly about. One is the death tax. I have taken the House floor many times before to speak about the unfairness and the inequities that are worked upon hard-working American people by the death tax. In my opinion, death tax is a taxable lie. In my opinion, the death tax in this country is the most unfair, unjustified tax that we have. One cannot, in my opinion, legitimize that type of tax, taxing a person’s death, in a society like ours. So I want to spend some time in the latter part of my discussion this evening about the death tax, but first of all I want to speak about an event that I consider shameful, and all Americans people ought to open their eyes as to what has gone on here in Washington, D.C. in the last two weeks.

We know that when Clinton left office, Air Force One, they stripped the China, whatever, out of Air Force One. There were pranks played at the White House. There were lots of gifts made to furnish homes and so on and so forth. That is minutia. In my opinion, those issues are minutiae when held in comparison to the issue of which I wish to discuss this evening, and that is the pardon of a fellow named Marc Rich.

Marc Rich, and I will repeat his name several times during my discussion this evening on the floor. Marc Rich was one of the most sought-after fugitives in the world. Marc Rich has lived in Switzerland or overseas for about 17 years, since he became a fugitive from the United States of America, for betraying, in my opinion, betraying this country, and that is one of the charges that was brought against him; living a life of luxury. This fugitive, Marc Rich, is a billionaire, and I intend this evening to step through the process that shows us in America even though someone is not in America and they are a fugitive overseas, if they are a billionaire they stand a very good chance of getting special treatment, to be absolved of the allegations that were made against them in regards to white collar crime.

Fundamentally, what happened for this pardon is unfair. It has never, to the best of my study of history, and I have added time tonight on it, happened before with a previous President who granted pardons; never to this level, never to this extent, and never under these kind of circumstances.

I ask down a little. “Marc Rich,” I add that in, “has spent the last 17 years in Switzerland, living in splendid exile outside Zurich, protected by a coterie of private security guards and running a $30 billion business. Marc Rich’s wife, Brother-in-law, Marc Rich, his wife, New York City socialite, Denise Rich, just happens,” and I am quoting, “just happens to be a major Clinton donor and fund-raiser who has raked in millions of dollars for the Democratic Party during the last 8 years.” The Rich’s lawyer in this case, Jack Quinn, was once Clinton’s general counsel. Quinn personally lobbied Clinton and various dignitaries, including, sources tell Time, Israel Prime Minister Barak and King Juan Carlos of Spain, who contacted Clinton on Mr. Rich’s behalf.

I will continue, but by the way, let me hold that up. This is the second page. This is a photo of Marc Rich, of his second wife and the yachts behind him in Switzerland.

To continue, “By Thanksgiving 2000, Quinn,” this is the attorney: now, this attorney was general counsel for Bill Clinton, a close friend of Bill Clinton’s, and he has been retained by Mr. Rich to obtain this pardon for him. Mr. Quinn, by the way, makes hundreds of thousands of dollars. He is paid, and he admits to this, he is paid hundreds of thousands of dollars.

“By Thanksgiving of 2000, Quinn had started a new game. During a meeting at the Justice Department on November 21, he notified Deputy Attorney General Eric Holder of his plan to file a pardon petition with the White House. He asked Holder if he wanted a copy. Holder, who assumed that the White House would forward the petition to the Justice Department’s pardon attorney for review, as was customary.” In other words, these pardons have always gone to the Justice Department for review, for input by the Justice Department.

Well, on December 11, Quinn delivered the massive document, about the size of a phone book, but for reasons
unknown and reasons that have not been explained, the White House decided not to send this petition down to the Justice Department.

So remember our steps here. First of all, Marc Rich, the billionaire and his partner, were found guilty of tax evasion, a tax swindle. They were given the opportunity to stay in the United States. Mr. Rich hires Mr. Clinton’s former attorney and a good friend of Mr. Clinton to begin the legal work and the lobbying effort on his behalf. Mr. Rich believes that the debt to society has been paid, and he has lived the last 17 years in luxury and in Switzerland.

Mr. Rich is a fugitive. To the best of my knowledge, in studying the history of pardons, and I will grant that it is not a very extensive study I have undertaken on pardons, but I think it is a pretty thorough study that we have undertaken, we cannot find where a fugitive, one of the most sought-after fugitives in the history of this country, who may have undertaken one of the largest tax swindles in the history of this country, that a fugitive is granted a pardon by the President.

Why do not the pardon petition papers make it down to the Justice Department? Why not, as customary, hand those petition papers over to the Justice Department? It creates a very confusing and blurry picture, and when we have a confusing and blurry picture, we need to step back and try to start putting the pieces of the puzzle together. I think I can put some of those pieces of the puzzle together for my colleagues tonight.

Again, let us start with the ex-wife, Denise Rich. Mr. Rich has given $1 million in donations to the Democratic National Committee. Now, I am one of those people that believe that one should give contributions to one’s political party. I am not against contributions, and we should not be asking for the coincidence of the timing. Let us look at the amount of money. How many people in America do we know that within a very short period of time have given $1 million to a political party without expecting something in return?

Now, let me tell my colleagues, she has become very active since making those contributions in the party. In fact, I understand that Andrew Cuomo, who has just announced for governor of the State of New York, was going to have his announcement in her home. But because of some of what has come out in the last 24 hours or so, that announcement location has changed.

Let us go on. Mr. Speaker, $190,000. Denise Rich has paid $190,000 in gifts to the Clintons. $7,500 in furniture to the Clintons for their home in New York; $7,000 in furniture for their home in Georgetown, and many of us saw the picture on national TV where Ms. Rich gave a brand-new saxophone in person to Clinton.

Now let us come down here. This is puzzle piece number one. The puzzle now is starting to take shape. Let us look down here. Jack Quinn, he is the attorney who made hundreds of thousands of dollars. Marc Rich, the fugitive, pays the attorney hundreds of thousands of dollars to undertake the cause for him. Now, it just happens to be that that attorney was the former general counsel for Clinton. So former White House counsel and personal confidant to the President, he undertakes the case. The current attorney for Marc Rich and Mr. Green, the other defendant in this case, which has been paid at least $300,000, he begins his efforts and as a part of these efforts, he contacts people overseas, he writes the President a letter that says he believes in this cause with his whole heart. A lot of things can make us believe in things when one gets hundreds of thousands of dollars to lobby it.

So what happens? This begins to funnel to the Clintons. Now the puzzle begins to make sense. But we have a little difficulty here. The Justice Department is probably going to urge the President not to grant the pardon. The Justice Department is going to bring to the President’s attention how, number one, this is a fugitive. Number two, if this case was as weak as Mr. Quinn alleges it is, why did he flee the country? Why is his fugitive status? Number three, Mr. Rich has not actually paid a back society for his alleged wrongdoings. In fact, he has lived a life of extreme luxury in Switzerland for all of these years, never renounced the tax swindle, although I guess at one point in time, somebody he hired offered $100 million for this thing to go away.

So what happens? The Clintons get it. The Clintons receive fund-raising support from Denise Rich, and 3 days after the report, going back to the Lewinsky affair was released, Denise Rich hosted a $3 million fund-raiser where President Clinton said it means so much now, more so than ever, and we will never forget it, and then what happens? Here we come out. This is when the puzzle comes together. Marc Rich and Green received a Presidential pardon from a 65-count racketeering indictment. They truly have to see, including the crimes of tax evasion, oil profiteering and unlawfully trading with Iran or the enemy during the Gulf crisis.

Let me quote from some of the people that have looked at that, independent of me. Now some of my colleagues are going to say, look, he is a Republican so he is going to take one last shot at Clinton. I told my colleagues at the beginning of my conversation, I thought it was a minitua with what has been taken out of Air Force One, the tricks that were played down at the White House as they left the facility, the phone lines that were cut, the gifts and things, although there is some question of the President furnishing these homes with the gifts, and there is a connection of the gifts with this case. However, what I am really focusing on is, whether one is Republican or Democrat, we ought to be saying wait a minute, why this pardon? How can we justify it?

Let me quote from a few sources. From the Wall Street Journal, “This story will go down as an extraordinary feat in the annals of Washington lobbying, illustrating in a dramatic fashion how money begets access, access begets influence, and influence begets results.” The Wall Street Journal had a superior piece about this very case in yesterday’s paper. Any of my colleagues that want to dig into the facts should take a look at how unusual, how rare is what has happened. In fact, to my knowledge, I have never found an incident of it in the past of this country, for a fugitive being granted a pardon like this. Take a look at that Wall Street Journal article.

I think it is very important, and I think it is incumbent upon a President that when they take a look at issuing a pardon, they truly have to see, has that person paid society? Was the person wronged? Is it for the good of the country? What does the Justice Department think about this case?
gifts to the Clintons, $7,800 in furniture to the Clintons, $7,000 for the home in Georgetown. One of their close friends, also their attorney, who has been retained by them in making hundreds of thousands of dollars to represent them, it is not right.

Mr. Speaker, that is why you have an article like "Time Magazine" that comes out, and the title on the article, "What’s That Smell?" That is what they are talking about. They are talking about the marriage pardon; that is what justifies this article in "Time Magazine." Furthermore, at the beginning of "Time Magazine," there is a cartoon. Here is the cartoon, it shows Marc Rich, an image of Marc Rich with lots of money in his hand, and it says beg your pardon, billionaire-fugitive Marc Rich, escapes jail on 51 charges of fraud, racketeering, and more after Bill Clinton pardons him as one of his final acts in office. Rich paid his debt to society by living lavishly in Europe for 17 years.

In my office, in Washington, D.C., I have dealt with people who are discouraged, regular ordinary citizens in this country, and, you know, constantly, you find yourself on defense saying, look, we have a good government, we have a good D.C., and this D.C., and this D.C., for the most part, are done right, and then something like this comes along. And as "Time" says, something stinks.

How can any of us in this room, how can any of us go back to our districts and justifiable worry about the family ranch or the family business. How can any of us look at an ordinary citizen who is not a billionaire, who is not self-made, ordinary, and then something like this comes along. And as "Time" says, something stinks. Let me conclude by saying this in regards to this portion of my comments. If any one of your constituents, colleagues, any one of your constituents, went to the local WalMart store or the local hardware store, let us just say the local WalMart store, there is a WalMart store, and they stole a bag of M&M's and they got caught, their punishment would be worse than Marc Rich, who is one of the most sought after fugitives in the world, a tax evasion scheme alleged to be in the hundreds of millions who has been living in luxury, and he walks away from this, scot-free. It is not right.

DEATH TAX

Let me move on to my next subject, the death tax. This issue, the death tax, is very, very important. It is a tax imposed by our taxing system in this country upon one event, your death. Let me say in our current Tax Code, there are two taxes that I think fly contrary to what this country is about. There are two taxes that I think fly contrary to what this country is about.

This is a country which prides itself on being built upon the family foundation, so we should not tax marriage. The other one is, this country taxing the event of death. This is a country that, in my opinion, and in the opinion, I think, of most Americans, should be in the business of encouraging one generation to pass the family farm or to pass a small business or to pass some type of wealth on to the next generation.

This is a country where all of us dream, all of us, and colleagues, I am not sure there is one exception in this room, where all of us dream of being able to do something for our children, to do something for their lifetime, being able to acquire, maybe not a lot, but something that we can pass on to our children to make life a little easier for them or to pass on a family heritage, like the family ranch or the family farm or the family business.

This tax prevents this. This tax has done more harm to American families than any tax I can think of. This tax, the death tax, this is a tax on property that has already been taxed. This is not new property. This is not property that has not been carrying its fair share of taxation throughout the life of the asset. In fact, the taxes many times have been paid two or three times. What I think about the death tax is you hear the liberal, and I say that, because I want you to know, it is not the Democratic, it is the liberal. There are a lot of conservative Democrats who agree with me that we should be eliminating the death tax. The first bill I introduced this year is elimination of the death tax in the Committee on Ways and Means in the House.

I think it is almost unified, especially on the Republican side, and with some of the conservative Democrats, to eliminate or to significantly restructuring that so-called death tax.

Let us talk for a moment about just exactly the arguments on the other side. What is the other side is going to say about somehow justifying a death tax. First of all, many of my colleagues who have voted for the death tax or voted against the abolishment of the death tax, and several of those individuals are worth in excess of a million dollars, you can bet your bottom dollar that elected people who vote to support the death tax who have a net worth of more than a million or $2 million probably have utilized their earned assets, and a lot of times those assets were built over the lifetime, over the lifetime of the descendant, takes those assets and redistributes them to the Federal Government.

It is a scheme of redistribution. It creates no capital, but it punishes a lot of people. I have some letters that I wanted to read. These are letters that I have gotten in my office that I think reflect the thinking of lawmakers on how the American people that are imposed by this tax which has no justification in our tax system, other than being used as a tool of punishment. Remember that the death tax initially came in as a tool of punishment against those who were tax dodgers.

The problem is estate taxes. The demand for our land is very high and 35-acre...
ranchettes are selling in this area as high as $4,500 per acre. We have 20,000 acres. We want to keep an open space, but the U.S. Government is making it impossible, because we will have to pay 55 percent of their valuation when my parents die.

Ranchers are barely scraping by these days anyway. If we were willing to develop home sites, we could stop the mining. But since we want to save the ranch, we are in trouble. The family has been able to scrape up the estate taxes as each generation dies up to now.

So in other words, what the letter is saying, every time we have had that death, we have been able to pool some tight resources to pay that tax.

But the time is up. I am afraid we are done for. This time, our only option is to give the ranch to a nonprofit organization and they all want it, but they will not give us as much as the land was worth. My father is 90 years old, so time is short. We are only one of two or three ranchers left around here.

The family now lives in a trailer near town and the father works as a highway flagman.

If you want to stop sprawl, you better get out and get off the backs of family ranches and farms.

Now, what do they mean by the last comment that this gentleman wrote. If you want to stop sprawl? In my district in Colorado, my district’s the Third Congressional District of Colorado. It is a district geographically larger than the State of Florida. It is a district whose property values have skyrocketed. It is a district whose beauty, and I know it is prejudiced. It is beautiful because I represent this district, but it is a district that is probably among the top three or four in the Nation for beauty. And for what purpose? Is there any purpose that any of my colleagues today, any purpose other than punishment that you can think of as justification for the death tax in this Nation? Of course there is not.

Let me talk about another example which happened about a year and a half ago. This comes right out of our newspaper, Grand Junction, Colorado, the Daily Sentinel, Brookhart’s Building Centers, a small lumber company. They had to sell it in order to avoid paying the death tax. The owner said it was one of the hardest decisions that his father and his family have made in their 52 years of doing business. So for years, they have been in western Colorado doing business as a small lumber company. This by the way is not Home Depot, it is not some massive operation, it was a small lumber building center for 52 years. But the current Federal death taxes as they now exist forced this gentleman and his family to sell the business in hopes of being able to redistribute some of the wealth within their family and within their own community before the death took place.

I quote: “In order to protect our family and our current employees from a forced liquidation upon the death of himself and his wife, Betty, the best thing now is to sell the company.” This family cared about, and this is a valid point to observe, this family did not just care about their own family and the generation behind them, they cared about the employees of the lumber company.

They said, if this death were to occur, we would have to liquidate the business, which means these employees lose their jobs.

Let us go back to community A. Remember what I said about community A. I will draw a little bigger circle. This is Colorado A. I will give my colleagues a true example of which I am aware of out in Colorado. Businessman A comes into town. Many, many years ago, maybe 50, 60 years ago, he comes into this small community in western Colorado. He becomes a janitor at a construction company.

Because of his hard work, his dedicated efforts, over a period of several

If you have an unexpected death or even an expected death, what happens is, and a lot of times the only thing you can do with the farmer ranch is subdivide it, you have to break it up.

A lot of us in Colorado, a lot of us in every State in this country, we cherish open space. We come to the Smith ranch, we cherish open space. We have to divide open space we have never had in our past, because we understand how much more limited it is becoming. And now what is happening once again, instead of encouraging a family farm to go from one generation to the next generation, we, in fact, are penalizing that family and turning it on ourselves by forcing this beautiful open space to be subdivided, so the more simplification of the tax of this estate tax can be paid.

Some people like to oversimplify the situation and say, oh, come on, give me a break, go get life insurance. There are very few ranchers in America, very few ranchers in America who make enough money to go out, for example, and insure a 90-year-old father against the estate taxes.

□ 2000

Or even insure a 45-year-old father or a 45-year-old mother against the impact of the estate taxes. That insurance costs a lot of money, and in agriculture there is some exceptions, but in agriculture, you do not make that kind of money. Let’s go on.

I am writing to bring your attention to an issue of the utmost importance to me, my family, my employees and my business, elimination of the death tax. I urge you to support and pass the death tax this year.

Family-owned businesses need relief from the death tax now. We are celebrating 66 years of business. My grandfather, Vic Edwards, started with a fruit and vegetable stand in 1943 at our current location in Colorado. The business grew into a grocery store, a lawns and a garden center. My father is now 80 years old and is in poor health. No business can remain competitive in a tax regime that imposes rates as high as 55 percent upon the death of the previous owner. These tax laws should encourage rather than discourage the perpetuation of these businesses. While being a member of the House Ways and Means Committee, I am sure you already know the urgency for the death tax repeal. Family-owned businesses and their employees will continue to suffer until this unfair, unprecedented, uneconomic tax is abolished. My wife and I are active and look forward to working with you and your staff to enact common-sense legislation to preserve and promote our Nation’s family-owned enterprises.

Now, take a look at what it involves to get you subject to the estate or the death tax bracket. If you are a contractor, for example, let us say in Vail, Colorado, let us say that you own your pickup truck free and clear, and you own a dump truck free and clear, and a bulldozer free and clear, and let us say you have a single-car garage to store things in, or maybe do some mechanical work on those four pieces of machinery, you are paying more than 55 percent of their valuation when my parents die. If you live in areas like the Third Congressional District in these communities where you have seen quick valuations and rapidly escalating valuations on these properties like in California or Colorado, take a look, you better look at your assets because as long as that death tax is in place, you could subject your family to an economic punishment they do not have to experience before.

Your plans, colleagues, and the plans of your constituents of working their entire life paying their taxes, being hard-working citizens, being law-abiding citizens and trying to accumulate something for the next generation, and in the case of ranches and businesses in the hope that that generation passes it to the next generation, these dreams can be trashed upon your death. These dreams can be demolished.
years, he has an opportunity to buy into the company. After a while, he is able to become the primary owner of the company. After many years, he owns the whole company.

What happens, it becomes a very successful company in that area, in that community. They are the primary employer in the community. They are the primary holder of real estate in that community. They are the primary contributor to the charities in that community. They are the primary contributor to the local church that they went to in that community.

What happened? I knew the person personally. My friend got cancer. My friend had sold the construction company about 2 months before he found out that he had cancer. So he got hit with what is called a capital gains tax. Then he got the cancer. He died. They hit him with 55 percent, 55 percent of what he had spent his entire life, his entire life working for. Fifty-five percent.

Now, when you combine it with the capital gains taxation that our government imposed upon A’s estate, the effective rate was around 72 cents on the dollar, 72 percent taxation rate because he died. Seventy-two percent, 72 cents on the dollar.

Now, I asked the family, I said, You mean you only walked away with 28 cents on the dollar that your father spent his entire life working on property that you had already paid the taxes on? You only walked away with 28 cents on the dollar? No, no, no, we have got it wrong. You have got it wrong, Scott. We did not get 28 cents on the dollar. In order to pay the taxes, we had to go to a fire sale. We had to sell our property for less than what it was worth because we had to sell it quickly to meet the estate taxes we had to pay. So we figured we walked away with about 18 cents on the dollar, maybe 15 cents on the dollar.

That is pathetic. That is unbelievable, that happened in the community? Remember, I said they were the largest employer? Forget that. Remember, the money that stayed in the community? Citizen A, he did not bank his money in Washington, D.C. He did not employ people in Washington, D.C. He did not help the church in Washington, D.C. He did not send his money to charities in Washington, D.C. He used them in that community. His bank deposits were in his little community in western Colorado. His charitable contributions were in that community. His landholdings were in that community. His investments were in that community.

But what happened after the death tax took place? All of that was put into one big bundle, one big bundle. Out of the State it went and on to Washington, D.C. where the bureaucracy back here figures they have a better idea of how to redistribute that money.

Did it have any impact on that community? Let us say one does not sympathize with my friend A, the wealthier individual who owned this construction company. Let us say one has no sympathy for him. But look beyond him. What did it do to that community?

Can one justify sitting here in Washington, D.C., imposing a tax, in effect which is a death tax, just because a person has worked hard all his life and paid those taxes? This is not the first time this property was taxed.

I will tell my colleagues what happens a lot of times or could happen, does happen. Let us say this is mom and dad B, and they own the ranch. Let us say that A and B are in an accident and all of a sudden the ranch has to pay estate taxes. So now the ranch becomes a little smaller because one has got to trim a part of it off to pay the taxes. One can sell the cattle; but after a while, one has got to get to the land.

Well, the good Lord forbid, that the family that is left, let us say they have a daughter C. If C did not die, then A would die prematurely. Because if C died, even if C died within a few months of A and B, guess what happens? Uncle Sam is back again and takes another chunk out of that until, finally, the ranch is so small that they do not tax it anymore.

Where is the fairness of this? I can tell my colleagues with a great deal of pleasure, we have got a President now, President Bush, who has committed as one of his top priorities to cut that he is going to send to the Hill, President and stand up and say enough is enough on this death tax. We are going after the marriage tax, too.

But, in my opinion, it is about time we had someone with enough gumption to stand up to that liberal segment of our society that believes in punitive and believes in punishment instead of fairness, somebody who is standing up, as President Bush is doing, and saying, and believes, that we should not punish people because they have worked hard or they have built up a ranch or a farm or a business, why do we not kind of figure out what we are looking for.

Number one, are we looking for punishment? No, we are not looking for punishment, or we should not be. Now, sure, there are some of my colleagues in here that like class warfare that want to do everything they can to beat down the rich because it is good political rhetoric. But the fact is we are not looking for punishment.

Are we looking for redistribution of wealth through Washington, D.C.? Well, we should not be. That is not fair. Look what it does to the community in my home state of Colorado.

Well, are we looking for some kind of justification that a death tax is a legitimate reason for a government to tax a family? Nobody, nobody in their right mind can stand up and argue the legitimacy of a death tax.

So what is it that allows this to continue to stand? Well, what allowed it to continue to stand has now left office.
to pay the bill was this: Half of the ranch, the ability of the cattle to migrate in the winter months, and 10 years till the last installment was paid. What those taxes took was also something very vital: The ability of the family to support themselves by working the land that had so long been theirs. This land had been theirs for over 100 years. They no longer had the ability to work that land because they had to reduce the size of the land to pay the estate tax.

Now the son works full time as a mechanic for the Roaring Fork School District and then helps at the ranch when he gets home at night. He does not mind the long hours he has to put in. What does get under his skin is the memory of how the Internal Revenue Service, overseeing the farmer’s taxes, either did not recognize the devastation that was about to occur or did not care. It was just, “Pay us or we will seize everything. If anything is left over, you can keep it or, if you can’t make ends meet on what’s left, you will have to figure out something else.”

They are trying not to sell what remains, which is about 460 acres, but the father wonders if his daughters would be willing to go through what he has just endured with the death of his father and mother. With only half the land to graze and falling beef prices, the ranch itself is only making enough to cover its operating costs and annual property taxes. It is the wife’s day job at the school district and the husband’s job as a mechanic that pays the doctor bills, the car insurance, the grocery bills and everything else. There is always hope that things will change before his daughters need to make any decisions about what is left on the ranch.

And, frankly, colleagues, that is up to us. Here is a family right here. I heard some liberal writer say there is nothing wrong with government of the people and by the people, so that they know the generation behind them has just a little start on their life.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

- **Mr. Becerra** (at the request of Mr. Gephardt) for today and January 31 on account of business in the district.
- **Mr. Ortiz** (at the request of Mr. Gephardt) for today and January 31 on account of official business involving the district.
- **Ms. Sánchez** (at the request of Mr. Gephardt) for today on account of illness in the family.
- **Mr. Bachus** (at the request of Mr. Aroney) for today and the balance of the week on account of recovering from an automobile accident.
- **Mrs. Bono** (at the request of Mr. Aroney) for today through March 27 on account of medical reasons.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders here-tofore entered, was granted to:

(The following Members (at the request of Ms. Solis) to revise and extend their remarks and include extraneous material:)

- **Ms. Kilpatrick**, for 5 minutes, today.
- **Mr. Pallone**, for 5 minutes, today.
- **Ms. Woolsey**, for 5 minutes, today.
- **Ms. Davis** of California, for 5 minutes, today.
- **Ms. Pelosi**, for 5 minutes, today.
- **Ms. Norton**, for 5 minutes, today.
- **Ms. Lee**, for 5 minutes, today.
- **Ms. Schakowsky**, for 5 minutes, today.
- **Mr. Sawyer**, for 5 minutes, today.
- **Ms. Slaughter**, for 5 minutes, today.
- **Mrs. Mink** of Hawaii, for 5 minutes, today.
- **Mr. Hinchey**, for 5 minutes, today.
- **Ms. Jackson-Lee** of Texas, for 5 minutes, today.
- **Mrs. Maloney** of New York, for 5 minutes, today.

(The following Members (at the request of Mr. Hansen) to revise and extend their remarks and include extraneous material:)

- **Mr. Stearns**, for 5 minutes, today.
- **Mr. Coble**, for 5 minutes, January 31.
- **Mr. Hansen**, for 5 minutes, today.
- **Mr. Burton** of Indiana, for 5 minutes, January 31.
- **Mr. Gekas**, for 5 minutes, January 31.
- **Mr. Souder**, for 5 minutes, today.
- **Mr. Dreier**, for 5 minutes, today.

**CONCORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 2, 2001, AT PAGE H2533, COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT**

H102

**HOUSE OF REPRESENTATIVES, Washington, DC, December 18, 2000.**

Hon. J. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

**DEAR MR. SPEAKER:** Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2000 at 11:11 a.m.

That the Senate agreed to House Amendment S. 1761.

That the Senate agreed to House Amendments S. 2709.

That the Senate agreed to House Amendment S. 2924.

That the Senate passed without amendment H.R. 207.

That the Senate passed without amendment H.R. 2816.

That the Senate passed without amendment H.R. 3594.

That the Senate passed without amendment H.R. 3756.

That the Senate passed without amendment H.R. 4656.

That the Senate passed without amendment H.R. 4907.

That the Senate passed without amendment H. Con. Res. 271.

**APPOINTMENTS TO THE ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS**

Tim Creal of South Dakota.
Doug Robertson of Oregon.

With best wishes, I am

Sincerely,

Jeff Trandahl,
Clerk of the House.
VerDate 11-MAY-2000 04:46 Jan 31, 2001 Jkt 089060 PO 00000 Frm 00027 Fmt 7634 Sfmt 0634 E:\CR\FM\A30JA7.019 pfrm01 PsN: H30PT1

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Note: One elector from the District of Columbia cast a blank ballot.

Mr. Speaker, as a result of the transfer of jurisdiction over matters relating to securities and exchanges, redundant jurisdiction over matters relating to bank capital markets and activities generically and regulatory institutions securities activities, which were formerly matters in the jurisdiction of the Committee on Banking and Financial Services, have been removed from clause 1 of rule X.

"Matters relating to insurance generally, formerly within the jurisdiction of the redesignated Committee on Energy and Commerce, are transferred to the jurisdiction of the Committee on Financial Services.

"The transfer of any jurisdiction to the Committee on Financial Services is not intended to limit the Committee on Energy and Commerce's jurisdiction over consumer affairs and consumer protection matters.

"Likewise, existing health insurance jurisdiction is not transferred as a result of this change.

"Furthermore, the existing jurisdictions of other committees with respect to matters relating to crop insurance, Workers' Compensation, insurance anti-trust matters, disaster insurance, veterans' life and health insurance, and the security policy are not affected by this change.

"Finally, Mr. Speaker, the changes and legislative history involving the Committee on Financial Services and the Committee on Energy and Commerce do not preclude future memorandum of understanding between the chairmen of these respective committees.

By this memorandum the two committees undertake to record their further mutual understandings in this matter, which will supplement the statement quoted above.

It is agreed that the Committee on Energy and Commerce will retain jurisdiction over bills dealing broadly with electronic commerce, including electronic communications networks (ECNs). However, a bill amending the securities laws to address the specific type of electronic securities transaction currently governed by a special SEC regulation as an Alternative Trading System (ATS) would be referred to the Committee on Financial Services.

While it is agreed that the jurisdiction of the Committee on Financial Services over securities and exchanges includes anti-fraud authorities under the securities laws, the Committee on Energy and Commerce will retain jurisdiction only over the issue of setting of accounting standards by the Financial Accounting Standards Board.

W. J. 'Billy' Tauzin, Chairman, Committee on Energy and Commerce.

Michael G. Oxley, Chairman, Committee on Financial Services.

ADJOURNMENT

Mr. MOONNIS, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 31, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table as follows:

330. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—
Water and Waste Disposal Programs Guaranteed Loans (RIN: 0572–AB57) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

321. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department’s final rule—Administration of the Forest Development Transportation System (RIN: 1557–AB85) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

322. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department’s final rule—Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance (RIN: 0566–AB07) received January 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

323. A letter from the Congressional Review Coordinator, Animal and Plant Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of the Republic of South Africa for Foot-and-Mouth Disease (Docket No. 00–122–1) received January 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

324. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clorpyralid; Pesticide Tolerance (OPP–301096–001) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

325. A communication from the President of the United States, transmitting requests to make available previously appropriated contingent emergency funds for the Departments of Interior and the Treasury, as well as the Federal Emergency Management Agency and the Legislative Branch, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 107–30); to the Committee on Appropriations and ordered to be printed.

326. A letter from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting a report of a violation of the Agreements between the Department of the Navy which occurred in the fiscal years (‘FY’) 1997 and 1998, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.


329. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department’s final rule—Disclosure and Reporting of CRA–Related Agreements [Docket No. 00–34] (RIN: 5577–AB30) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

330. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department’s final rule—Revision to the Application Process for Community Development Block Grants for Indian Tribes and Alaska Native Villages [Docket No. FR–4612–F–02] (RIN: 2577–AC22) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

331. A letter from the Associate General Counsel for Legislation and Regulations, Department of the Treasury, transmitting the Department’s final rule—Determining Adjusted Income in HUD Programs Serving Persons with Disabilities: Requiring NEPC to Approve Certain Expenses; and Disallowance for Earned Income (Docket No. FR–4608–F–02) (RIN: 2501–AC72) received January 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


333. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation’s final rule—Implementing CRA–Related Agreements (RIN: 3064–AC39) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


337. A letter from the Director, Office of Management and Budget, transmitting a report onOMB Cost Estimate For Pay–As–You–Go Calculations, to the Committee on the Budget.

338. A communication from the President of the United States, transmitting a report on nationwide education reform entitled “No Child Left Behind”; (H. Doc. No. 107–34); to the Committee on Education and the Workforce and ordered to be printed.

339. A letter from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department’s final rule—State Vocational Rehabilitation Services Program (RIN: 1820–AB50) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

340. A letter from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department’s final rule—State Vocational Rehabilitation Services Program (RIN: 1820–AB32) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

341. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department’s final rule—State Vocational Rehabilitation Services Program (RIN: 1820–AB50) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

342. A letter from the Assistant General Counsel for Regulatory Law, Office of Civil Rights and Diversity, Department of Education, transmitting the Department’s final rule—Nondiscrimination on the Basis of Sex in Education Programs Receiving Federal Financial Assistance (RIN: 1901–AA87) received January 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

343. A letter from the Director, Office of Wage Determinations, Wage and Hour Division, Department of Labor, transmitting the Department’s final rule—Service Contract Act; Labor Standards for Service Contracts (RIN: 1215–AB56) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

344. A letter from the Acting Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department’s final rule—Diesel Particulate Matter Exposure of Underground Coal Miners (RIN: 1219–AB98) received January 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

345. A letter from the Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, transmitting the Department’s final rule—Safety Standards for Steel Erection [Docket No. S–775] (RIN: 1218–AA65) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

346. A letter from the Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, transmitting the Administration’s “Major” final rule—Occupational Injuries and Illnesses Reporting and Recording Requirements [Docket No. R–02] (RIN: 1218–AB24) received December 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

347. A letter from the Acting Director, Directorate of Health Standards Programs, Occupational Safety and Health Administration, transmitting the Department’s “Major” final rule—Occupational Exposure to Bloodborne Pathogens; Needlestick and Other Sharp Injuries [Docket No. H370A] (RIN: 1219–AB55) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


356. A letter from the Deputy Executive Secretary, Office of Health and Human Services, transmitting the Department’s “Major” final rule—Medicaid Program; Revision to Medicaid Upper Payment Limit Requirements for Hospital Services, Nursing Facility Services, Intermediate Care Facility Services for the Mentally Retarded, and Clinics Services (RIN: 0939-AK12) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

357. A letter from the Deputy Executive Secretary, Center for Medicaid and State Operations, Department of Health and Human Services, transmitting the Department’s “Major” final rule—Medicaid Program; Revision to Medicaid Upper Payment Limit Requirements for Hospital Services, Nursing Facility Services, Intermediate Care Facility Services for the Mentally Retarded, and Clinics Services (RIN: 0939-AK12) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

358. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act; Reconsideration of Petitions to Intervene for Proposed Amendments to the Particulate Matter 2.5 (PM-10) Nonattainment Area (DoCKET No. WA-00-01-6937-5) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

359. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act; Reconsideration of Petitions to Intervene for Proposed Amendments to the Particulate Matter 2.5 (PM-10) Nonattainment Area (DoCKET No. WA-00-01-6937-5) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

360. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act; Reconsideration of Petitions to Intervene for Proposed Amendments to the Particulate Matter 2.5 (PM-10) Nonattainment Area (DoCKET No. WA-00-01-6937-5) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

361. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act; Reconsideration of Petitions to Intervene for Proposed Amendments to the Particulate Matter 2.5 (PM-10) Nonattainment Area (DoCKET No. WA-00-01-6937-5) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

362. A letter from the Deputy Assistant Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Clean Air Act; Reconsideration of Petitions to Intervene for Proposed Amendments to the Particulate Matter 2.5 (PM-10) Nonattainment Area (DoCKET No. WA-00-01-6937-5) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


364. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations and ordered to be printed.

365. A communication from the President of the United States, transmitting notification that the emergency declared with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 2001, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107-29); to the Committee on International Relations and ordered to be printed.


368. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2001 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AR91) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

369. A letter from the Acting Acting Chair, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat...
for the Arroyo Toad (RIN: 1018-AG15) received January 22, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

382. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department’s final rule—Special Regulations, Areas of the National Park System (RIN: 1004-AW20) received January 21, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

383. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department’s final rule—Loans to Indian Tribes and Tribal Corporations (RIN: 0573-AD22) received January 21, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

384. A letter from the Director, Management and Budget Office, National Fish and Wildlife and Atmospheric Administration, transmitting the Administration’s final rule—Announcement of Funding Opportunity to Submit Proposals for the Coastal Ecosystem Research Program in the Northern Gulf of Mexico (Docket No. 00020023–1001–02; I.D. No. 110200CD) (RIN: 0648-ZA78) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

385. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Grant Industry Fellowship Program: Request for Proposals for FY 2001 (RIN: 0648-ZA01) (RIN: 0648-ZA01) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

386. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department’s final rule—Clarification of Parole Authority; Delay of Effective Date (INS No. 2001-99; A.G. Order No. 2396) (RIN: 1115-ASF5) received January 26, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on the Judiciary.

387. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department’s final rule—Temporary Protected Status: Amendment to the Employment Authorization Fee, and Other Technical Amendments; Delay of Effective Date (INS No. 1972–99; A. G. Order No. 2397–2001) (RIN: 1115-ASF6) received January 26, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on the Judiciary.

388. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives: Airbus A319, A320, and A321 Series Airplanes (Docket No. 2000–NM–12045; AD 2000–24–08) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

389. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B36TC, and 58 Airplanes (Docket No. 2000–CE–06–AD; Amendment 39–12030; AD 2000–24–08) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.


391. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives: The New Piper Aircraft Company (Docket No. 99–MN–12–AD; Amendment 39–12010; AD 2000–24–03) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

392. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes (Docket No. 99–NM–326–AD; Amendment 39–12046; AD 2000–25–11) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

393. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777 and 767 Series Airplanes (Docket No. 2000–NM–217–AD; Amendment 39–12064; AD 2000–25–25) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

394. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives: Boeing Model 747, 757, 767, and 777 Series Airplanes (Docket No. 2000–NM–226–AD; Amendment 39–12055; AD 2000–26–05) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

395. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes (Docket No. 99–NM–373–AD; Amendment 39–11859; AD 2000–23–29) (RIN: 2120-AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81 (Docket No. 2000–NM–49–AD; Amendment 39–11885; AD 2000–16–17 R1) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

409. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Pratt & Whitney PW1164, PW1468 and PW1468A Series Turbofan Engines (Docket No. 97–A5–44–AD; Amendment 39–11999; AD 2000–23–17) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

410. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Hughes Aircraft Co. (Docket No. 99–NM–335–AD; Amendment 39–12004; AD 2000–23–27) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


412. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Powered by Pratt & Whitney JT9D-3 and -7 Series Engines (Docket No. 2000–NM–329–AD; Amendment 39–11988; AD 2000–25–16) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

413. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–92 (MD–82), DC–9–93 (MD–83), and DC–9–97 (MD–87); Model MD–88 Airplanes; and Model MD–90–30 Series Airplanes (Docket No. 99–NM–133–AD; Amendment 39–12005; AD 2000–15–17 R1) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


415. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes (Docket No. 97–NM–257–AD; Amendment 39–11849; AD 2000–23–25) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

416. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Bombardier Model DHC–8–102, -103, and -301 Series Airplanes (Docket No. 99–NM–335–AD; Amendment 39–12000; AD 2000–23–27) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


419. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Airbus Model A319, A320, A321 and A321 Seating Configuration (Docket No. 99–NM–381–AD; Amendment 39–12009; AD 2000–24–02) (RIN: 2120–AA64) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

420. A letter from the Senior Transportation Analyst, Department of Transportation, transmitting the Department’s final rule—Procedures for Transportation Workplace Drug and Alcohol Testing Programs (Docket No. 99–NM–229–AD; Amendment 39–11985; RIN: 2120–AA64) received January 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

421. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department’s final rule—Import Restrictions Imposed On Archaeological Materials Originating in or Representing the Pre-Classical, Classical and Imperial Roman Periods (T.D. 01–06) (RIN: 1515–AC66) received January 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

422. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Objections of States and Political Subdivisions [TD 8941] (RIN: 1545–AX97) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


424. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Examination of returns and claims for refund, or abatement; determination of correct tax liability [Rev. Proc. 2001–18] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


426. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting


441. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Progressive Case Resolution Program, Notice 2001–13 received January 9, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

442. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Transfer Rules: Transition Rules (TD 8997) (RIN: 1545–AY53) received January 9, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

443. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule—Section 164(l)(3); to the Committee on Ways and Means.


448. A letter from the the Director, the Office of Management and Budget, transmitting the Budget Report for Fiscal Year 2001; (H. Doc. No. 107–31); to the Committee on the Whole House on the State of the Union and ordered to be printed.

449. A letter from the Director, Congressional Budget Office, transmitting a report pursuant to the report requirements and “Expiration Authorities” by the Congressional Budget Office, pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

450. A letter from the the Chair of the Board of Directors, the Office of Compliance, transmitting a report to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations pursuant to the Congressional Accountability Act of 1995; (H. Doc. No. 107–33); jointly to the Committees on Education and the Workforce and House Administration, and ordered to be printed.

451. A communication from the President of the United States, transmitting a report to provide immediate assistance to help certain Medicare beneficiaries buy prescription drugs; (H. Doc. No. 107–35); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 2, 2001]

Mr. KASICH: Committee on the Budget. Activities and Summary Report of the Committee on the Budget During the 106th Congress (Rept. 106–1055). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Administration. Report of the Committee on House Administration During the 106th Congress (Rept. 106–1056). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MURTHA:

H.R. 244. A bill to increase the rates of military basic pay for members of the uniformed services; and for other purposes; to the Committee on Armed Services.

By Mr. HALL of Ohio (for himself and Mr. SANDERS):

H.R. 245. A bill to provide for the establishment of a Natural Gas Reserve; to the Committee on Energy and Commerce.

By Mr. THORNBERY:

H.R. 247. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Financial Services.

By Mr. BACHUS:

H.R. 248. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from the tuition program which are used to pay educational expenses shall not be includible in gross income; to the Committee on Ways and Means.

By Mr. BACHUS:

H.R. 249. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs and to provide that distributions from such programs which are used to pay educational expenses shall not be includible in gross income; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mr. GILMAN, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. BART-LETT of Maryland, Mr. HOYER, Mr. CARDIN, Mr. CUMMINGS, Mr. WYNN, Mr. HEFLY, Mr. THOMAS M. Davis of Virginia, Ms. KAPIT, Mr. MURRCA, Mr. SHUMKIS, Mr. RUSH, Mr. MALONEY of Connecticut, Mr. FROST, Mr. SANDERS, Mr. SKEEN, Mr. ABECROMBIE, Mr. JOHNSON of Nevada, Mr. KIL-PATRICK, Mr. CALVERST, Mrs. CAPPs, Mrs. McCARTHY of New York, Mr. SCHKELTON, Ms. HOOLEY of Oregon, Mr. HINCHEY, Mrs. KELLY, Mr. KING, Mr. BERRY, Mr. WOLF, Mr. BENTSEN, Mr. BALDACCI, Mr. CROWLEY, Ms. RIVERS, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. KUCINICH, Mr. SESSIONS, Mr. EVANS, Ms. McCARTHY of Missouri, Ms. BONO, Mr. BROWN of Ohio, Mr. MCCOVN, Mr. ANDREWS, Mr. ORRINGTON, Mr. LUTHIN, Mr. KLEZCKA, Mr. PETERSON of Minnesota, Mr. GORDON, Mr. RAHAL, Mr. COYNE, Mr. GAVIN of California, Mr. FELNRE, Mr. WHITFIELD, Mrs. EMERSON, Mr. GILLMOR, Mr. CONDIT, Mr. CLEMENT, Mr. TOWNS, Mr. LOBIONDO, Mr. HOFFELF, Mr. KANJORSKI, Mr. DEAL of Georgia, Mr. ACKERMAN, Mr. BISHOP, Mr. NORWOOD, Mr. ISAKSON, Mr. SANTON, Mr. MOORE, Mr. RILEY, Mr. LUCAS of Kentucky, and Ms. BALDWIN):

H.R. 250. A bill to amend the provisions of title 39, United States Code, relating to the Post Office Department and the Postal Service, and to provide for fringe benefits for postmasters are established; to the Committee on Government Reform.

By Mr. GILMAN (for himself, Mrs. KELLY, Mrs. MORELLA, Mrs. MALONEY of New York, and Mrs. McCARTHY of New York):

H.R. 251. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi- sions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mrs. McCARTHY of New York):

H.R. 252. A bill to establish a dependent care assistance program for Federal employ- ees; to the Committee on Government Re- form.

By Mr. GILMAN (for himself and Mrs. McCARTHY of New York):

H.R. 253. A bill to amend the Internal Revenue Code of 1986 to provide Federal funds for low-income families with children and to establish in- centives to improve the quality of child care; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 254. A bill to provide for the review by Congress of proposed construction of court facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H.R. 255. A bill to provide grant funds to units of State government that comply with certain requirements and to amend certain Federal firearms laws; to the Committee on the Judiciary, and in addition to the Com- mittee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration
of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:
H.R. 256. A bill to extend for 11 additional months which, chapter 12 of title 11 of the United States Code is enenacted; to the Committee on the Judiciary.

By Mr. CANTOR:
H.R. 257. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the tax liability of persons incarcerated in attending public or private (including religious) elementary and secondary schools and in homeschooling; to the Committee on Ways and Means.

By Mr. CHAMBLISS:
H.R. 258. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Government Reform.

By Mr. CUNNINGHAM (for himself and Mr. TANCREDO):
H.R. 259. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes of violence against children under age 13; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:
H.R. 260. A bill to require customer consent to the provision of wireless call location information; to the Committee on Energy and Commerce.

By Mr. CUNNINGHAM (for himself, Mr. HUNTER, Mr. Issa, and Mrs. BONO):
H.R. 261. A bill to provide for the appointment of additional Federal district judges in the State of California; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:
H.R. 262. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. Thomas M. DAVIS of Virginia (for himself, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, Mrs. WILSON, Mr. DREHER, Mr. HASTINGS of Florida, Mr. FILNER, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. McDermott, Mr. WHITFIELD, and Mr. CROWLEY):
H.R. 263. A bill to establish an Election Administration Commission to study Federal, State, and local procedures and election administra

By Mr. Thomas M. Davis of Virginia (for himself, Mr. Rothman, Mr. Kennedy of Rhode Island, Mrs. Wilson, Mr. Dreher, Mr. Hastings of Florida, Mr. Filner, Mr. Rodriguez, Mr. Moran of Virginia, Mr. McDermott, Mr. Whitfield, and Mr. Crowley):
H.R. 264. A bill to require the Federal Energy Regulatory Commission to return to the cost-based regulation of wholesale interstate sales of electricity, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DeLAURO (for herself, Mr. DeFazio, Mr. Lampson, and Mrs. Velazquez):
H.R. 265. A bill to increase the availability and affordability of quality child care and early learning services; to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Education and the Workforce, in addition to the Committees on Ways and Means, Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:
H.R. 266. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Matsui, Mr. Hayek, Mr. Conyers, Mr. Thompson, Mr. Hefley, Mr. Ehrlich, Ms. Eshoo, Mr. McNinch, Ms. Dunn, Mr. Watkins, Mr. Salomon, Mr. Schumer of New York, Mr. Hastings of Florida, Mr. Smith of Washington, Mr. Radanovich, Mr. Thomas M. Davis of Virginia, Mr. Moore, Mr. Smith of Texas, Ms. Granger of California, Mr. Baird, Mr. Pombo, Mr. Foley, Mr. Balenberger, Mr. McDermott, Mr. Thornberry, Mr. Shimkus, Mr. Allen, Mr.inho, Mr. Shows, Mr. Lampson, Mr. Dreier, Mr. Istook, Mr. Baker, Mr. Burr of North Carolina, Mrs. Meek of Florida, Mr. Israeli, Mr. Owens, Ms. Capito, Mr. Goodlatte, Mr. Hayworth, Mr. Ford, Mr. Blagoevich, Mrs. Jones of Ohio, Mr. Gooder, Mr. Dicks, Mr. Wickett, Mr. Thompson of Mississippi, Mr. Gibbons, Ms. Jackson-Lee of Texas, Mr. Peterson of Pennsylvania, Mr. Hinchey):
H.R. 267. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access over current and future generations of broadband capability; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Mr. Davis, Napolitano, Mr. Honda, Mr. Stark, Mr. Matsui, and Ms. Millender-McDonald):
H.R. 268. A bill to require the Federal Energy Regulatory Commission to order re

By Mr. FILNER:
H.R. 269. A bill to amend the Internal Revenue Code of 1986 to provide for the development of domestic wind energy resources, and for other purposes; to the Committee on Energy and Commerce, in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK:
H.R. 270. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. GIBBONS:
H.R. 271. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a sen

By Mr. GIBBONS (for himself, Mrs. Pelosi, Mr. Carney, Mr. King, Mr. Dorn, Mr. Napolitano, Mr. Honda, Mr. Stark, Mr. Matsui, and Ms. Millender-McDonald):
H.R. 272. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GOSS:
H.R. 273. A bill imposing certain restricti

By Mr. GOSS (for himself and Mr. Geu

By Mr. ISRAEL (for himself and Mr. Geu

By Mr. SMITH of Michigan (for himself, Mr. Crane, Mr. Goss, Mr. Jamerson, and Mr. McGovern):
H.R. 275. A bill to amend the Internal Revenue Code of 1986 to repeal the adjusted gross income limitations on itemized deductions, the personal exemption deduction, and the child tax credit and to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. SAM Johnson of Texas (for himself, Mr. Watkins, and Mr. McCutcheon):
H.R. 276. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself and Mr. Rostblatt):
H.R. 277. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt organizations to participate in political campaigns; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Crowley):
H.R. 278. A bill to assist State and local governments in conducting community gun buy back programs; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Frost, Mr. DeLauro, Mr. Barcia, Mr. Filner, Mr. Baldacci, Mr. Hinchey, and Mr. Olver):
H.R. 279. A bill to amend title XVIII of the Social Security Act to prevent sudden disruption of Medicare beneficiary enrollment in MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself and Mr. HILL):
H.R. 280. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within

By Mr. KING:
H.R. 281. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURRETTE:
H.R. 282. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives.
during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Resources.

By Mrs. MALONEY of New York:
H.R. 283. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY of New York:
H.R. 294. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities; to provide for a period to be subsequently determined by the employer; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:
H.R. 285. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for milk; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:
H.R. 287. A bill to amend title XXVII of the Public Health Service Act, title I of the Employee Retirement Income Security Act of 1974, subtitle B of title I of the Revenue Act of 1978, and title XVIII of the Social Security Act to require that group and individual health insurance coverage, group health plans, and Medicare organizations provide prompt payment of claims; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:
H.R. 290. A bill to amend title 38, United States Code, to provide for a period to be subsequently determined by the Secretary for military service members; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:
H.R. 291. A bill to amend title 38, United States Code, to provide for the extension of the LifeLine Assistance Program to certain rural areas; to the Committee on Veterans' Affairs.

By Mrs. MINK of Hawaii:
H.R. 292. A bill to amend the Wyan- dogue Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes; to the Committee on Resources.

By Mr. NADLER:
H.R. 293. A bill to mandate the Wyan- dogue Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes; to the Committee on Resources.

By Mr. KILDEE, and Mr. HAYWORTH:
H.R. 295. A bill to amend the Internal Revenue Code of 1986 to provide for the performance of certain activities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSBORNE, and Mr. REUTER:
H.R. 296. A bill to extend eligibility for use of the Joint Expeditionary Force, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:
H.R. 297. A bill to provide for the expenditure of certain rights by the Federal Government, and for other purposes; to the Committee on Resources.

By Mr. CARPER, and Mr. BAKER:
H.R. 298. A bill to amend the Internal Revenue Code of 1986 to provide for the performance of certain activities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:
H.R. 299. A bill to amend title 49, United States Code, to prohibit the operation in certain metropolitan areas of civil subsonic tur- bojet aircraft that fail to comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:
H.R. 300. A bill to amend the Internal Revenue Code of 1986 to provide for a performance of certain activities; to the Committee on Ways and Means.

By Mr. SHOWS:
H.R. 301. A bill to require the Secretary of Agriculture to make emergency loans under the Consolidated Farm and Rural Develop- ment Act and provide emergency assistance under the Livestock Indemnification Program to poultry farmers whose energy costs have escalated sharply; to the Committee on Agriculture.

By Mr. SHOWS:
H.R. 302. A bill to require the Secretary of Agriculture to make emergency loans under the Consolidated Farm and Rural Develop- ment Act and provide emergency assistance under the Livestock Indemnification Program to poultry farmers whose energy costs have escalated sharply; to the Committee on Agriculture.

By Mr. TANCREDI:
H.R. 303. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for education expenses of children receiving or eligible to receive free or reduced price school meals; to the Committee on Ways and Means.

By Mr. THORNBERY:
H.R. 304. A bill to establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice; to the Committee on the Judiciary.

By Mr. TRAFICANT:
H.R. 305. A bill to prohibit oil and gas drilling in the Chukchi and Beaufort Seas; to the Committee on Natural Resources.

By Mr. TRAFICANT:
H.R. 306. A bill to prohibit the Secretary of the Interior from leasing public lands for oil and gas exploration or development; to the Committee on Natural Resources.

By Mr. TRAFICANT:
H.R. 307. A bill to amend the Secretary of the Interior Act to provide for the performance of certain activities; to the Committee on Natural Resources.

By Mr. TRAFICANT:
H.R. 308. A bill to provide for the determination of withholding tax rates under the Guam income tax; to the Committee on Resources.

By Mr. TRAFICANT:
H.R. 309. A bill to provide for the determination of withholding tax rates under the Guam income tax; to the Committee on Resources.

By Mr. TRAFICANT:
H.R. 310. A bill to establish the Fair Justice Agency as an independent agency for investigat- ing and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice; to the Committee on the Judiciary.

By Mr. TRAFICANT:
H.R. 311. A bill to require the Secretary of the Interior to make emergency loans under the Consolidated Farm and Rural Develop- ment Act and provide emergency assistance under the Livestock Indemnification Program to poultry farmers whose energy costs have escalated sharply; to the Committee on Agriculture.

By Mr. TRAFICANT:
H.R. 312. A bill to provide for the determination of withholding tax rates under the Guam income tax; to the Committee on Resources.

By Mr. UPTON:
H.R. 313. A bill to establish the Fair Justice Agency as an independent agency for investigat- ing and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice; to the Committee on the Judiciary.

By Mr. UPTON:
H.R. 314. A bill to provide for the determination of withholding tax rates under the Guam income tax; to the Committee on Resources.
By Mr. VITTER: H. R. 311. A bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly cast unless the State finds clear and convincing evidence of fraud, to direct the Secretary of Defense to prepare and submit an electronic voting system to absent uniformed services voters, and for other purposes; to the Committee on House Administration.

By Mr. WYNN (for himself, Mr. SHADDOCK, Ms. ESHOO, and Mr. ENSCH): H. R. 312. A bill to amend the Federal Power Act to provide for the reliability of the electric power transmission system in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELAHUNT: H. J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. KING: H. J. Res. 6. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

By Mr. MCDERMOTT (for himself, Mr. ROYCE, Mr. DAVIS of Illinois, Mr. HYDE, Mr. LANTOS, Mr. SCHIFF, Mr. WELKER, Mr. SCHAKOWSKY, Mr. HOUGHTON, Mr. MENENDEZ, Mr. RANGEL, Mrs. MORELLA, Mr. ROHRABACHER, Ms. HOOLEY of Oregon, Mr. BONDS, Mr. PAYNE, Mr. HILLIARD, Mr. ENGEL, Mr. FALKOMAVARGA, Mr. PALLONE, Mr. ACKERMAN, Mrs. NAPOLITANO, Mr. SCHAKOWSKY, Mr. WELKER, Mr. GREENWOOD, Mr. SAXTON, Mr. CROWLEY, Mr. FOLEY, Mr. DOYLE, Mr. McNULTY, Mr. FERGUSON, Ms. FELSI, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. BOURCHER, Mr. MATSU, Mr. NEEL, Ms. JACKSON-LEE of Texas, Mr. HORN, Mr. ISRAEL, Mr. DELAHUNT, Mr. BECERRA, Mr. MEeks of New York, Mr. SHIMkus, Mr. TOWNS, Mr. STARK, Mrs. THURMAN, Mr. WINTER, Mr. ROTMAN, Mr. FATTAH, Mr. LAHOOD, Mr. KING, Mr. JEFFERSON, Mr. UDALL of Colorado, Mr. KNOELENBERG, and Mr. CHABOT): H. Con. Res. 15. Concurrent resolution expressing sympathy for the victims of the devastating earthquake that struck India on January 26, 2001, and support for ongoing aid efforts; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING: H. Con. Res. 16. Concurrent resolution calling for a peaceful transition to stability and democracy in the Democratic Republic of the Congo; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself and Mrs. MORELLA): H. Con. Res. 17. Concurrent resolution expressing the sense of the Congress supporting the financial assistance of the United States to the Democratic Republic of the Congo; to the Committee on International Relations.

By Mr. HILL (for himself and Mr. TAYLOR of Mississippi): H. Res. 23. A resolution expressing the sense of the House of Representatives that any portion of the Federal budget surplus attributable to the Department of Defense Military Retirement Fund should be used exclusively for the financing of the military retirement and survivor benefit programs of the Department of Defense; to the Committee on the Budget, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to Resolution 024 regarding the rescheduling of the United States Congress to pass a resolution calling for the adoption of an amendment to the United States Constitution which shall read: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision, thereof, or any official of such state or political subdivision, to levy increase taxes"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAMPSON: H. R. 313. A bill for the relief of Mrs. Marie Marlow of Friendswood, Texas; to the Committee on the Judiciary.

By Mr. PASCRELL: H. R. 314. A bill for the relief of Moise Marcel Sapriel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 12: Mr. KING, Ms. HART, Mr. HANSEN, Mr. GEKA, Mr. CALVETE, Ms. GHANDER, Mr. BONILLA, Mr. HASTINGS of Washington, Mr. HEPLEY, Mr. BERREUTERI, Mr. AKIN, Mr. BLUNT, Mrs. EMERSON, Mr. LATOURRETTE, Mr. LOBONGIO, Mrs. WILSON, Mr. LUCAS of Kentucky, Ms. BERKLEY, Mr. OSE, Mr. HOLDEN, Mr. ROHRABACHER, Mrs. NORTHUP, Mr. CRAMER, Mr. CLEMENT, Mr. GRUCCI, Mr. HULL, Mr. COHEN, Mr. WAMP, Mr. BASS, Mr. SHAYS, Mr. BURTON of Indiana, Mr. COX, Mrs. JONES of Ohio, Mrs. MALONEY of New York, Mr. MILLENBERGER, Mr. FRANK of Pennsylvania, Mr. TANCREDO, Mr. PAUL, Mr. HOBSON, Mr. HORN, Mrs. BIGGEIST, Mr. PITTs, Mr. BENSHEN, Mr. GREEN of Texas, Mr. IRAKENS, Mr. ROYCE, Mr. RILEY, Mr. COOKSTRE, Mr. LAHOOD, Mr. BOURCHER, Mr. SCHAFFER, Mr. WOLF, Mr. BALDACCI, Mr. ENGLISH, Mr. JONES of North Dakota, Mr. SENS, Mr. McHUGH, Mr. TERRY, Mrs. BONO, Mr. DUNCAN, Mr. ISTOOK, Mrs. MINK of Hawaii, Mr. WYNN, Mr. NETHERCUTT, Mr. BISHOP, Mr. SUNUNU, Mr. CHAMBLISS, Mr. FREILINGHUYSEN, Mr. BAKER, Mr. DOYLE, Mr. RYUN of Kansas, Mrs. ROUKEMA, Mr. GREENWOOD, Mr. OXLEY, Mr. EHLERS, Mr. PMOBO, Mr. SIMMONS, Mrs. HODGES, Mr. PASCRELL, Mr. MCCARTHY of New York, Mr. DEAL of Georgia, Mr. FROST, Mr. MORAN of Kansas, Mrs. GOOLDSATTE, Ms. DELAURER, Mr. WHITFIELD, Mr. GONZALEZ, Mrs. KELLY, Mr. LARGENT, Ms. LANDT of California, Mrs. HOLM of Florida, Mr. HALL of Ohio, Mr. MALONEY of Connecticut, and Ms. KAPTUR.

H. R. 17: Mr. PAYNE, Mr. FROST, Mrs. MINK of Hawaii, and Mr. CLYBURN.

H. R. 26: Mr. HORN, Mr. BALDACCI, Ms. BALDWIN, Mr. BERMAN, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. CONVYES, Mr. ETHERIDGE, Mr. EVANS, Mr. ROYCE, Mr. RILEY, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. ROTHMAN, Mr. WOOLSEY, Mr. LEE, Ms. DEGETTE, Mr. KELLY, Mr. HOLT, Mrs. MEEK of Florida, Mr. SCOTT, Mr. DELOEFS, Mr. BRINKMOT, Mr. NOE, Mr. POMBOY, Mr. ALLEN, Mr. KUCINICH, Mr. RIVERS, Mr. FRANK, Mr. McNULTY, Mr. PASTOR, Mrs. THURMAN, Mr. SANDERS, Mr. TIERNY, Mr. ARIZMENDI, Mr. PARKS of Texas, Mr. BROWN of Texas, Mrs. MONS, Mr. BLAGOJEVICH, Mr. SMITH of New Mexico, Mr. KLECKZKA, Mr. SHOWS, Mr. OSE, Mr. GEORGE MILLER of California, Mr. CARDIN, Mr. MEHDA, Ms. DELAURER, Mr. GREENWOOD, Mr. FINKEL, Mr. BLUMENAUER, Mrs. CLAYTON, Ms. MCCARTHY of Missouri, Mrs. LOWEY, Mr. SANDLIN, Mr. ACKERMAN, Mr. TERRY, Mr. WYNN, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. MALONEY of Connecticut, and Ms. KAPTUR.
H.R. 31: Mr. Lucas of Kentucky, Mr. Skikrus, Mr. Wamp, and Mr. Shows.

H.R. 41: Mr. Houghton, Mr. Herger, Mr. Ramstad, Mr. Weller, Mr. Hay, Mr. Cunningham, and Mr. Doyle of California.

H.R. 46: Mr. Towns.

H.R. 50: Mr. Green of Texas, Mr. McNulty, Mr. Hoeffel, Mrs. Meek of Florida, and Mr. Falco of Arizona.

H.R. 57: Mr. Udall of New Mexico, Mr. Moran of Virginia, Mr. Green of Texas, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Clay, Mr. Etheridge, Mr. Upton, and Mr. Hoeffel.

H.R. 65: Mr. Paschel, Mr. Shows, Mr. Spratt, Mr. Holden, Mr. Ackerman, Mr. Isakson, Mr. Kildee, Mr. Dingell, Ms. Rivers, Mr. Andrews, and Mr. Peterson.

H.R. 89: Mr. Lantos, Mr. Quinn, and Ms. Hartz.

H.R. 90: Mr. Baca, Mr. Greenwood, Mr. Horn, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Berkley, Mr. Watkins, Mr. Castle, Mr. Frank, Mr. Duncan, Mr. Pallone, Mr. Brrs, Mr. Reul, Mr. Lucas of Kentucky, Mr. Brady of Texas, Mr. Thomas M. Davis of Virginia, Mr. McHugh, Mr. Peters, Mr. Bentsen, Mr. Gilchrest, Mr. Wamp, Mr. Paschel, Mr. Quinn, Mrs. Emerson, Mr. Simmons, Mr. Holt, Mr. Balducci, Mr. McIntyre, Mr. Holden, Mr. Lantos, Mr. Rothman, Ms. Hart, Mr. Hilleary, Mr. Hinchen, Mr. McDermott, Mr. Gillmor, and Mr. Larson of Connecticut.

H.R. 93: Mr. Calvey, Mr. Capuano, Ms. Rivers, Mr. Weldon of Pennsylvania, Mrs. Ann Davis of Virginia, Mr. Greenwood, Mr. Eh Hijin, Mr. Kilday, Ms. Brown of Florida, Mrs. Biggs, Mr. Reyes, Mrs. Meek of Florida, Mr. Gibbons, Mr. Otter, Mrs. Napolitano, Mr. Schrock, Mr. Paschel, Mr. Hinoja, Mr. Hoey, Mr. Rush, Mr. Saxton, Mr. Dicks, Mr. Walden of Oregon, Mr. Moakley, Mr. Berkley, Mr. Kucinich, Mrs. Mink of Hawaii, Mr. Udall of New Mexico, Ms. Esch, Mrs. Davis of California, Ms. Pelosi, Mr. Barcia, Mr. Blagojevich, Mr. Evans, Ms. Millender-McDonald, Mr. Dooley, Mr. Engel, Mrs. Moorella, Ms. Green of Texas, Mr. Frank, Mr. Wynn, Mr. McHugh, Mr. Brown of Ohio, Mrs. Capps, Mr. Kolbe, Mr. Stark, Mr. Wolf, Mr. DeFazio, Mr. Holden, Mr. Pombo, Mr. Cardin, Mr. Frost, Mr. Costello, Mr. Jackson-Lee of Texas, Mr. Hinchee, Mr. McNulty, Ms. Hart, Mr. Geeks, and Mr. Bishop.

H.R. 116: Mrs. Morella, Mr. Pallone, Mr. W., Mr. Jackson, Mr. George Miller of California, Mr. Kilpatrick, Mrs. Maloney of New York, Ms. Jackson-Lee of Texas, Mr. King, Mr. Clement, and Mr. Lantos.

H.R. 117: Mrs. Morella.

H.R. 119: Mr. Rodriguez, Mr. Kucinich, Mr. Frost, Ms. Rivers, and Ms. Jackson-Lee of Texas.

H.R. 129: Mr. Own and Mr. Clement.

H.R. 138: Mr. Wynn, Mr. McGovern, Mr. Rush, Mr. Isakha, and Ms. Carson of Indiana.

H.R. 139: Mr. Wynn, Mrs. McGovern, Mr. Rush, Mr. Isakha, and Ms. Carson of Indiana.

H.R. 152: Mr. Ehrelich, Mr. Hutchinson, Mr. Simms, Mr. Clement, and Mr. Cooksey.

H.R. 159: Mr. Greenway, Mr. Bichius, Mr. Hayworth, Mr. Rayburn, Mr. Baker, Mr. Hekly, Mr. Wamp, Mr. Nowood, Mrs. Christensen, Mr. Hilleary, Mr. Showh, Mr. Green of Wisconsin, Mr. Granger, Mr. Brevette, Mr. Holden, Mr. Hart, and Mr. Hostetler.

H.R. 161: Mr. Hall of Texas, Mr. Breuer, Mr. LaHood, Ms. Slauhter, Mr. Holden, and Mr. Gillmore.

H.R. 182: Mr. Baird, Mr. Capuano, Mr. McDermott, Mr. Green of Texas, Ms. Rivers, Mr. McGovern, Mr. Underwood, Mr. Sandlin, Mr. English, Mr. Berkeley, and Mr. Kildee.

H.R. 183: Mr. English.

H.R. 179: Mr. Ackerman, Mr. Allen, Mr. Baca, Mr. Balducci, Mr. Baldwin, Mr. Barker, Mr. Bass, Mr. Becerra, Mr. Berkley, Mr. Berman, Mr. Bishop, Mr. Blagojevich, Mr. Biond, Mr. Boucher, Mr. Brady of Pennsylvania, Mr. Burrell of North Carolina, Mr. Callahan, Mrs. Capps, Mr. Capuano, Mr. Carson of Oklahoma, Mrs. Christensen, Mr. Clement, Mr. Condit, Mr. Cooksey, Mr. Chamer, Mr. Cunningham, Mrs. Jo Ann Davis of Virginia, Mr. Thomas M. Davis of Virginia, Mr. DeFazio, Mr. Delahunt, Mr. Delaro, Mr. Dutchie, Mr. Dingell, Mr. Doyle, Mr. Dunn, Mr. Edwards, Mr. Ehrlich, Mrs. Emerson, Mr. Etheridge, Mr. Falomavagua, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Gilchrest, Mr. Gonzalez, Mr. Good, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Greenway, Mr. Hall of Texas, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hinchen, Mr. Hoeffel, Mr. Holden, Mr. Hooley of Oregon, Mr. Horne, Mr. Hutchinson, Mr. Istook, Mr. Jackson-Lee of Texas, Mr. Jenkins, Mr. Kanjorski, Mrs. Kelly, Mr. Kildee, Mr. King, Mr. Kucinich, Mr. King, Mr. LaHouette, Mr. LoBiondo, Mrs. Maloney of New York, Mr. Matsui, Mr. McCarthy of Missouri, Mr. McGovern, Mr. McIntyre, Mr. McKoon, Ms. McKinney, Mr. Meehan, Mr. Meeks of New York, Mr. Mica, Ms. Millender-McDonald, Mr. Moore, Mr. Ney, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Paschel, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Radanovich, Mr. Rilly, Mr. Rohrabacher, Mrs. Roukema, Mr. Roybal-Allard, Mr. Sanders, Mr. Sandlin, Mr. Schaffer, Ms. Schakowsky, Mr. Schrock, Mr. Serrano, Mr. Sessions, Mr. Shimkus, Mr. Simmons, Ms. Slauhter, Mr. Smith of Washington, Mr. Smith of Texas, Mr. Strickland, Mr. Tanner, Mr. Taylor of North Carolina, Mr. Tiber, Mr. Thurman, Mr. Towns, Mr. Traumatic, Mrs. Jones of Ohio, Mr. Ullal of New Mexico, Mr. Wamp, Mr. Weldon of Florida, Mr. Whitefield, Mrs. Wilson, Mr. Wolf, Ms. Woolsey, and Mr. Wynn.

H.R. 184: Mr. Balducci, Mrs. Jones of Ohio, Mr. Hall of Ohio, Mr. Kilpatrick, Mr. Kucinich, Mr. Wamp, Mr. Murtha, Mr. LaTourette, Mr. Cummings, Mr. Paschell, and Mr. Barrett.

H.R. 185: Mr. Abercrombie, Mr. Capuano, Mr. Johnson of Louisiana, Mr. Pallone, Ms. Rivers, Mrs. Thurman, Mr. Brown of Ohio, Mr. Green of Texas, Mr. Hinchee, Ms. Pelosi, Mr. Waxman, Mr. Engle, Mrs. Mink of Hawaii, Ms. Bartman, Mr. Hiah, Mr. Tauscher, Mr. Merik, Mr. George Miller of California, Mr. Harris of California, Mr. Hilliard, Mr. Bentsen, Mrs. Lowey, Mr. Lantos, Mr. Cornyn, Mr. Hooley of Oregon, Mr. Blagojevich, Mr. McDermott, Mr. Andrews, Mr. Filner, Mr. Balducci, Mr. Woolsey, Mr. DeFazio, Ms. Schakowsky, Mr. Stark, Mr. Sandlin, Mr. Tinkney, Mr. Kilpatrick, Mr. Frost, Mr. Price of North Carolina, Mr. Biond, Mr. Sanders, Mr. Nader, Mr. Berman, Mr. Rush, Mr. Blumenauer, Ms. Jackson-Lee of Texas, and Mr. Norton.

H.R. 187: Mrs. Mink of Hawaii and Mr. Hilliard.

H.R. 219: Mr. Schaffer.

H.R. 230: Mr. Hinchen and Mr. Schaffer.

H.R. 32: Mr. Gilman, Mr. Murtha, Mr. Israel, Mr. Lucas of Kentucky, Mr. Luther, Mr. Holt, and Mr. Lantos.

H.R. 236: Mr. Thompson of California, Ms. Woolsey, Mr. Baca, Mrs. Tauscher, Mr. Berman, Mrs. Napolitano, Mr. Harris of California, Mr. Burek, Mr. Honda, Mr. George Miller of California, Mrs. Davis of California, and Mr. Stark.

H.R. 239: Mr. Hilliard, Mr. McKinney, Mr. Kildee, Mr. Stadler, Mr. Owens, Ms. Millender-McDonald, Mr. Rush, Mr. McIntyre, and Mrs. Christensen.

H.R. 241: Mr. Schaffer.

H. Con. Res. 3: Mr. McGovern, Ms. Kilpatrick, Mr. Napolitano, Mr. Falomavagua, Mr. DeFazio, Mr. Underwood, Mrs. Mink of Hawaii, Mr. McDermott, Mr. Kucinich, Mrs. Davis of California, Mr. Pastor, Ms. Berkley, Mr. Hilliard, Mrs. Meek of Florida, and Mr. Stark.

H. Con. Res. 8: Mr. Hall of Texas, Mr. Frost, Mr. Walsh, Mr. Biggs, Mr. Wolf, Mr. McGovern, Mr. George Miller of California, Mr. Biond, Mr. Nethercutt, Mr. Berman, Mr. Green of Wisconsin, Mr. Nader, Mr. Lantos, and Mr. Clement.

H. Res. 15: Mr. Traumatic, Mr. Riley, Mr. Schaffer, and Mr. Tansedo.
The Senate met at 10:03 a.m. and was called to order by the Honorable Bob Smith, a Senator from the State of New Hampshire.

PRAYER

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

Omnipresent Lord God, there is no place we can go where You have not been there waiting for us; there is no relationship in which You have not been seeking to bless the people with whom we are involved; there is no task You have given us to do that You are not present to help us accomplish. We need not ask to come into Your presence; Your presence with us creates the desire to pray. You delight in guiding us to pray for what You are more ready to give than we may be prepared to ask.

You are here. We do not need to convince You to bless this Senate. You have shown us how much You love and care for the United States of America. You want the very best for this beloved Nation and have chosen the Senators through whom you want to work to accomplish Your plans. Help them to see themselves as Your agents. Bless them with Your power. Keep them fit physically, secure emotionally, and alert spiritually. So much depends on their trust in You and pursuit of Your guidance. May awe and wonder capture them as they realize all You have put at their disposal to ensure that they succeed. Thank You for the biblical assurance that You work all things together for those who love You, who are called according to Your purpose. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Bob Smith lead 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.

APPPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will now read a communication to the Senate.

The legislative clerk read as follows:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Smith, a Senator from the State of New Hampshire, to perform the duties of the Chair.

Strom Thurmond, President pro tempore.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CHRISTINE TODD WHITMAN TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to executive session to consider the nomination of Governor Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency.

The legislative clerk read the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate on the Whitman nomination.

Who yields time?

The Senator from Nevada. Mr. REID. Mr. President, I ask unanimous consent that the prior order entered be changed to allow the chairman of the committee, Senator Smith, 15 minutes, and the ranking member, Senator Reid, 15 minutes.

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

(Mr. Reid assumed the Chair.)

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, the Senate will now immediately begin consideration of the nomination of Governor Whitman’s nomination to be Administrator of the Environmental Protection Agency. Under the previous order, there will be 30 minutes for debate on this nomination.

Following that debate, the Senate will resume consideration of the nomination of Gale Norton to be Secretary of the Interior.

There will be approximately 2 hours for closing debate with two consecutive votes scheduled to occur at 2:45 p.m. on the Norton nomination for Secretary of the Interior and the Whitman nomination for EPA Administrator.

I now ask unanimous consent that immediately following the votes, the Senate proceed to a period of morning business with Senator Lott or his designee in control of the time until 3:45 p.m. and Senator Daschle in control of the following 20 minutes, beginning at 3:45 p.m.

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

Mr. SMITH of New Hampshire. Following morning business, it is expected the Senate will begin consideration of the Ashcroft nomination to be Attorney General of the United States.

I thank my colleagues for their attention.

NOMINATION

Mr. President, it is an honor for me to rise in strong support of the nomination of Governor Christine Todd Whitman to become the next Administrator of the Environmental Protection Agency. As chairman of the Environment and Public Works Committee, I have full confidence that she is the right person for this job and will be an outstanding leader. She has an incredible environmental record as the Governor
of New Jersey. New Jersey has cleaner air; the number of days that her State violated the Federal 1-hour standard for ozone dropped from 45 in 1988 to only 4 last year.

It is a remarkable accomplishment. The water is cleaner. The fish population is thriving. New Jersey beaches are once again clean and open for enjoyment, beaches that I enjoyed, I might add, as a young man growing up in New Jersey. There was a brief hiatus where it was not even safe to walk those beaches. Annual beach closings dropped from 800 in 1988 to just 11 last year. That is 11 too many, but still it is an incredible task in development.

The National Resources Defense Council has praised New Jersey for having the most comprehensive beach monitoring system in the entire Nation.

Under Governor Whitman, New Jersey has been a national leader in redeveloping brownfields, which has long been an issue for me as the chairman of this committee, and even prior to becoming the chairman—in reforming the brownfields legislation to clean up these blights on our society. That experience in dealing with brownfields will be invaluable as we develop Federal legislation.

Conservation has also been a top priority for this nominee. During her 7 years as Governor of New Jersey, more open space and farmland was preserved than in the previous 32 years. She has preserved more land than any previous administration in New Jersey, and under a conservation program that she established, and was overwhelmingly approved by the voters, nearly 1 million acres will be preserved by the year 2010.

The list of her environmental accomplishments goes on and on, from air quality to smart growth to species containment. The bottom line is that New Jersey has cleaner air, water, and land, and are cleaner because of Governor Whitman. It is remarkable and, some have to say, unusual for a nominee to be this qualified for this position. This is all occurring when the economy is stronger than ever. We can have a clean environment and a strong economy, and Governor Whitman has proven that.

What is most impressive about Governor Whitman’s record is how she achieved this environmental success. It is an approach that focuses on results, an approach with which I totally identify and agree, results achieved through cooperation and partnership as opposed to confrontation and not working together. You use the hammer of enforcement when it is necessary, but if you can get to a win-win solution, that is even better. We address problems in a holistic manner—we look at the entire problem, all the sources of pollution air, land, or water. Governor Whitman has repeatedly said that if you are going to work on one problem, you do not need to use the hammer, that is even better. We address problems in a holistic manner—we look at the entire problem, all the sources of pollution air, land, or water. Governor Whitman has repeatedly said that if you are going to work on one problem, you do not need to use the hammer, that is even better. We address problems in a holistic manner—we look at the entire problem, all the sources of pollution air, land, or water.

As we begin to tackle the environmental issues of the 21st century, we need that ability to think outside the box. We need to have someone in this agency saying: Just because we did it yesterday or last year does not mean we have to do it again this year. We may want to think about something new, something innovative, something flexible. The Governor Whitman, with her record and experience, is the right person to oversee the protection of our environment. President Bush is to be congratulated for choosing such a strong protector of the environment to head the EPA.

On a personal level, in the private meeting I had with Governor Whitman, we discussed the environmental agenda of President Bush. We also discussed her own environmental agenda. I found it very much in tune with mine. We were talking at great length about the utility emissions reduction, the so-called bubble bill, where we cap and trade and bring utilities and other sources of pollution under this bubble legislation to begin to bring down the emissions. To bring this up to deal with this is a high priority for President Bush and for Governor Whitman. I look forward to working with her on that.

Brownfields, which I discussed a moment ago, is also one of her top priorities for my district dealing with Administration Whitman, we will move out of the gate very quickly with good strong brownfields legislation which will allow us to get into these communities where these contaminated sites are. Some are asbestos-filled buildings or other messes that have been left by industrial development. We will clean it up. We will remove the unfair liability and allow the contractors to get on site and clean them up.

The spinoff is remarkable: A, you clean up the environment; B, you create jobs; C, you allow areas to be developed that were developed and you do not have to put more pressure on green space somewhere else because now you can take the contaminated lands and put new industries on the old industrial site. It is a tremendous opportunity, and it is very exciting to think about working on this with Governor Whitman.

We must address the environmental infrastructure, the combined sewage overflow, storm and sewage overflow. There is much infrastructure that is necessary to look at. She, again, has experience in this area, and we can work together.

On conservation funding, we need to get dollars into the areas we can; with a willing seller and a willing buyer to perhaps set aside new land and, at the same time, protecting private property rights and encouraging dollars to help fish and wildlife and other areas of our environment.

Something the Governor and I really click on is the MTBE issue, which is a big issue in her State as well as it is in mine. We have to work together to try to remove that contamination that is such a problem all across the country, but especially in New Hampshire, California, New Jersey, and several other States where MTBE gets into the water supply. We have to do something about the leaking underground storage tanks that create this problem and, at the same time, begin to develop another source to replace MTBE to still keep the air clean with no backsliding and seepage so that we do not add another chemical out of our water supply.

It is an ambitious agenda. She is up to that agenda. She is up to the task. I look forward to working with her, and I am very anxious to see her nomination move quickly through the Senate this afternoon.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. REID. Mr. President, I came to this session of Congress as chairman of this committee, the committee of jurisdiction dealing with Christine Todd Whitman. For 17 days, I was chairman of the Environmental Works Committee. One of my first acts was to hold hearings regarding Gov. Christine Todd Whitman. Part of me said this is my chance to stand out. This is somebody who wants to be the Administrator of the Environmental Protection Agency. Someone whose name has been submitted to us by President Bush, whom I did not support in the election. I thought it would be a time to set a real good record show, maybe not a lot, but a significant number of Senators, that they should vote against her.

I went into the hearing with that direction: What could we do to show that she would do a bad job. We had questions from all types of her enemies in the State of New Jersey, many of which we asked orally; the others we submitted to her in writing.

I say candidly, this woman did a great job before the committee answering these questions. We went through four different rounds of questions. Some Senators sat through the entire hearing. It was long. It started at 9:30 in the morning and ended around 1 o’clock, as I recall, or 1:30 p.m. that day. She, I repeat, answered every question we submitted to her. She did not appear to be evasive. When we submitted the questions to her in writing, the answers we got back, as far as I am concerned, especially on issues relating to the State of Nevada, were even stronger than her oral answers.

I do not proudly say there was a part of me when these hearings started that wanted to find things against her. I say to the Senate and those within the sound of my voice, that perhaps was a wrong attitude. Certainly she was able to allay any questions I had about whether she should vote against the Administrator of the Environmental Protection Agency.

This is an important agency. I have been on the committee since I came to the Senate. I have seen EPA Administration come and go. I am confident—and I am very hopeful—that she will be a very good EPA Administrator.
Of all the testimony that she gave, the only concern I have—and I told her this at the hearing—is that I hope she does not depend too much on voluntary compliance. I have no problem if she wants to try it, but let's not push this envelope too far. My experience has been, in the environmental field, voluntary compliance simply does not work.

This agency is responsible for protecting both the health of our citizens and the health of our environment. The agency must ensure that Federal laws protecting human health and the environment are fairly and effectively enforced.

There are 10 comprehensive environmental protection laws that Governor Whitman must administer, including the Clean Air Act, the Safe Drinking Water Act, and the Superfund law. These are very important laws. She and the regional offices she directs throughout the country need to implement them. Leading this agency is a big job.

The Administrator of the EPA needs to ensure that these responsibilities are carried out, in addition to overseeing the Agency's environmental research and making recommendations to the President on environmental policy.

Given the importance of the mission of this agency and the role it must play in developing the future direction of environmental protection, I am joining with my colleague, Senator BARBARA BOXER, as a sponsor of a bill that would give the Environmental Protection Agency Cabinet level status. I have supported efforts in the past in this regard, and I certainly support the efforts today. I think it should be a Cabinet office.

As my friend, the chairman of the committee, has acknowledged, she has been the Governor of New Jersey since 1992. Her accomplishments as Governor are significant: Preserving open space and farmland in New Jersey; expanding the brownfields redevelopment program, and having one of the most comprehensive beach monitoring programs in the entire country. I can remember, it was not long ago, I was speaking to Senator Bradley. Being from Nevada, it was hard for me to comprehend, but syringes and needles were washing up on the shore. People were afraid to go to the beaches. That is no longer a problem in the State of New Jersey, or at least it is a very minor problem.

Governor Whitman has seen the importance of the partnership between the Federal Government and the States in accomplishing mutual goals, such as cleaning up Superfund sites. I think it is significant that rather than what happens in many States, where people and Governors and State entities go out of their way to prevent Superfund sites from being declared, she did just the opposite. She went around soliciting to help the Federal Government clean up these sites that needed to be cleaned up. Therefore, we have a significant number of Superfund sites there. I believe the State of New Jersey has more Superfund sites than any other State in the Union.

She testified before our committee that she would do what she could to make sure that Superfund became an effective law, and continued being an important law.

I will hold her to the promise she gave to the committee to support, defend, and enforce the laws of this land. In particular, I am glad that the President intend to make sure Federal facilities will comply with the same environmental standards that apply to private facilities. I am glad she has recognized that the Environmental Protection Agency must fulfill its legal obligation to set radiation protection standards for Yucca Mountain in the State of Nevada. This is the facility that is being looked at to determine whether or not it can safely hold nuclear waste.

I think she recognizes the Federal Government's legal obligation to set radiation standards for Yucca Mountain that fully protect human health and the environment. To my mind, anything less stringent than the final rule would not satisfy that responsibility.

While she has not been fully briefed on all these issues, and some of the answers provided to the committee reflected that, the Governor did say at her hearing she is committed to working on these issues. It is my hope she will look carefully at the recent actions of the new administration that would halt some of the proposals, as well as the progress of the last administration.

I expect Governor Whitman to consult with us, the committee, before making any changes that would weaken our environmental protections. We have come too far to allow a single-minor rule change to set us back environmentally. There are too many problems out there. People want clean air. They want pure water. They want these sites that are so dangerous to be cleaned up.

We have, in the State of Nevada, regarding Superfund, some very good history. I can remember coming into Reno and there was a huge pit. We called it the Helms Pit. The State of Nevada's small environmental protection agency had called in the oil companies, to do something about the black stains that appeared on this huge gravel pit. In the bottom of it was water. Just a few feet away was the Truckee River—the source of water for the entire State.

I directed the EPA to take a look at it. Within 2 weeks, an emergency Superfund site was declared at the Helms Pit. Here it is now, 8 or 9 years later, and this is a beautiful area called the Sparks Marina, full of water, with a tiny motor boat on this little lake. It is just beautiful. And it is all as a result of the Federal Government. It is the Federal Government at its best. The government came in and determined that it was dangerous. There were millions of gallons of fuel that leaked out of pipelines the oil companies had brought into the area. They paid for it. The Federal Government didn't pay for it. The oil companies paid for it.

Now all of northern Nevada has benefited from this environmental law that we passed a number of years ago. So I think it is important we do not set back the progress we have made over the last decade. I expect, as I have indicated, she will consult with us before making any changes that will weaken our environmental laws. She has a credible environmental record, certainly not perfect, but a credible environmental record, and a profound understanding of conservation issues from a New Jersey perspective. She now needs a perspective for the entire country.

As Administrator of EPA, she will have an opportunity to learn about the different regional environmental challenges that face Americans from coast to coast. For example, in Nevada we face a situation in which dozens of small communities, through no fault of their own, will be in violation of the drinking water regulation standard for arsenic. The issue of naturally occurring arsenic contaminating drinking water may not have been a major issue in New Jersey, but in Nevada it is something that I am concerned about and help communities address. These challenges are significant. It will be an important task for Governor Whitman to ensure that, all through the western United States, the water standards that have been set can be met. We know from a health perspective they should be met. We need the Federal Government to step in and help us with some of these small communities.

The Environmental Protection Agency has a 30-year history to be proud of. I hope, by working together, we can continue to do just that—protect our environment for generations yet to come.

Mr. President, I support the nomination of Gov. Christine Todd Whitman to be the Administrator, and maybe soon the Secretary, of the Environmental Protection Agency and urge my colleagues to do the same.

Fifteen years ago, I had a friend with me on the Ethics Committee. I want to say, early in this session, what a pleasure it has been to work with the chairman of the committee, BOB SMITH. He and I have a long history of working together. We were both on the Select Committee on MIA-POWs. It was a very difficult year we spent together. We also spent some difficult time together, and some pleasant time together, as the two party leaders on the Ethics Committee. I have found him to be fair and to always have an open mind. I want to have him as the ranking member of the Environmental and Public Works Committee.
Mr. SMITH of New Hampshire. I appreciate the comments of my colleague very much. I also commend Senator Reid for the expeditious and non-partisan way in which he has handled the nomination during his tenure as chairman, which was an all-too-slight affair. It was also a privilege to work with the Whittaker. I look forward to working with the Senator in the future.

Mr. President, how much time is remaining on the Whittam nomination?

The PRESIDEN OF OFFICE. The Senator from New Hampshire has 5½ minutes. The Senator from Nevada has 3½ minutes.

Mr. SMITH of New Hampshire. Mr. President, I am going to just take another 2 or 3 minutes to make some comments on the Norton nomination and then will not use all of the remaining time but will be happy to yield it back so we can move to the next nominee.

Again, let me just reiterate my strong support for Governor Whitman in this position as EPA Administrator.

She is extremely well qualified—one of the most qualified people ever to be recommended for the job. She has firsthand experience as a Governor dealing with some of the more pressing issues of the receiving end of the Federal Government and other times just working in cooperation with the Federal Government.

It is an exciting opportunity to work together on the agenda I talked about a few moments ago: clean air, clean water, infrastructure, many other issues that will be coming before us, including MTBE, which is a big issue in New Hampshire and New Jersey.

Mr. CORZINE. Mr. President, I rise in support of the nomination of Christine Todd Whitman to be Administrator of the Environmental Protection Agency.

Christine Todd Whitman has a long and distinguished record of public service, and has made many important contributions to my State of New Jersey. She is well qualified to lead the EPA, and I urge my colleagues to support her nomination.

Governor Whitman is highly articulate and persuasive. She genuinely cares about the issues, and she knows how to make an impact.

Governor Whitman has been a leader in protecting New Jersey’s 127-mile shoreline and in fighting for cleaner air, guarding against the kind of pollution that knows no state boundaries. As an individual and a Governor, she has demonstrated a strong commitment to preserving open space.

The Administrator of EPA has the primary responsibility for ensuring that our air and water is clean, our natural resources are preserved, and our public health protected. It is a difficult job. It often requires a careful evaluation of highly complex scientific data, an ability to translate that data into detailed policies. It needs someone who will fight internal battles to make environmental protection a budget priority. It needs someone who will work with local communities and businesses to find mutually acceptable solutions to environmental problems. And it needs someone who, when necessary, will be tough on polluters and force them to do the right thing.

I believe the Governor has the background, the experience and the skills necessary to do the job, and to do it well. I know that we will not always agree on every policy issue. This begins as President Bush’s nominee for the EPA. It is a difficult job, but I know that the Governor has the will to work with her to ensure that EPA remains committed to strong and effective enforcement of our environmental laws.

With that, I want to conclude my remarks and wish Governor Whitman the best of luck as she undertakes this important new challenge.

Mr. KERRY. Mr. President, I would like to make a short statement on President Bush’s nomination of New Jersey Governor Christine Todd Whitman to serve as Administrator of the Environmental Protection Agency. I have known Governor Whitman for many years. I admire her public service record and believe she comes to this job with a strong commitment and sensitivity to its many responsibilities. I welcome the opportunity to vote for her.

President Bush’s choice of New Jersey Governor Christine Todd Whitman is perhaps the most significant environmental agenda that he will pursue over the next four years at EPA. Under her guidance, New Jersey has worked with other Northeastern states to strengthen local and national clean air protections. For example, Ms. Whitman recently supported the EPA’s newly announced rule to reduce pollution from diesel fuel. Ms. Whitman has been a strong advocate of preserving open space. On the issue of coastal and marine protection, which is of particular concern to my state of Massachusetts, Ms. Whitman has advocated tougher controls on ocean pollution and enhanced protection of our seashores.

One area of concern how been expressed regarding Ms. Whitman’s record. Conservation groups in New Jersey claim that during her time as New Jersey governor, Ms. Whitman took a somewhat lax approach to enforcement of environmental law. Needless to say I believe environmental law should be enforced vigorously as any other law. I anticipated that Ms. Whitman will recognize her new responsibilities and leave no one doubting her willingness to enforce the law vigorously.

While I certainly do not share all of Ms. Whitman’s views on environmental protection, I believe that she has shown balance and a willingness to listen and to yield when appropriate. I wish her well at the EPA, look forward to working with her and will vote for her nomination today.

Mr. TORRICE. Mr. President, I rise to support Christine Todd Whitman for the position of Administrator of the Environmental Protection Agency. During her years as Governor we have waged many fights together from open space preservation to ending ocean dumping. President Bush has made a wise selection. The EPA and the country will be getting an Administrator who is well qualified, battle-tested and ready to tackle the challenges that lie ahead for this Agency. With this nominee, there will be no learning curve. There are few trading grounds that could better prepare someone for this position than the Governor of New Jersey.

As Chief Executive of the State, Governor Whitman has the managerial and administrative experience of running an agency as large as the EPA. But more importantly, no state has a better sampling of the issues facing the incoming Administrator of the EPA than New Jersey.

New Jersey has 127 miles of shoreline, Governor Whitman has dealt extensively with issues of clean water and non-point source pollution. She knows first-hand the threats to the economy and the environment from ocean dumping. Governor Whitman has increased funding for beach cleanups, and under her watch, beach closings have dropped from 800 in 1989 to just 11 in 1999.

With more Superfund sites than any other state in the Union (111), she knows what works and what doesn’t in the Superfund program. She has seen the value of a concerted effort to turn urban brownfields into productive industrial and commercial sites.

With the many dense urban centers in New Jersey, she has dealt with the complex funding and regulatory issues of upgrading dilapidated sewer systems and controlling combined sewer overflow.

As Governor of our Nation’s most developed State, she initiated and passed a landmark $1 billion bond measure to preserve one million acres of farmland, forest, watersheds, and urban parkland. Few elected officials in this Nation, yet alone, this Cabinet, have a better understanding of what is needed to curb sprawl and protect our open spaces, than Christie Whitman.

But more than her record of environmental progress, what makes Governor Whitman uniquely qualified for this position is her understanding that economic and environmental progress are not always aligned. For example, travel and tourism generates $28 billion in revenue and employs nearly 800,000 people in Central and
Southern New Jersey. No issue is more important to those jobs than ocean quality. Yet the Port of NY/NJ is a vital component of economic growth and employment in the northern part of New Jersey, contributing $30 billion annually to the state's economy and supporting nearly 200,000 jobs. As a member of the Committee on Environment and Public Works, I have the utmost confidence in Ms. Norton to balance these constituencies and develop a policy that ended ocean dumping while still allowing for the continuation of the dredging necessary for the Port's continued growth.

The job for which Governor Whitman seeks confirmation is by no means an easy one. The challenges faced by the next Administrator are both numerous and difficult. The Superfund and Clean Water and Clean Air Acts have not been re-authorized in a decade and there are new challenges on the horizon, especially in our urban areas. Our urban centers have sewer systems that were built at the turn of the 19th Century. They lack back-up and have caused public health and water quality problems because they are incapable of handling overflow. Too often industries unwanted anywhere else find homes on city blocks because of the jobs they offer and the taxes they pay. The next Administrator must make a priority of closing the gap between available funds and infrastructure needs and ensuring that environmental justice is more than a think tank slogan.

I am confident that Governor Whitman will do this and more. The challenges ahead are many—protecting our drinking water and purifying our air, preserving open space and reforming Superfund. But President Bush could not have selected a nominee with more experience and commitment than Governor Whitman. I have the utmost confidence that she will do the Senate and her home State very proud, and I urge her confirmation.

Mr. President, Ms. Whitman brings to the Senate and to her home State strong public service, dedication to public service, and unmatched experience. She appreciates the value of preserving our land. She grew up in Colorado. She understands what wilderness means and what it means to live in a beautiful, pristine area such as central Colorado. The extreme environmental groups have also suggested that Gale Norton cannot be trusted to protect our public lands, our national parks and refuges and wilderness areas. That is not true. Her record demonstrates that Ms. Norton values our public lands and she will protect them. Again, just look at the record.

As attorney general, she worked with Congress to craft the Colorado wilderness bill that established 19 new wilderness areas in the State. That doesn't sound like somebody who is opposed to cleaning up our environment and protecting our wilderness. That bill was enacted in part because of Ms. Norton's efforts to build consensus for the preservation of those lands.

Her record at the Department of Interior, where she was Associate Solicitor for Conservation and Wildlife from 1985 to 1987, shows once again that she was an effective advocate for protecting our public lands and natural resources, including endangered species. Let me name just a few of her accomplishments in the Solicitor's Office:

She represented the Fish and Wildlife Service in its successful effort to add 80,000-90,000 acres to the Big Cypress National Preserve.

She was involved in an effort to add 5,000 acres to complete the Florida Panther National Wildlife Reserve in Florida.

She fought to ensure the success of the captive breeding program that saved the California condor when environmental groups sued to try to stop...
it. If they had succeeded, the condor would now be extinct.

She fought for the acquisition of land to extend the Appalachian Trail.

She worked on the regulations that banned lead shot for migratory birds, saving millions of birds.

She secured funds for the restoration of Ellis Island and the Statue of Liberty.

And she negotiated the original agreement with Senator McCain to restrict overflights in the Grand Canyon.

Again, these are just a few of her accomplishments over the past 15 years, but they paint a clear picture.

They paint a picture of someone who has dedicated her life to public service, to preserving the environment and natural resources, and to enforcing the law.

They paint a picture of an individual who is highly qualified to be the next Secretary of Interior, and the first woman to serve in that position.

I urge my colleagues to consider the facts, not the distortions, in making their decisions about Gale Norton.

I strongly support Ms. Norton’s nomination to be Secretary of the Interior, and look forward to working with her on the many challenges that lay ahead.

**NOMINATION OF GALE ANN NORTON TO BE SECRETARY OF THE INTERIOR—RESUMED**

The PRESIDING OFFICER. The time of the Senate has expired. Under the previous order, the nomination of Governor Whitman is laid aside, and the Senate will now resume consideration of the nomination of Gale Ann Norton, which the clerk will report.

The legislative clerk read the nomination of Gale Ann Norton, of Colorado, to be Secretary of the Interior.

Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the time allotted to Senator Feinstein with respect to the Norton nomination be provided to Senator Kerry.

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

Mr. WELLSTONE. Mr. President, I believe I have 15 minutes to speak on the Norton nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I think there is a distinction between what I hope will be substantive remarks on my part in opposition to Ms. Norton to be Secretary of the Interior and personal attack.

I am a Senator from Minnesota. I am from a State where we love our lakes and rivers and streams, the environment.

My opposition to Ms. Norton to be Secretary of the Interior does not mean in fact that what I say represents any kind of personal attack. It is simply a very different assessment of whether or not she should in fact be the Secretary of the Interior for the United States of America.

I have a lot of policy disagreements with Ms. Norton. I have a lot of policy agreements with any number of the President’s nominees to serve in our Cabinet. I will support because there is a presumption that the President should be able to nominate his or her people.

On the environmental front, as long as I have the floor of the Senate—and I hope I do today—that I believe the record of this administration will amount to a rather direct assault on environmental protection. I think that would be wrong for the country. This is not a debate about ANWR, the Arctic National Wildlife Refuge, not today. My disagreement with Ms. Norton or the President is not the reason why I oppose her to be Secretary of the Interior.

Part of the debate we will have in this country has to do with this nexus between the way in which we produce energy, and the environment. I see an administration that is an oil interest administration, and the focus will be more and more on oil, barreling down a hard path energy policy, rather than environmental degradation getting lip service but not investments in clean technologies, renewables, safe energy.

The reason I oppose not Gale Norton as a person but Gale Norton to be Secretary of the Interior is because I have doubts about her ability to fairly enforce existing environmental and land use laws. That is why I oppose this nomination.

The Secretary of the Interior is the principal steward of nearly one-third of our Nation’s land. The Secretary is the chief trustee of much of our Nation’s energy and mineral wealth.

The Secretary of the Interior is the principal guardian of our national parks, our wilderness, our pristine areas, and our fish and wildlife. It is the job of the Secretary of the Interior to protect this precious legacy and to pass it on to future generations. As Catholic bishops said 15 or 20 years ago in their wonderful pastoral statement, we are strangers in this land. We ought to make it better for our children and our grandchildren.

Ms. Norton has had significant positions—government positions and in the private sector—but not in these kinds of positions—both in government and private sector roles—that are the most troubling to me. In fact, her record indicates that she may not be able to enforce environmental protections and ensure the preservation of our public lands.

There is no doubt that Ms. Norton did a good job in the confirmation hearings. She pledged her past views, and she is certainly committed to enforcing the laws of the Interior Department. I commend her for her testimony. It is my sincere hope that she will live up to these commitments. However, I think the Senate and Senators are compelled to view her record not in terms of 2 days of testimony but the totality of her record.

The totality of her record is one that I believe points to her inability to strike the very difficult and the very delicate balance between environmental protection and development. As private attorney, Ms. Norton has taken positions that indicate a strong opposition to the very environmental protections which, if confirmed, she would be asked to defend.

For instance, she has argued that all or parts of the Clean Air Act are unconstitutional—taking a State rights view. She has argued that the Surface Mining Act, which is all about protecting workers’ coal dust level, which is all about occupational health and safety protection, which is all about the problems of strip-mining and the environmental degradation that it causes many communities in Appalachia, again, unconstitutional.

She has also argued that provisions of the Superfund law that require polluting industries to pay for cleanup of waste sites should be eliminated.

Ms. Norton has testified that implementation of the National Environmental Policy Act is something that should be essentially devolved to the State level, that she would prefer not to conduct Federal land environmental reviews.

I am sorry; when it comes to this most precious heritage, when it comes to the land, when it comes to our environment, when it comes to something that is so precious for not just us but our children and grandchildren, it is not just a matter of State options.

We are a national community, and we have made a commitment to environmental protection. I believe the actions Ms. Norton has taken and the positions she has taken in the past would make it impossible for her not only to enforce these laws but also to be a strong steward for the environment.

In 1997, Ms. Norton argued that the global warming problem didn’t exist. That is, of course, in contradiction to the international science community. I know in her testimony she essentially said she now takes a different position—I appreciate that—as Colorado attorney general.

But I also have questions in my own mind given the position she has taken in the past, and that is why I oppose her to be Secretary of the Interior.

As Colorado attorney general, Ms. Norton argued against the Endangered Species Act, saying it was unconstitutional. As attorney general, Ms. Norton supported measures that would relax occupational environmental safeguards if businesses volunteered to regulate themselves. And regardless of the damage, regardless of the effect on the public, regardless of the effect on people, these companies were able to avoid all liability.

Her position is troubling to me because Ms. Norton might be willing to permit private companies that operate...
on or near public lands to regulate themselves. As Colorado attorney general, in the case of one mining company acting under self-regulation, there were violations and massive contamination of the Alamoso River. My colleague from New Hampshire and I took action, but it was only after the Federal Government was forced to step in and say you must take action. Indeed, the Federal Government was forced to step in and spend $150 million in efforts of the right kind.

In addition, there is a case of citizens living downwind from a mill that had been emitting pollution for months. Again, the Secretary of the Interior refused to take action, and again the Federal Government was forced to intervene—again resulting in a record $37 million in fines against the company.

Since leaving her job as AG in 1999, Ms. Norton has been lobbying Congress and the State legislature for lead paint issues in behalf of the NL Industries, a Houston company formerly known as the National Lead Company. This company has been named as a defendant involving 75 Superfund or other toxic waste sites in addition to dozens of lawsuits involving children allegedly poisoned by lead paint. The only thing that I can say is I understand Ms. Norton’s right to work for whatever company she wants to, but it does give me very much confidence that she is the right person to be Secretary of the Interior—a major position of environmental leadership in the U.S. Government.

After reviewing her record of 20 years, I believe Ms. Norton has not demonstrated the required balance needed to be a guardian of our national heritage and a trustee of our national lands. Furthermore, she has shown a career pattern of opposing environmental protection, which I think speaks to her ability—or, I say to my colleague from Massachusetts, her inability to carry out the requirements of Secretary of the Interior.

I am going to testify to the Energy Committee, and I take that in good faith. However, I cannot ignore her resistance to prosecute the industry in order to protect Colorado’s land and people while serving as attorney general. As Secretary of the Interior, Ms. Norton would be charged with balancing the interests of industry against conservation. In my view, her record strongly indicates she will heavily tilt that balance away from conservation, away from preservation of the environment, away from environmental protection, away from being the trustee for the land, and away from understanding what a sacred duty we have.

It is a value question to make this Earth a better Earth and hand it on to our children and grandchildren. I find all of that unacceptable, and that is why I oppose this nomination. I hope other Senators will oppose this nomination as well.

Might I ask how much time I have remaining?

The PRESIDING OFFICER. Three minutes 43 seconds.

Mr. WELLSTONE. I yield the floor, and I also say to my colleague from Massachusetts that I would be pleased to yield the additional time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Massachusetts?

Mr. KERRY. Mr. President, I thank the Senator from Minnesota not just for his graciously yielding me additional time but, most importantly, for the thoughtfulness and sensitivity expressed in his remarks. I associate my remarks very much with his thinking and his approach on this issue.

I think each and every one of us in the Senate feels an automatic pressure to want to support the nominee of the President of the United States. I think it is a national feeling that generally pretty good people, with honest records of taking a position for something they believe in for a lifetime, have found their way to the top of their profession in a sense, and the President of the United States, for one reason or another, makes a decision to entrust them with significant responsibilities.

There is a lot of goodwill here in the initial days of the administration to want to give the President the person that the President chooses. I think through the 16 years I have been here, and the several Presidents I have had in those years, I am consistent to with respect to their nominations, that there are precious few, a small percentage—very small—that I have chosen to cast my vote against the President’s choice.

As the Senator from Massachusetts said, I think what we are looking for in the person who comes to a job with that kind of responsibility, being a Cabinet Secretary in charge of major responsibilities, is somebody who brings not a record of activism, but instead, somebody who has a record that is consistent to with respect to their nominations, that there are precious few, a small percentage—very small—that I have chosen to cast my vote against the President’s choice.

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In the case of the nominee Gale Norton, I don’t find there is that kind of connection, that there is a continuity of a lifetime of effort that shows me that we have the required balance of this department will go. I regret to say to the Chair and to my colleagues that in the course of the years I have been here and had the opportunity to provide advice and consent on other nominees, we have seen people who came without this connection, with that disconnect, and who subsequently fell short in the job because the gut instinct was not to strike the balance; it was to keep faith with who they were and what brought them to the job.

I don’t come to this vote lightly because I know Ms. Norton has a long and even distinguished record of public and private service. I know her friends and others say she is a decent and a capable professional. Some have, in the course of this debate, labeled her an extremist or even caricatured her as James Watt in a skirt. I think that is unfortunate. I find those labels troubling and I reject them. They distract from differences over principle and policy that have made this nomination troubling for the Senator from Minnesota, for myself, and for others.

I oppose Gale Norton’s nomination. For a Cabinet post that demands that its occupant strike a very difficult and a very delicate balance—the same word my colleague from Minnesota used—a balance between conservation and development, President Bush has selected this individual. I suppose one might ask the question, of all the people in the country who have records with respect to the environment and development and striking that balance, of all the attorneys general, of all the people involved in conservation itself, of all the people in the environmental movements of this country, of all the people who have built up records of activism in an effort to try to strike that balance, why is it that we are presented with an individual whose philosophy over the past two decades has been singularly unbalanced?

The Secretary of the Interior is responsible for protecting the almost 500 million acres of public land, including 363 parks, 530 wildlife refuges, and 138 wilderness areas. Among these are some of our Nation’s most valued lands: Yosemite, with its waterfalls, meadows, the forests, and the giant Sequoias, the world’s oldest living things; the Everglades National Park, with its sea of sawgrass, mangroves, hardwood hammocks, stork, great blue heron, and egrets; Mount Rainier National Park at Mount Rainier—a 14,100-foot-tall active volcano encased in 35 square miles of snow and ice and flanked with old-growth forests and with an active volcano; and the National Arboretum.

Some are sanguine to suggest, well, those areas will never be threatened. But I know from talking to people in various parts of the country I visit that there are huge movements where people are angry that so much of their State is protected by the Federal Government; where people believe more of these areas ought to be open to development, not less; where people have witnessed, indeed, efforts to try to stop those areas from being protected from mining and grazing, or a host of other interests, and who would rather open the forests and have the U.S. Government build more logging roads, without even commenting on whether our logging practices are good or bad, after fires that we had last year. Sure, we can improve, but these are different movements; these are movements which disagree with these set asides.

I remember what happened on the floor of the Senate just a very few years ago, in 1995, with the House of Representatives and the Senate first term in Republican control, and I remember standing here and by 1 vote
only we managed to stop major de-
struction to 25 years’ of efforts to pro-
tect the environment of this country—
by 1 vote only.

We happen to be a little stronger in
the Senate today, but knowing how
closed this issue is, and the discre-
tion of a Secretary is in what hap-
penes in terms of the regulations,
what happens in terms of efforts they
take to court or don’t take to court, or
seek to have protected or not pro-
tected, there is enormous discretion ex-
ercised on a daily basis.

I believe we need to remember the
history we have traveled here. There
was a period of time where some of the
lands I just mentioned, the very ones
that are protected today that we think
of as national treasures, were not
thought of in that way. In 1853, when
the U.S. Army’s topographical engi-
eers returned from a trip to what we
would later call the Grand Canyon, the
party reported that it was the first, and
without beast, the last, party to visit
this profit-less locality.”

As each decade has passed since those
early forays into the American con-
tinent, the country’s appreciation for
its land has grown—I believe it con-
tinues to grow among Americans
today—the places to hike, canoe, camp,
to play, to learn, and to leave nature,
except for a harmless visit now and
then. There were 273 million visits to
our National Parks alone in 1993, a
clear sign of their value to the Nation.

At the same time, the Interior Sec-
retary manages the development of our
public lands. Private companies, from
multinational conglomerates to small
family businesses, use our Nation’s
water, minerals, timber, oil, gas, and
other public resources. Their industry,
obviously, contributes to the national
economic growth, and it provides thou-
sands of jobs in regional communities.
Our public lands have produced all of
the minerals of this Nation, and the De-
partment of the Interior has managed
hundreds of thousands of claims to
mine gold, copper, and other valuable
metals; 34 million acres of commercial
timberland and 164 million acres of
rangelands that are open to grazing....

It is the Secretary of the Interior’s
job to strike the proper balance be-
tween conservation and development.
It is a tough job. The Secretary is
under enormous pressure from those
who look to these lands as a source of
wealth for their communities and from
those who look to these lands and
resources. Once a decision is made to
develop land, the impacts are often
permanent. You can’t turn back the
clock and recreate an old-growth for-
est. You can’t return an extinct species
of life. You can’t return polluted land
to the condition it was in before
as Colorado attorney general, and her
career continues to grow among Americans
with brownfields in cities around this
country, the numbers of Superfund
sites that have been on the list for
years and remain not cleaned up are
testimony to that tragedy.

In considering this vote, I have re-
viewed Ms. Norton’s record as a con-
stitutional attorney, an activist, and
the views she may encounter as Secretary?

No. But my standard is higher for a
nominee who comes before us with a
career’s record of fighting the laws the
administration has now asked her to
enforce.

History warns us to be concerned.

In 1981, Mr. James Watt was nomi-
nated to be the Secretary of the In-
terior by President Ronald Reagan. Mr.
Watt, like Ms. Norton, came to the
Senate with a record of anti-environ-
mental activism, and like Ms. Norton,
Mr. Watt showed a willingness to
rethink and revise his views. A pas-
sage from the CONGRESSIONAL RECORD
from 1981 is enlightening. For example,
Mr. Watt was asked how, in light of his
record, would he
carry out the Secretary’s dual responsibility
to permit resource development on the pub-
lic lands while preserving natural values?

Mr. Watt offered the following an-
swer:

As Secretary of the Interior, I will fully
and faithfully execute the public land
policy adopted by Congress requiring such a bal-
anced approach.

The record after this is clear. It was
opposite to that very answer.

This year, Ms. Norton was asked a
similar question in regard to her views
on the takings clause of the Constitu-
tion and environmental enforcement.

Ms. Norton answered that she:
will protect the federal government’s inter-
ests in its lands and enforce all environ-
mental and land use laws that apply to
the lands and interest managed by the De-
partment of the Interior.

Sound familiar? My point is that we
have been witness to “confirmation con-
versions” before, and the result—as
in the case of Mr. Watt—is sometimes
regrettable. When a nominee’s record is
overwhelmingly slanted in one direc-
tion and falls far outside of the main-
stream on a set of issues central to the
job they will perform, reversals and re-
versals have made me concerned.

I looked to Ms. Norton’s record as
Colorado Attorney General to learn
how she performed at a job that re-
quired her to enforce environmental
laws—again she has argued are con-
stitutionally flawed. I found that
record to be decidedly mixed and wor-
some.

While Ms. Norton pursued two high
profile cases against the federal gov-
ernment, environmental organizations,
lobbyists, and environmental attorneys, and the Den-
ver Post report that in several major
cases she failed to enforce environ-
mental law against private companies.

For example, in one case, neighbors
of a Louisiana-Pacific mill were forced
to abandon their homes because the
stench of pollution from the facility
was so great. Without assistance from
the state of Colorado, they hired attor-
neys and won a $2.3 million court
against the company. Although that
civil trial uncovered criminal wrong-
doing, the state settlement that was
still failed to prosecute. Finally, the federal
government interceded and assessed $37
million in fines for fraud and violating
the Clean Air Act against Louisiana-Pacific.

The attorney who represented the citizens in that case, Kevin Hannon, told the Denver Post.

I would have grave concerns about Gale Norton's aggressiveness in enforcing environmental compliance and protecting citizens from environmental damage.

And there are additional similar cases.

In her defense, Ms. Norton claims to have not acted because state agencies did not ask her to prosecute. That answer is inadequate in my view, Mr. President. In several instances Ms. Norton aggressively pursued her legal agenda as attorney general. For example, Ms. Norton proactively wrote state agencies declaring that a program to increase minority enrollment at state schools was unconstitutional. Ms. Norton refused to defend a state program to increase minority contracting from public agencies because it was unconstitutional. As Colorado Attorney General, Ms. Norton filed a brief in an Endangered Species Act case in Oregon arguing a provision of the law was unconstitutional. Clearly, Ms. Norton was an aggressive and capable advocate when the legal agenda matched her policy agenda. But when it came to enforcing environmental law against polluting companies, she too often failed to act and seems to have been uncharacteristically passive.

Arguably Ms. Norton's performance enforcing environmental law as Colorado's attorney general is the most relevant portion of her resume as she becomes the next Secretary of the Interior. One of her primary responsibilities will be to protect the environment and public land by enforcing the law against private companies. Unfortunately that record is weak on environmental crime.

As I have said, Ms. Norton will not receive my vote today. I do not cast this vote lightly. I believe that President Bush should be given wide discretion in selecting a cabinet to advance his agenda. However, there is a reason that the Constitution calls for the Senate to advise and consent on nominations. I believe that policy, ideas and a nominee's professional record matter. In many ways they matter more than the personal issues that derailed other candidates. Each Senator has the needeeded an obligation—to vote their concerns and hope and their consciences.

Ms. Norton will be entrusted with protecting our federal lands and finding that difficult balance between conservation and development. Not an easy job. I feel strongly that Ms. Norton can only do that job properly if she sticks with the legal and policy philosophy she set forth in the Energy Committee hearings and not the philosophy she has advanced, capable public, 20 years. I feel strongly that Ms. Norton can only do that job properly if she does a better job enforcing environmental law than she did in Colorado.

Mr. SCHUMER. Mr. President, I ask unanimous consent that 3 minutes of the time allotted to Senator STABENOW with respect to the Norton nomination be provided to the senior Senator from New Mexico.

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

Mr. SCHUMER. Mr. President, first let me say I agree with many of my colleagues that Gale Norton is clearly an excellent person for the position with a distinguished record. I know the Senate confirmation process can be an arduous one. I think she has handled herself very well. She has made herself available to questions by those of us on the committee and conducted presented herself in a very able way.

That said, I am afraid Ms. Norton has not been able to erase all my doubts and the doubts of many New Yorkers about her environmental record and whether or not she will be a strong enough guardian of our Nation's treasured public lands.

Although she is clearly an honorable person, I believe she does not have a balanced enough view on the question of conservation versus development to serve as Secretary of the Interior. To me, the key word is "balance." I reject those on either side.

There are some who say the conservation movement, the conservation of our lands, is really not necessary, or, if preserved, you have had enough and conservation should hold little weight when we talk about the needs of development. I have always philosophically rejected that view.

I must also tell you that I reject the view of some of my friends in the environmental movement who believe in no development at all, particularly at a time of scarce resources. There has to be a balance, and that is what I think most Americans seek. Obviously, we all differ on where that balance should be. I am worried that Ms. Norton does not have enough of that balance.

She spoke very well at our committee. But if you look at her history in both the public and private sectors, it is not one of balance. It is one, rather, of almost instinctively saying that development should take precedence over conservation. I do not think that is the right person for the Secretary of the Interior. Ms. Norton must recognize this—auctantly—although I generally believe in supporting the President with his nominations and intend to support the President in all but two of his Cabinet level nominees—I must reluctantly vote no on the nomination of Gale Norton.

Mr. President, I yield.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, today we are charged with the important decision of considering Gale Norton for our next Secretary of the Interior. This position is extremely important. As the Secretary of the Interior, Ms. Norton would be the principal steward of nearly a third of our Nation's land; the guardian for our national parks; and the protector of our wildlife refuges.

In proposing Ms. Norton, President Bush asks the Senate to entrust her with our environmental heritage.

In sending to the Senate, the people of Illinois have entrusted me with the responsibility of deciding whether Ms. Norton will faithfully fulfill the job that she has been asked to do.

Although Ms. Norton conducted herself well throughout the confirmation hearings, I am left with many questions about her vision for the future of our public lands.

My concerns were not allayed during her confirmation hearing. Despite more than 20 years experience in dealing with environmental issues, she often gave vague, uncertain answers to questions on how she would enforce environmental laws. Her answers gave me little to reassure Americans who support conserving our natural resources.

Let me be clear. I am not opposing her nomination based on her ideology alone. Her documented public record speaks louder than her words. Ms. Norton's professional experience to be a capable Secretary of the Interior is at stake. The question is not about her ability to lead, but whether she will be a leader for the conservation or economic interests of our public lands and natural resources.

This is why I rise in opposition to her nomination today. I am disturbed that not one respected conservation group in our Nation has announced its support for Ms. Norton. Her strongest supporter hails from the mining, drilling, logging, and grazing industries—industries better known for exploiting public land than for protecting it.

My concerns were not allayed during her confirmation hearing. Despite more than 20 years experience in dealing with environmental issues, she often gave vague, uncertain answers to questions on how she would enforce many of our significant environmental laws. Her answers gave me little confidence that she would be able to provide to the senior Senator from Illinois.
the guidance of James Watt, the controversial former Secretary of the Interior. During her time with Mr. Watt, she pursued cases opposing the enforcement of the Clean Air Act in Colorado and supported drilling and mining in wilderness areas. She followed Mr. Watt to the Department of the Interior in 1985 as an Assistant Solicitor where she worked to open up the Arctic National Wildlife Refuge to oil drilling. But it was in her capacity as attorney general for Colorado from 1991 to 1999 that she found egregious examples of the problem of mining companies to escape fines if they report the problem and correct it. Unfortunately, this policy allowed Summitville mine, a large gold mine, to continue operating even though it had significant environmental problems. It was only after the mine spilled a mixture of cyanide and acidic water into the Alamosa River, killing virtually everything living for a 17-mile stretch, that her office became involved. The Summitville mine was considered Colorado’s worst environmental disaster and is now the poster child of losing our natural resources and moving toward turning our public lands over to private interests.

As a great Republican President and the father of our Nation’s conservation ethic, Theodore Roosevelt, said, “It is not what we have that will make us a great nation; it is the way in which we use it.” Mr. James Watt echoed this statement during his nomination process in 1981 when he testified that he would seek balance in managing our natural resources and preserving our national resources.

Unfortunately, Mr. Watt did not keep his word. If Ms. Norton should be confirmed today, I urge her to tell a lesson from Mr. Watt’s experience and uphold her promise “to enforce the laws as they are written.”

The Interior Department is responsible for many of our Nation’s most valuable treasures—natural resources that belong not only to this generation but also to generations to come. Americans will be counting on Gale Norton, should she be confirmed, to protect these national treasures so they can be handed on as an enduring legacy—to keep them safe from those who would exploit and destroy them.

Mr. President, I ask unanimous consent that the remaining time under the control of Senator Stabenow be allocated to Senator Boxer.

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

Mr. Durbin. Mr. President, can you tell me how much time I consumed?

The PRESIDING OFFICER. The Senator has consumed 9 1/2 minutes of his 15 minutes.

Mr. Durbin. I reserve the remainder of my time, Mr. President.

At this time, I see Senator Boxer has come to the floor.

Mr. President, I suggest the absence of a quorum until she is prepared to speak.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from California.

Mrs. BOXER. Mr. President, how much time do I have for my presentation this morning?

The PRESIDING OFFICER. Thirty-one minutes.

Mrs. BOXER. Thank you very much. Mr. President, I rise to explain to my colleagues, and to my constituents, why I will vote no on the nomination of Gale Norton to be Secretary of the Interior.

It is very rare for me to oppose any Cabinet nominee because I approach the whole subject of advise and consent on Cabinet nominations with the presumption that the President has the right to pick his or her own Cabinet. Having said that, you cannot walk away from a constitutional responsibility to advise and consent if you feel that nomination is way outside the mainstream of American thought, and if you feel that nomination could harm our country in one way or another. And I have many questions about this nominee which lead me to the conclusion that it would be far better to have someone more mainstream in this position. I will be explaining it through a series of charts and through my comments.

I have supported all of President Bush’s nominees but for two—this one, and John Ashcroft, which we will be speaking about later this week and perhaps into next week.

I will just start by discussing why this position is so important. The Secretary of the Interior is the primary steward of our Nation’s natural resources. One of the most incredible gifts that we have from God is our natural resources, the beauty of our Nation. It seems to me we have a God-given responsibility to protect those resources for future generations.

Into the hands of the Secretary of the Interior we place a vast amount of federal lands—over 500 national parks and wildlife refuges, over grasslands, over ranges, and over endangered fish and wildlife.

I will just show you a beautiful photograph. I have a few. This particular one is Death Valley National Park. What you can see from this photograph is the magnificent environment the Secretary of the Interior will be protecting. If a decision is made, for example, to extract minerals from a park such as this, you could certainly endanger this beauty.

She will make decisions regarding grazing, mining, offshore oil and gas
development, habitat protection or habitat destruction, and American Indian tribal concerns that will have far-reaching and long-lasting consequences.

I asked her some questions about some fragile areas in my State, and I have to tell you, as I will in greater detail, that I was very saddened; they were really no answers. There was no commitment that I wanted to hear to protect these significant areas. I will go into some of her comments that were put in writing.

We give the Secretary of the Interior the discretion, and we trust her to balance the economic development of our rich natural resources with the need to protect and conserve them. We are looking for a balance, and in my view, we have not seen that balance, either in Gale Norton’s past or, frankly, in her answers, which I did not find to be terribly believable. And again, I will get into that.

After more than a century of untempered resource extraction, we have learned we must restore some equilibrium to the management of our public wildlife resources. The American people understand this. Poll after poll shows they overwhelmingly support environmental protection and restoration. They understand we are living in the most beautiful place and we have the responsibility to protect it.

They are willing, for example, to conserve a little energy in order to spare pristine areas such as wildlife refuges. How people could say you can drill in a wildlife refuge, to me, just on its face, there is something that does not make sense about that. If it is a wildlife refuge, it is a refuge; it is not oil-drilling land. Why would it be called a refuge if it is not a refuge, a magnificent area where wildlife can live?

So I think in this appointment President Bush, who for the most part I think made good, moderate appointments, has gone off the reservation. I also understand Ms. Norton will be confirmed, but I do not think it is a good sign. I hope she listens to this and proves me wrong. But I can say, I am worried. And there is precedent for me to worry. If her nomination is approved, Ms. Norton will have authority to make decisions that determine the fate of some of California’s treasures and America’s treasures, places such as Yosemite National Park, the Presidio, Klamath National Wildlife Refuge, the San Diego National Wildlife Refuge, Death Valley National Park—you can see from the picture how beautiful this is—and the California Desert—and believe it, is a precious environment; I have been there; I have seen—Point Reyes National Seashore and wildlife refuges off my back yard; a magnificent area that needs to be protected—and the Santa Barbara coastline. I will get into that because there are 39 leases off the Santa Barbara coastline that are under threat of development.

Ms. Norton’s answer to that question leaves me very worried about what will happen.

These unique ecological and cultural gems are fragile and vulnerable places. If they are mismanaged, the damage is likely to be irreparable. She will have responsibility for protection and recovery of California’s most imperiled wildlife and fish species. Those endangered species such as the California condor, will depend upon her for their continued survival.

Taken in total, it is an awesome responsibility and one of great importance to my constituents who treasure California’s unique environment.

Let me say something about that. Often times, people come to the floor and say: Well, you can’t be an environmentalist because it means you don’t want economic growth. You can’t be an environmentalist because it means you will not have enough energy. We are going to hear this argument over and over and over, particularly about energy. I will talk a little bit about that. That is a false premise.

Our economy depends on our environment in California. People come to our State and spend money to stay there because of our unique environment. They come to our ocean not to look at offshore oil drilling but to enjoy the beauty and the serenity of standing on that shoreline and looking at the vastness God gave us. To say that being an environmentalist is somehow not for a strong economy is a fact that is wrong on its face.

The green industries that grow up around clean air and clean water, a clean environment, and industries we are not exporting across the world.

To the people of this country, take heart. There are many in this body who understand this.

After Ms. Norton’s confirmation hearings, her responses to over 200 written questions and an in-depth look at her long and detailed history of work on these environmental issues—unfortunately, on the other side of most of them—it is clear to me that her record is remarkably consistent. One can say of Ms. Norton; her record is remarkably consistent.

She has spent her lifetime over the past 20 years focused on fighting against our essential Federal environmental laws and fighting for increased resource extraction from our public lands. That is her history. That is her life. Indeed, it is striking how few examples there are where Ms. Norton worked for the protection of the environment; despite the fact that her positions as Associate Solicitor at Interior and attorney general in Colorado required it.

Let us look at some of her statements. On mining she said:

*The Surface Mining Control and Reclamation Act is not constitutional.*

This is the act that tries to at least repair the damage that is done after there is mining.

On endangered species she said:

The federal government has interpreted its habitat protection duties far too broadly.

In other words, she doesn’t think the Federal Government should have much say in habitat protection.

On takings compensation;

Compensation is desirable because it will have a chilling effect on federal environmental regulations.

A chilling effect on Federal environmental regulations?

We have a lot of important Federal environmental regulations: the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act—all Federal regulations such as the Surface Mining Control and Reclamation Act, the Endangered Species Act; these are important advances that our country has made. They have strong support. She likes things that give a chilling effect to Federal Government regulation. It gives me the chills to think that someone who feels this way is in charge of a lot of our laws.

We see recurring themes, deeply held philosophies. These include vehement opposition to Federal environmental regulation, an unflagging commitment to the supremacy of property rights even if those rights lead to environmental destruction and harm everyone else.

Ms. Norton has argued that “control of land use and of mining is a traditional State function outside the scope of the commerce power.” Thus, they are not activities that should be regulated by Federal land managers. She went so far as to argue that the Surface Mining Control and Reclamation Act is unconstitutional, as I have stated. Given these beliefs, it is doubtful that she will apply this law and implement it and make sure these conservations standards are applied in a meaningful way.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mrs. BOXER. Mr. President, I thank the Chair.

She has raised strong complaints about the Endangered Species Act, another one of our bedrock laws that the Interior Secretary must implement. During her earlier tenure at the Department of the Interior, she complained the courts were providing an overly broad interpretation of the ESA’s habitat provisions. She argued that the habitat protection standard should be extremely narrow so that our habitat that is already occupied by an endangered species would be protected. This interpretation would have ignored everything we know about the biological needs of species. It would have protected, for example, a bald eagle’s nesting tree but allowed the rest of its surrounding habitat to be destroyed. With that kind of thinking, the bald eagle would never have been saved because you save the tree and then right around the tree you don’t take any measures to protect the bald eagle.

Let us show a picture of some of our habitat. We are talking about God’s creations that we have a responsibility...
to protect. This is Mohave National Preserve Joshua trees. We have to move to protect them.

Let us show some other habitat. Let us show the beautiful habitat of Alaska. Here we can see some of the magnificent caribou up in Alaska. We will be arguing a lot about that issue. We can see, if we are going to protect their habitat, we cannot just protect a small amount. It is as if saying that we are going to save the air in one State and not in another one. We know the air moves; the animals move. We have to think about their whole habitat if we are going to protect them and not have this narrow view that Ms. Norton has articulated, which is that you should apply it very narrowly.

She submitted an amicus brief in the Babbit v. Sweet Home case and argued that the Department of the Interior’s protection of habitat on private lands was unconstitutional and constituted a taking. She argued for such a restricted interpretation of the law that it would have severely hindered our ability to protect habitat necessary for the recovery of the Endangered Species Act. On that case, she side. She is out of the mainstream of thought. Is it possible she could forget her lifetime of work against these things and suddenly become a fighter for the environment? I conclude no. Over and over again, Ms. Norton has advocated for “the devolution of authority in the environmental area back to the States.” In other words, she doesn’t really see the need for Federal laws such as the National Environmental Policy Act, NEPA.

While working in Colorado, she wrote of having “to do battle” with the Federal Government to wrestle control away from Washington and spoke with pride of her challenges to the Environmental Protection Agency regarding its involvement in Colorado’s air pollution programs. Oddly, she lamented that the end of the Civil War meant that “we lost the idea that states were to stand against the Federal Government gaining too much power over our lives.”

There are a lot of things you could bring up to drive home a point, but to raise the Civil War is odd. She said that the end of the Civil War meant that “we lost the idea that states were to stand against the Federal Government gaining too much power over our lives.”

She is way out there, in my opinion, because the people whom I represent—I think the vast majority of people—want to have a Clean Water Act, want to have a Safe Drinking Water Act, want to protect the magnificent species from destruction, and believe we have a God-given responsibility to do that. But she is way outside the mainstream. President Bush, for the vast majority of Americans—all but a very few people—has chosen from the middle ground this time and reached over so far that there isn’t much room on the other side and put this individual in the position where she can do harm.

As a matter of fact, given her statements about the inappropriate role of the Federal Government in all of this protection, it is hard to understand how she can now be a State’s Attorney for the Interior Department, much less be the head of it. It raises questions to me about her ability to adequately serve as an advocate from the Federal perspective in various environmental decisions. She has a long history of association with organizations that promote ideas such as eliminating the Bureau of Land Management and selling off our national parks. Not surprisingly, these views have sparked strong opposition from the people of our country.

I want to show you some of the groups that have opposed her nomination: the Natural Resources Defense Council, The Wilderness Society, Sierra Club, League of Conservation Voters, Environmental Protection Agency, Physicians for Social Responsibility, NAACP, AFL-CIO, Childhood Lead Action Project—I understand why they oppose her—Community Energy Project, the Network for Environmental and Economic Responsibility for the United States Church of Christ. This is a lightning rod nomination for people who care about protecting the environment. Why do we have to see their kind of nomination? We could have had a nomination for the President to “unify us” and not divide us.

That is the reason I am against this nomination. Her lobbying to dissuade States from holding the lead industry accountable for the continued use of lead-based paint has brought criticism. I showed you that. The Childhood Lead Action Project, why would they get involved in this? Guess what we know. Lead-based paint causes mental retardation. This is a fact. She is a fact, and she led the charge to get the Federal Government out of regulating lead.

You have to stand up at some point in your life and be held responsible and accountable. I think this is a moment when someone has to be held accountable.

Everyone knows what a strong environmentalist I am and everyone knows how strong I am for a woman’s right to choose. It is the same principle. I put my life to do these two things. Suppose the laws were changed and suddenly a woman’s right to choose was outlawed and I was put up for a position where I had to say enforce that law—put a woman in jail, put a doctor in jail. If this were to happen, people should come down to the floor and say BARBARA BOXER is not the right person for that job; her whole life has been dedicated to making sure that a woman has a right to choose. Why would they give her a position? They would be right. I don’t care if I said I will do it; I will enforce it. They know how strongly I feel.

We know how strongly she feels about the interference of the Federal Government, what she considers to be interference in States rights in terms of protecting the environment. Why is this a good appointment? Again, you won’t have to worry how she would use the Bureau of Land Management. She has dedicated her adult life to opposing the Federal Government’s involvement would even take this job. But we saw that happen before. His name was James Watt. We will get down to when someone says they will fully enforce the Nation’s laws. Fine. But then when you ask her how she interprets those laws, you have to wonder because it is not the same interpretation as most people have.

When I asked her how she felt about priority issues for California, if she would uphold the Bureau of Land Management’s important decision to deny a permit to a gold mine, which everyone agreed would destroy Native American lands and destroy the habitat in California near the San Diego area, she basically passed on an answer. I asked her about how she felt about the much heralded new management plan for Yosemite National Park. She basically passed on an answer. The Klamath Wildlife Refuge, she passed on an answer. The Trinity River Restoration effort, she passed on an answer. She said she wasn’t familiar with the issue; she had not taken a position. This troubles me when she worked at the Department of the Interior before. Yosemite should not be unfamiliar to someone who is to be head of the Department of the Interior and, yet, she passed on an answer on Yosemite.

I would like to submit these answers for the RECORD at this time. I ask unanimous consent to have them printed in the RECORD.

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

QUESTIONS FROM SENATOR DIANNE FEINSTEIN

Submitted on behalf of Senator Barbara Boxer

Question. There are currently 36 undeveloped oil leases situated on the Outer Continental Shelf off the coast of California. Development of these leases has been strongly opposed by the state of California and the associated local coastal communities. This Administration has signaled its intent to prioritize the development of domestic oil and gas sources. Will you encourage development of offshore leases in states like California where there is strong and persistent opposition to the development of such leases? Past administrations have utilized their executive authority to place a moratorium on offshore oil and gas drilling in currently undeveloped areas. Would you recommend that such a moratorium be continued under this administration? Would you view such a moratorium, or any other environmental regulation that prevents development of a lease, to be a taking under the Fifth Amendment of the Constitution?

Answer. President Bush pledged to support the existing moratoriums. He also committed to working with California and Florida leaders and local affected communities to determine on a case-by-case basis whether or not to continue on existing, but undeveloped leases. If confirmed as Secretary of the Interior, I will...
honor these commitments and promise to work with all parties to reach a consensus on how undeveloped leases should be handled and the extension of existing moratoria.

Question. The Department recently announced its denial of a permit for the Glamis Imperial gold mine that was proposed for development in Imperial County, California. The decision was based on the grounds that it would have caused undue degradation to the site’s environmental and cultural resources. Do you think it is appropriate under current law for the Secretary to reject mines like the proposed Glamis Imperial Mine on these grounds?

Answer. I am not familiar with the specifics of the Glamis mine proposal or the basis on which the mine was rejected. I look forward to learning more about this proposed Glamis project and working with Congress to forward to learning more about the proposed Glamis mine proposal or the cultural resources. Do you think it is appropriate under current law for the Secretary to reject mines like the proposed Glamis Imperial Mine on these grounds?

Question. Recently, the National Park Service developed a detailed plan for the future management of Yosemite National Park. This plan was developed after considerable input from all of the affected stakeholders and over 10,000 members of the public submitted written comments to the agency. Central to this plan is the notion that visitors to the park should be encouraged to leave their personal vehicles outside the park and travel throughout the park transit system. As Secretary of Interior, will you actively support implementation of the new Yosemite Valley Management Plan? Will you be aggressively pursuing similar management plans for the many other national parks that are suffering environmental degradation because their management practices have not kept pace with the growing numbers of visitors?

Answer. I am not familiar with the details of the Yosemite Valley Management Plan. As a general matter, I support the concept of management plans for our public lands and believe that they represent an important decision-making tool for land managers. For these plans to be successful, I believe it is important that they be developed in conjunction with the affected States, local communities, affected stakeholders, and environmental groups.

Question. In 1998, the U.S. Fish and Wildlife Service adopted a policy for Tulare Lake and Lower Klamath National Wildlife Refuges in California and Oregon that prevents irrigational impacts on commercial farmland on the refuges unless sufficient water is available to sustain the refuges’ marshes. Do you support this policy which gives priority to the refuges’ ecological resources over commercial farming? The National Wildlife Refuge System Improvement Act of 1997 set new requirements for the management of refuges. In response, the U.S. Fish and Wildlife Service issued regulations establishing procedures for determining whether leases are compatible with the mission of the refuge system and the mission of each individual refuge. Do you believe farming is compatible with the mission of National Wildlife Refuges? What uses would you deem to be incompatible with the mission of National Wildlife Refuges?

Answer. I am not familiar with the details of the Department’s 1998 policy. I have not yet had an opportunity to review the Compatibility Policy, and am not in a position at this time to assess how it might affect the Tulare Lake and Lower Klamath National Wildlife Refuges. I am also aware that the Fish and Wildlife Service recently issued a draft Appropriable Uses Policy that may impact activities on refuges such as Tulare Lake or the Lower Klamath. I look forward to learning more about the Fish and Wildlife Service’s policies implementing the National Wildlife Refuge Improvement Act and about the 330 Refuges in the National Wildlife Refuge System.

Question. The Department of the Interior, with the assistance of the Hoopa Valley Tribe, announced on December 19, 2000, a plan to restore the Trinity River in California. The decision is based on 20 years of scientific research and public involvement. It completes a process supported by the Carter, Reagan, Bush and Clinton Administrations and has enjoyed bipartisan support in the Congress. Your Department to follow through on the decision and implement the Trinity River restoration program?

Answer. I am not familiar enough with this restoration plan to respond to this question at this time. I look forward to working with you to learn more about this plan and the Department of Interior’s role in implementing it.

Mrs. BOXER. Mr. President, she had a good answer on the Outer Continental Shelf moratorium where she said she was not going to have leases off Santa Barbara, I didn’t get the same answer. She said she would look at them on a case-by-case basis. That is not good enough because the Secretary must fill in this type of decision-making tool. Why wouldn’t she just take it off the table? She couldn’t do that.

I am very troubled, and we will have a lot of debate over those 36 existing leases. It is one of the most pressing environmental issues in California. We have unwavering opposition to the development of those leases. Since she says she is for States rights, now she can’t suddenly say I’m for States rights on this one.

Finally, I want to address the Arctic National Wildlife Refuge. I am not going to spend a lot of time on that. That will come at a later date. I agree with President Bush. It is unfair to criticize her for not wanting to drill in the Arctic, she says, I don’t believe that a lifetime commitment will solve our needs. That is not good enough because the Secretary must fill in this type of decision-making tool. Why wouldn’t she just take it off the table? She couldn’t do that.

If you look at her historical role in pushing to open up the refuge, and her links to the oil and gas industry through the Mountain States Legal Foundation, and the oil companies that hire her current lobbying firm, and the oil and gas interests that gave her significant contributions during her Senate race, I think there are valid questions we could raise about whether she can effectively serve the role that the Secretary must fill in this type of decision-making tool.

What does it mean by that? Let me show you a picture of the Arctic Wildlife Refuge. You already saw a picture of the caribou there. This is just an open view of the Coastal Plain. By the way, this came from, if Senator Murkowski is listening, the State biologists in Alaska. They wanted us to show this Coastal Plain. Basically, we are going to have a huge debate over whether to open up this refuge to drilling. This is going to be a tough debate. I know that at best there is 6 months’ worth of oil there. If you just change the mileage on SUVs a few miles you wouldn’t have to do any of this. But we will have that debate. I look forward to it.

But Ms. Norton, in her position, is going to have to be objective about facts such as how much oil lies there, and what is the impact on the caribou and the rest of the environment. I question whether she would be objective given her strong stand in favor of oil drilling.

My State is suffering from energy problems. I want to put something right out here right now. Outside of California, the people are saying it is California’s fault because it didn’t build enough powerplants. I want to explain something. It was explained very well in the New York Times editorial. Our utilities did not want to build any powerplants because they want to continue to use what we already have. But new powerplants were built in the 1990s because prices were low, supplies were plentiful, and producers wanted to wait until they better understood the new era of deregulation.

The State of California recognized back in the 1980s that generation needs might increase, and they tried to move forward with building for new generating plants. It was the utilities, not conservationists, who blocked the efforts. They said we didn’t need new powerplants. They said we didn’t need new capacity until 2005, and they took their appeal to the State administrative law judge in their efforts to stop the State’s push for new generating plants.

The utilities lost that battle. The State said you have to build new generating plants. Do you know what the utilities did? They ran to the Federal Energy Regulatory Commission. And guess what the Federal Energy Regulatory Commission did; they sided with the utilities over the objections of the State, and therefore we did not have these plants go on line. Finally, now they are coming on line, and that, along with long-term contracts and energy conservation, will solve our needs.

I can assure you that you rolling back environmental laws and making our air dirty is the last thing my constituents want or need.

In Ms. Norton’s testimony before the Energy Committee, she backed away from her lifetime commitment to solving our energy problems. Call me simplistic—and you can, and I don’t mind it because I know I am a tough debater in this way. Call me simplistic, but I do not believe that a lifetime commitment to repealing environmental laws will be dissipated by nice, warm, fuzzy statements made in front of a committee.

I was not born yesterday. I watched James Watt. He made nice, warm, fuzzy statements in front of the committee. He said: I will fully and faithfully execute the public land laws adopted by Congress. I believe in balance. He said in his answers: Gee, I am unfamiliar with the details.
That is what Ms. Norton said. As a matter of fact, I find the parallels chilling, looking at her answers and looking at his answers.

We remember Secretary Watt’s tenure at the Department of the Interior: Catastrophic impacts on the environment, opening up millions of acres of protected Federal lands, blocking Federal land acquisitions, making substantial changes in strip mining regulations that weakened or directly repealed environmental law, new plans for oil and gas drilling in the Arctic, etcetera.

In closing, let me say I cannot vote for someone for this important position whose life record has been against every single law that she says she will now protect. There is too much at stake for my State. There is too much at stake for the Nation. I have laid out my reasons. I take the Senate’s responsibility of advice and consent seriously.

I would like to submit for the Record the statement which includes the extreme statements I referred to in my comments. I ask unanimous consent they be printed in the Record.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,

Hon. F. Henry Habicht, II,
Assistant Attorney General, Division of Land and Natural Resources.

Attention: DONALD A. CARR, Esquire,
Chief, Wildlife and Marine Resources Section,
Department of Justice, Washington, DC.

DEAR Mr. HABICHT: In Palilia v. Hawaii Department of Land and Natural Resources, Civ. No. 78-0030 (D. Hawaii, Nov. 22, 1986), the United States District Court for the District of Hawaii recently issued an opinion that interpreted the scope of the “taking” prohibition of the Endangered Species Act, 16 U.S.C. § 1538 (1982). The Interior Department is concerned that the Palilia court’s discussion of the concept of taking, or “harm”, and the definition of habitat degradation is overbroad; therefore, should the Palilia decision be upheld, the Department requests the opportunity to prepare or review an amicus curiae brief for submission to the Ninth Circuit Court of Appeals.

In determining that the State of Hawaii’s maintenance of mouffon sheep on the Mauna Kea Forest Management Area (which includes most of the Palilia’s critical habitat) “harm” the Palilia, the district court held that: ‘A finding of ‘harm’ does not require death of a single individual, or members of the species, nor does it require a finding that habitat degradation is presently driving the species further toward extinction. Habitat destruction that may result from any actions or policies by affecting essential behavioral patterns causes actual injury to the species and effects a taking under section 9 of the Act.’ Palilia, supra, slip op. at 9. The district court’s analysis appears to improperly blend Section 7 concepts (i.e., the prohibitions against jeopardy and the destruction or adverse modification of critical habitats) with the definition of “harm,” and, therefore, needlessly expands that definition to include habitat destruction that does not actually result in, or even endanger, species, either directly or indirectly in the foreseeable future. In order to show “harm,” there must be proof of a causal relationship between the habitat modifying activity and foreseeable death or injury to an endangered species.

The acquisition holding in Palilia runs counter to the Interior Department’s redetermination of the term “harm”: Harm in the definition of “take” in the Act means an act which actually kills or injures wildlife. Because act may include significant habitat modification or destruction where it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.” 50 C.F.R. § 173 (1985) (emphasis added). In short, the department’s definition of “harm” quite definitively requires a showing of actual death or injury to wildlife, even in the case of taking by habitat modification.

For those who would develop real estate on palila or property affected species habitat, the Palilia decision could expand their Section 9 liability if essential behavioral patterns of the species are affected to the extent that recovery is prevented. No proof of mortality or actual physical injury to endangered species would be required to sustain a prosecution or civil injunctive action under the Palilia decision. Palilia decision opposes an equally serious concern to federal land managing agencies.

Please contact Michael Young of my staff at 343-2272 if you can be of assistance on this matter.

Sincerely,

GALE A. NORTON,
Associate Solicitor, Conservation and Wildlife.

TAKINGS ANALYSIS OF REGULATIONS

(Prose Gale A. Norton)

Because the taking concept discussed why property is both an enemy and an ally of regulation, I will move immediately to a discussion of how to protect property from excessive regulation. How do we restore a balanced relationship? I would like to discuss a few things happening on that front.

This Symposium occurs at an appropriate time: March 15, 1989, is the first anniversary of the issuance of President Reagan’s Executive Order 12,630 dealing with takings. It is surprising that the Executive Order has received so little analysis. It is a unique approach to the issue. It asks the federal agencies to move beyond their environmental and regulatory impact analyses, and to focus on takings impacts.

The agencies are asked to examine their regulations and determine whether the regulations are likely to cause takings of property and, if so, how the regulations will have on the federal budget. As might be expected, the agencies are not wildly enthusiastic about performing takings impact analyses. The agencies tend to believe that they are not taking anything and that they should never have to pay compensation. Nevertheless, it appears that the agencies are beginning to recognize the importance of performing analyses in accordance with the Order.

Compensation is the key issue in any analysis under the Takings Clause. First, of course, compensation provides fairness to the person who is harmed by the regulation or other government action. The classic rationale for compensation is that, in fairness and justice, one individual should not be forced to bear the burden that ought properly to be borne by society as a whole. Second, compensation tends to limit government actions that enable the benefit of spending other people’s money, their actions are constrained by their agency’s budget. If the government must pay for such compensation in addition to paying private property rights, then its regulatory actions must be limited. This constraint also results in a limitation on transfer activity. If compensation is paid, the political system must take into account some financial costs. Therefore, some brakes are applied on political decisionmaking as a system that puts everyone’s property rights up for grabs.

Finally, the payment of compensation helps encourage the resolution of social problems through private, voluntary contractual arrangements rather than by regulation. It substitutes a cost-free administrative standard by regulation because the costs are off-budget. But when regulations impose burdens on private individuals, the costs are borne by the public sector, thus interfering in the democratic decisionmaking process. As those costs are returned to the budget by payment of compensation, we will start looking at alternatives that may in the long run be more beneficial.

President Reagan’s Executive Order on takings has encountered significant disapproval from the environmental community, including criticism from Jerry Jackson, a former attorney for the National Wildlife Federation. He said the Executive Order merely requires an impossible task: it requires the agencies to determine under the current takings law what actions might be unconstitutional to ask at this point. The takings case law is currently such a mess that it is difficult to ascertain what is and is not a taking. The Supreme Court has provided clear guidance in this area.

I, however, disagree strongly with Mr. Jackson about the role of the Constitution in executive agency decisionmaking. He seems to believe that the only way the Constitution figures into an executive agency’s discussion is that, long after the fact, a court finally addresses the matter that there was indeed a taking. Before a court’s decision, the agency should be oblivious to the takings implications. Mr. Jackson says, “Whether a permit denial might be construed by a court to effect a taking is not a relevant factor in an agency’s decision to grant or deny the permit absent express legislative authority making it a factor.” I would be very interested to see that legislative authority. It would have to say something like, “In this case, the Constitution applies.” Mr. Jackson also notes that the Executive Order on takings may have a chilling effect on regulation. I view that as something positive.

I consider next the formulations that might be used in deciding when an environmental regulation is a taking and ought to result in compensation. An exception to the compensation requirement has been recognized when the government acts pursuant to the police power or restraints public nuisances. The exact scope of this exception is not clear. Because we are looking at alternatives, I will act like a good bureaucrat and look at the extreme alternatives.

One assumes that there is absolutely no police power or nuisance exception to the takings rule. The government pays whenever it regulates in a way that interferes with private property rights. A regime like this would be easy to administer. One would simply look at the property values before and after the regulation is imposed to determine the amount of compensation. But under this regime, the government would have to pay for all types or regulations—even those that halt the worst criminal offenses. (One wonders how the government would be for closing down a crack house—probably mind-boggling.) In such a case, we have little justification for taking money from criminals and not from private individuals. An alternative is to engage in socially inappropriate or criminal behavior. Such cases also pose the danger of
someone coming back time and time again with, “Well, last time you paid me to close down a crack house. Now it’s time to pay me to close down the bordello, and next week you come down with another crack house to close up.” The model is open to exploitation by repeat offenders.

At least, I assume that the government does not have to pay at all unless it chooses to label its action condemnation. Again, such a regime would be easy to see. In fact, it would be necessita-
tile. The government never would have to worry about what it takes, but individual rights clearly would not be protected.

One formulation that actually has been adopted by the courts is a nuisance exemp-
tion: No compensation is due if a taking is performed pursuant to the police power in regulating a nuisance. Unfortunately, this is often expressed as a broad police power ex-
emption: Compensation need not be paid for government actions undertaken pursuant to the police power. The problem with this ap-
proach is defining the police power. The po-
ce power may be interpreted very broadly, as it was, for example, in the License Cases of 1897: “nothing more or less than the pow-
ers of government inherent in every sov-
ereignty to the extent of its dominions.” The definition is sufficiently flexible that almost any form of regulatory taking would ever be compensated. Furthermore, there is no textual support in the Constitution for an exemption to the takings rule for police powers. A further problem with a broad police-power exception to the compensation requirement is that the public-use requirement in the Takings Clause has been interpreted as being “coter-
minus” with the police power. Combining a police-power exception to the compensation requirement with a public-use requirement of what is a public use leaves an empty box as to when compensation would be awarded. A taking would be appropriate if performed pursuant to the police power and otherwise to public use, but no compensation would be necessary because it falls within the police-
power exception. A much better formulation focuses on the extent of the property rights involved, pre-
sumably, there is no actual property right in maintaining a nuisance. Thus, government is not injuring anyone when it halts a
nuisance because there is no property right to take. The Keystone decision states this rule, but the Supreme Court decision does not ignore it. There was clearly a property right under state law in that case, but the Su-
preme Court proceeded as if there were no such right.

Another crucial step in the analysis is de-
fining a nuisance, including determining whether a nuisance is to be interpreted by the common law, and deciding whether nui-
sance is synonymous with a negative exter-
nality. If they are synonymous, then aesth-
etic harms are a problem. Let me give you an example. I am from Denver, I am a Broncos fan—at least I watch about half of every Super Bowl game in which they are in-
volved. If they win when we are watching our first Super Bowl, there was a craze to paint one’s house Broncos orange. If I lived across the street from one of those houses, I would view it as an aesthetic harm to myself as an inter-
ference with my right to use my property, but I doubt that we want to regulate such aesthetic harm.

A different formulation of identifying a nuisance is to require a physical invasion of neighboring property. A physical invasion test eliminates the physical harm. But physical invasion standing alone is not necessarily a nuisance. There must be some additional ele-
ment of harmfulness, undesirability, or inap-
propriateness.

Another alternative is to consider some kind of reasonable right to use our property.

January 30, 2001

CONGRESSIONAL RECORD—SENATE

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In the Nollan case, Justice Scalia, writing for the Court, noted that the right to build on one’s property was an actual right and not a government-granted privilege. Regula-
tions that involve a taking are subject to specific constitutional limitations and threaten to imposes in land-use litigation. Interestingly, we might even go so far as to recognize a nuisance to polute or to make noise in an area. This approach would eliminate some of the theoretical problems with defining a nuisance.

Moving beyond defining the nuisance exception to the just compensation requirement. I would like to summarize a few other key components of current takings analysis. An emerging way of looking at the ques-
tion of damages is to characterize a claim to just compensation as if the government has imposed a taking. This test has not yield-
ed particularly enlightening results. A right to compensation should be eliminated by the Court, it has seldom been used to strike down an uncompensated taking.

One alternative is to consider some kind of reasonable right to use our property. In the case of wetlands dredge and fill permits. A good example of such an approach is the state of Florida. The purpose of the wetlands regulatory pro-
gram is to protect water quality. Its applica-
tion has been judicially and administratively expanded to protect wetlands values. Fre-
quently, conditions are placed on dredge and fill permits that have no relationship to the overall purpose of the regulatory program, such as providing recreational boat ramps and docks. It will be interesting to watch how these issues are treated as the Executive Order analysis develops.

In this discussion, we have not examined a number of other formulations in the takings context—compensating benefits and so forth—that further complicate the whole analysis. As the preceding discussion indi-
cates, the analysis at this point is very con-
fused and inconsistent. This confusion, how-
ever, may be explained by a major shift in takings jurisprudence, toward a greater protection of property rights.

[Panel II]

ECONOMIC RIGHTS PROVISIONS OF THE CONSTITUTION

(By Gale Norton)

I would like to explore some of the means by which I believe the Constitution provides judges with standards for the protection of economic liberties. Throughout the history of the United States, the protection of eco-

nomic rights has been attempted through a variety of provisions. These factors were
the contracts clause, the takings clause, the privileges and immunities clause, and through theories of natural rights and due process. While these approaches has been largely rejected by the courts, liti-
gants are continually exploring new ap-
proaches for the protection of economic rights.

Economic rights are clearly not protected today. Land is owned subject to the whims of neighbors and the government. The eminent domain power is not explic-

tely provided in the Constitution, but it has been upheld for many years as a necessary and inherent power of government. The po-

cel power firmly prevailed in the early days of the United States, but it has now been broadened to include not only the pro-

tection of public safety, health, and morals, but anything rationally related to these broad areas. Indeed, Justice Brennan stated in his dissent in Nollan v. California Coastal

Commission that a review of the use of the po-
ce power “demands only that the state
could rationally have decided that the meas-
ure might achieve the state’s objective.”

Thus, the only practical limitation on this power comes from specific constitutional provisions such as the contracts and takings clauses.

The police power is basically government regulation for the promotion and protection of health, safety, morals, and the general welfare. In a narrow sense, it is the govern-
ment attempting to enforce the maxim that we only do those things that do more good than harm. This analysis requires that conditions put on permits have the same health and safety ob-
jectives, and substantially advance the same objectives, as the denial of a permit would serve. A good example of such an approach is the case of wetlands dredge and fill permits. The purpose of the regulatory pro-
gram is to protect water quality. Its applica-
tion has been judicially and administratively expanded to protect wetlands values. Fre-
quently, conditions are placed on dredge and fill permits that have no relationship to the overall purpose of the regulatory program, such as providing recreational boat ramps and docks. It will be interesting to watch how these issues are treated as the Executive Order analysis develops.

In this discussion, we have not examined a number of other formulations in the takings context—compensating benefits and so forth—that further complicate the whole analysis. As the preceding discussion indi-
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fused and inconsistent. This confusion, how-
ever, may be explained by a major shift in takings jurisprudence, toward a greater protection of property rights.

The police power is basically government regulation for the promotion and protection of health, safety, morals, and the general welfare. In a narrow sense, it is the govern-
ment attempting to enforce the maxim that we only do those things that do more good than harm. This analysis requires that conditions put on permits have the same health and safety ob-
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the clause. The Court had previously held that the *ex post facto* clause applied only to criminal activities, thereby preventing its use for the protection of contracts. Thus, by 1877, the Court had moved away from viewing the contracts clause as a broad free-
dom of contract provision that would protect contracts generally.

Today, Section 10 is so weakened that in the recent *Keystone Coal* decision the Court stated, “Unlike other provisions in article I, section 10, it is settled that the prohibi-
tion against impairing the obligation of con-
tracts is not to be read literally.” The chief reason for this view of the contracts clause is that courts clearly stated that the clause does not supercede the police power. This puts us in a “catch 22” position because the police power in the modern broad sense of what constitutes a rule or regulation goes too far, it is a taking.

One might wonder why the police power and the taking clause have remained so closely connected. The courts have clearly stated that the police power is not equal to a taking. The courts have stated, *stated, stated* the Supreme Court held that the public use clause was meant to operate as a check pre-
forecast the analysis takes a simple polit-
ical science approach, i.e., that the takings clause was meant to operate as a check pre-
venting growth in federal taxation and borrowing of the other forty-nine percent of society. Compensation must be paid when the bur-
dens of society fall too heavily on an indi-
vidual or group, which presumably limits regulatory excesses. The compensation may be monetary or implicit in-kind compensa-
tion. Thus, those who are burdened or taxed for the benefit of society are compensated for their special sacrifices.

The current judicial interpretation of the takings clause, however, falls far short of the role discussed by Richard Epstein and in-
tended by the Constitution. For instance, in the public use cases of *Hawaiian Housing Au-
thority v. Midkiff* and *Ruckelshaus v. Mon-
santo* the Supreme Court held that the pub-
ic use justification is coterminous with the police powers. This interpretation can work to deprive individuals of their economic rights. The public use clause goes beyond property from the public use clause to private party, through the compul-
sion of the state, will now be upheld when any rational basis can be put forth. More-
ever, each step up the ladder of state’s public use determination involves an impossibility and therefore has no rational justification.

In the case of a regulatory taking, the stan-
dard approach has been that when regu-
lation goes too far, it is a taking. “Too far” generally means that a regulation, under the term of the police power, does not advance a legitimate state interest or that an owner has been deprived of all economically viable use of the property. This is a rule that courts will uphold any state action that is supported in any fashion by some state in-
terest. Moreover, the courts have held that the loss of only one or several attributes of the “bundle of sticks” of property ownership is not equal to a taking. The courts have gone to ridiculous extremes to find some remaining economic use. The only belief the courts have granted property owners in this area in recent times has been to hold that a deprivation of property need not be permanent in order to force the takings clause. This is a minimal breakthrough since the property owner still has the ominous burden of showing that a taking has oc-
curred.

I believe that some changes are des-
paperly needed in the jurisprudence of eco-
nomic liberties. The preceding analysis sug-
gests some specific overall changes. I think one important change should be in the level of scrutiny applied to statutes affecting eco-
nomic liberties. An extreme proposal would be to place the burden of proof on the gov-
ernment to justify its regulations. Levels of scrutiny below the majority, but higher than the current minimal scrutiny, are realistic.

I would like to note that there are some grounds for optimism in the recent Supreme Court decisions. *Bernard N. Siegal’s Federal Eco-
nomic Liberties and the Constitution*, states: “A change of one vote on the Supreme Court in *Ogden v. Saunders* would have, in 1837, made the Court’s reasoning being clear through the contracts clause. One vote like-
wise separate the majority and minority position on the constitutional status of eco-
nomic liberties in the 1872 Slaughterhouse cases. *Economic due process was unanimously accepted in 1897 and it fell by one vote in 1937.*

Hopefully in the future these close calls will be resolved in favor of freedom.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louis-
iana.

Ms. LANDRIEU. Mr. President, I yield myself such time as I may con-
sume of Senator MURkowski’s time, I believe. I ask for 7 minutes.

The PRESIDING OFFICER. Without objection, is it agreed?

Ms. LANDRIEU. Mr. President, that is one of those remarkable things about this body. We can come to the floor and debate vigorously many dif-
ferent issues. In this case, we are mak-
ning remarks about what I hope will soon be our secretary of the environ-
ment, our Secretary of the Department of the Interior, Gale Norton. I come to the floor to give some words of support for her appointment and with just the greatest amount of respect to my colleague who just spoke, Senator BARBARA BOXER. Mrs. BOXER. I thank the Senator.

Ms. LANDRIEU. Thank you very much.

With all due respect to my colleague from California—and I have the greatest respect for her as an environmental leader—I have carefully considered the nomination and the remarks of the attorney general of Colorado, to be our Secretary of the Interior and arrived at a different conclusion.

Let me begin by saying that since the announcement for this position, there has been much debate about posi-
tions she has taken throughout the course of her career. Whether the topic has been protection of private property rights, environmental self-audits, or certain provisions in the Endangered Species Act, she has advocated for lim-
its on Federal power while arguing for more State and local authority.

In its core essence, that is not nec-
essarily a bad thing. We need to be very sensitive to local and State gov-
ernments as we craft and fashion and design environmental laws for this Na-
ton. Frankly, I think in some in-
stances the Federal Government has gone, you might say, overboard or has not had as much sensitivity to State and local governments as perhaps we should. We are still a work in progress here.

I find her position, actually, for State and local authority, refreshing and necessary, recognizing that one size does not fit all. But I do not ques-
tion her commitment to clean air, to clean water, and to finding the right ways to pursue that goal.

In her 2 days of testimony before our committee as well as her answers to a few hundred written questions, I believe she has sufficiently indicated her honest intention to enforce the Federal laws as they are written and as the courts have interpreted them. Policy differences from time to time between Ms. Norton and the Members of this body are unavoidable. However, she has listened attentively to the concerns ex-
pressed by members of the committee, and her pledges to work with us seem genuine.

In addition, I am encouraged by her comments that she was willing to give additional consideration to the im-
pact of Federal laws on State and local interests, which is something I men-
tioned before as very important to me and many Members, Democrats and Re-
publicans, in our body. While there are certain instances where national policy on environmental issues is necessary, as I said earlier, sometimes one size does not fit all. We would be wise to recog-
nize that and implement different strategies for different regions and differ-
ent States.

In fact, Ms. Norton and I had the op-
portunity to discuss such a matter dur-
ing her recent visit to my office—my favorite subject, actually—the Con-
servation and Reinvestment Act, which is a conservation program that will benefit all 50 States. She expressed an in-
terest to learn more about this. She expressed a very keen understanding of the contribution made by coastal States, in terms of the amount of
money that is sent to the Federal Government from offshore oil and gas production, that could be used more wisely to replenish and restore some of our renewable resources while we are, in fact, depleting a nonrenewable resource.

Based on the crisis that we are facing in our Nation today, our energy crisis—as the chairman, Senator Murkowski, from the State of Alaska, has so ably spoken about on this floor so many times—we really now recognize the value of producing States. Let’s make sure the billions of dollars we are sending to the Federal Treasury are used not just for general government purposes but used to invest in our environment to provide parks and recreation, wildlife and conservation, and, yes, to extend help to coastal impact assistance and coastal communities everywhere.

She says she understands it. Although she has not officially endorsed the bill, she will work very closely with us to carry out our work on CARA. Let me be quick to mention, though, that while she has not taken an official position and did not do so in the Senate, President Bush did in fact endorse, during the campaign, the CARA legislation. He did remind us all as Americans that you just can’t keep taking; that sometimes you have to give back. We want your children and your grandchildren to enjoy the same benefits of open spaces, wildlife, and fisheries.

Mr. President, I ask unanimous consent for 2 more minutes to close.

Mr. MURKOWSKI. If I may, I dearly want to accommodate my good friend from Louisiana, but Senator LANDRIEU asked for 7 minutes, Senator Hutchison for 5, and Senator BAUCUS for a minute and a half. The two Senators from Colorado need time, and we have to finish at 12:30. I encourage colleagues to try to keep within their time limits.

Ms. LANDRIEU. I thank the Chair. I will take 1 minute to close.

President Bush endorsed this bill during the campaign, and I believe with Ms. Norton’s leadership, with President Bush’s leadership, and with bipartisan leadership in the Senate and House, it is an early bipartisan victory we can achieve for the environment and for our Nation. I look forward to working with her on that and many other issues. I am proud to support her nomination as our new Secretary of the Interior and I look forward to working with her in the years ahead.

I thank the Chair, and I yield back whatever time I have remaining.

Mr. MURKOWSKI. I thank the Senator from Louisiana. I believe the Senator from Texas seeks recognition as the next in order on the list, followed by Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I take this opportunity to offer my wholehearted support for Gale Norton’s nomination.

After all the rhetoric about Ms. Norton for the last month, it only took two appearances before the Energy Committee to get an 18-2 vote. That may not be unanimous, but it is mighty close to it. It is certainly overwhelming. I believe it is evidence that an overwhelming majority of the committee knows she is an outstanding candidate for the job.

She has proven she is knowledgeable, articulate, and capable of enduring round after round of detailed questions while being the object of rather outrageous charges and mean-spirited ads paid for by her extremist detractors.

She handled it, as she does everything, by simply focusing on the job at hand. The more she sat in those hearings, the more she convinced our colleagues that she is the right person for the job.

My Democrat colleagues on the committee saw, as with several other Bush nominees, that getting through this nomination process is not easy. The environmental groups that focused on her simply were wrong. Her management direction and experience have been proven over and over, and I was pleased to hear some very enthusiastic and
Some of the things said about her are simply not correct.

That is absolutely true. Some of the articles in paid-for ads in the Washington Post were simply distorted.

She certainly allayed, through her testimony and her answers to 227 written questions to the committee, the fears my colleagues had. Senator Baucus, Senator Bingaman, all valued Members of this body, questioned her at length and came away with the same opinion I have: That she is going to be a very good Secretary of the Interior. Directly after the vote, the same people who had attacked her before did so again, and also sent kind of a warning shot to the Senate Democrats on the committee. The President of the Friends of the Earth, a prominent environmental group, said the vote that Senator Norton is “a wolf in sheep’s clothing” and “she pulled the wool over the eyes of the Senators.” That paragraph was in the Washington Post on January 24. These are the types of fictional jabs that I believe led to the vote for her overwhelmingly.

Contrary to the Friends of the Earth, she did not pull the wool over anybody’s eyes. In fact, if anything, she opened the eyes of many of the committee members who had some questions about her qualifications before she had a chance to be interviewed.

I have known Gale for many years both in a professional capacity and as a friend, too. Let me state for the RECORD, she has a long and distinguished career of doing the right thing—always. Her consensus-building ability might be best illustrated by her 8 years as Colorado’s attorney general. There she defied the incumbent Democrat, Governor and still accomplished much for the betterment of Colorado, not the least of which was the cleanup of Superfund sites.

For more than 20 years, she has provided leadership on environmental and public lands and has demonstrated a responsible commonsense approach to preserving our natural heritage.

I listened to some of the comments of her detractors on the floor this morning, and I will tell you that that is not the Gale Norton I know. In fact, the Gale Norton I know represents a balanced approach to public lands.

Another significant fact to know about Gale Norton is she is committed to enforcing the law as it is written. Throughout her questioning in front of the Energy Committee, she repeatedly stated she will enforce the letter of the law with which she is entrusted. I believe her. The majority of the committee also believed her.

I think that is a novel approach. I say to the Presiding Officer, coming from the West, you, as I, have seen a Secretary of the Interior the last number of years who believes laws are passed by Congress, and they are simply an extension of what the Secretary of the Interior wants to do by rule-making authority. Ms. Norton will follow the rule of law.

She listens to common sense while she searches for common ground. Unlike many in Washington, she understands that real environmental solutions do not just come from beltway professionals driven by ideological purists but come by including people whose lives are going to be affected. They come from real people with honest concerns about the land and water.

She relayed this to all of the Senators she testified before and visited around the time of her confirmation hearing. She proved to 18 of the 20 Senators of the committee that she is the right person for the job. She is up to the task. She is a very fine Secretary of the Interior.

And probably above all, we have witnessed in the West in the last few years a process which certainly locks out any local input whatsoever. Ms. Norton is concerned about that. She knows that the people whose lives are affected at the local level must also be included when we talk about public lands policy. Her record as a public servant demonstrates she will work with all parties to draft reasonable regulations. That kind of even-handed approach to public land management has been missing, and the West is worse off for it. I know she will bring to this office of Interior decisive action in the land and resource issues where we have recently seen too much photo-op and not enough solid demonstrable decisions.

I believe she should be confirmed by the full Senate quickly, and by a large margin, and certainly would ask my colleagues to do so.

With that, I thank the Chair and yield the floor.

Mr. MURkowski addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURkowski. Mr. President, might I ask, how much time is remaining for debate?

The PRESIDING OFFICER. Seventeen minutes 15 seconds.

Mr. MURkowski. Seventeen minutes. I thank the Chair, and I thank my colleague from Colorado.

Mr. President, virtually every newspaper in Colorado has endorsed Ms. Norton. I cannot think of one that has not. The attorneys general throughout the United States have rallied behind her, those who have worked with her and know her. I cannot think of a greater tribute to her than hearing from those who have worked with her and respected her over an extended period of time.

Mr. President, I ask unanimous consent that a letter from the International Brotherhood of Teamsters, dated January 29, 2001, signed by the general president, James P. Hoffa, be printed in the RECORD.

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


DEAR SENATOR: On behalf of the 1.5 million members of the International Brotherhood of Teamsters, I urge you to support the nomination of Gale Norton for Secretary of Interior. As you know, the United States finds itself facing an ever-growing crisis in meeting its energy needs. As skyrocketing gas prices hit the pocketbooks of working Americans and recent oil congressional hearings have revealed, the economic engine of California, the citizens of this country look to the federal government to address this problem now.

Our first step must be to increase the United States’ energy independence. The Arctic National Wildlife Refuge (ANWR) offers a realistic and immediate opportunity for working toward this goal. Tapping the resources of ANWR in an environmentally sensitive manner will provide 10.3 billion gallons of oil, while at the same time creating an estimated 25,000 Teamster jobs and potentially 750,000 jobs nationwide.

Ms. Norton recognizes these facts. Her commitment to finding real solutions, particularly with regard to ANWR, demonstrates that she has the ability to balance the needs of the environment with the needs of working Americans.

Admittedly, during her tenure as Colorado Attorney General, Ms. Norton did oppose the labor community on some issues very important to our members. However, I believe that her commitment to energy independence and job creation portends a welcome shift in priorities for the Department of the Interior that will benefit Teamsters and other working families.

For these reasons, I ask you to vote to confirm Gale Norton as Secretary of Interior.

Sincerely,

JAMES P. HOFFA,
General President
January 30, 2001

CONGRESSIONAL RECORD — SENATE

healthy, and it is a part of the process before us. But I think some in the environmental community could learn from that model associated with Ms. Norton’s confirmation effort. She represents some of the western values and approaches toward public lands and the environment.

People are free to disagree with her values and approaches; however, in some cases, some have tried to portray her as an extremist. Representatives of some special interests said that she has spent her lifetime trying to undermine the mission of the agency she is nominated to lead; that is, the Department of the Interior.

The disreputable rhetoric used was never born out in fact. In her entire testimony before the committee, of which I chair, the Energy and Natural Resources Committee, where we have held 2 days of hearings, we had her respond to about 224 questions. We voted her out of committee with a 18-2 vote.

In any event, that rhetoric is without reality and has led to questioning the goals of some in the environmental community. I do question the goals, and I do question the effort to basically character assassinate this nominee.

Let me quote from a January 19, 2001, guest editorial in the Chicago Sun-Times:

The Norton nomination exposes a growing schism within the national environmental movement. An increasingly radical left wing, funded by a small number of liberal foundations of millions of dollars each year from government grants, will stop at nothing to shut down American manufacturing and to ban all public access to public lands. These are the same groups that rioted in Seattle in November 1999 and are burning public lands. These are the same groups that tried to derail the Endangered Species Act. In her appearance before the Senate Committee on Environment and Public Works, Ms. Norton made it clear that she is not a member of these groups.

Mr. President, it goes without saying that the Colorado newspapers have supported Ms. Norton, but they go further than that. How about the Tacoma News Tribune:

Norton has been described, even by some Democrats, as bright, hard-working, highly ethical and willing to at least listen to those with opposing views.

Washington State Attorney General Christine Gregoire said:

The Sierra Club asked me not to say positive things about (Ms. Norton). I told them to show me why she shouldn’t be confirmed. I am still waiting for them to show me the evidence.

Like the Washington State attorney general, I am still waiting to see the evidence. Ms. Norton does not support the Endangered Species Act.

She led the fight to save the California condor. In her appearance before the committee, she repeatedly stated that she would enforce the Endangered Species Act. I have heard testimony run about Ms. Norton’s, something they call, “right to pollute.” They did not clarify that Ms. Norton used this phrase only in discussing emissions trading, a concept later embodied in the Clean Air Act passed by the Congress. It was a Democratic Congress.

These are two of the egregious misrepresentations of her record made by special interest groups. I am almost ashamed of some of these groups.

I don’t think any person in this body should repeat any of the vicious personal attacks made in despicable attempts to derail this nomination. I view some of the attacks as despicable, and I look forward to seeing them. Such distortions and name calling really reflect badly on the authors, not on Ms. Norton. I am also ashamed that some of these D.C.-based groups use the word “Alaska” as part of their name. The name of these environmental interest groups is in tatters after this process. Ms. Norton’s stature remains upright and in one piece.

I know we have heard from a number of Senators expressing their views today. The Senators who will close the debate—we have already heard from Senator Campbell; Senator Wayne Allard from Colorado is next—have worked under the tenure of the attorney general, some of their statements to the Senate as a true picture of the nominee before us, the nominee who will make an excellent Secretary of the Interior.

Finally, they try to rub out the messenger, but they can’t rub out her message; that is, that we will uphold and enforce the law.

I yield the remainder of the time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I thank the Senator from Alaska. I compliment him on a fine job on the floor and in committee on the nomination of Gale Norton to be Secretary of the Interior. I also recognize the diligent efforts of my colleague, Senator Ben Campbell, of Colorado, in carrying forward, making sure we get a confirmation.

I rise today in strong support of President Bush’s nomination of Gale Norton to be Secretary of the Interior. I have known Gale Norton for years and know her to be an individual with strong personal convictions and the utmost professional integrity.

This past month, my colleagues in the Senate and our constituents have had a chance to get to know Gale Norton. During that time they learned that Gale was a member of the law school honor society at the University of Denver; after law school she joined the Denver Bar Association; and during her tenure as the Interior’s Deputy Solicitor, she was awarded the Attorney General’s award for outstanding service. She led efforts to carry forward the implementation of the Endangered Species Act. She was a member of the law school’s Medicare task force. She has been a conservation lawyer.

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I am still waiting to see the evidence. Ms. Norton does not support the Endangered Species Act. In her appearance before the Senate Committee on Environment and Public Works, Ms. Norton made it clear that she is not a member of these groups.

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

(From the Denver Post, Jan. 30, 2001)

SUMMITVILLE GOLD MINE IS CAST AS A POLITICAL BOOGIEMAN

(From Al Knight)

January 10, 2001—The New York Times, for reasons presumed to be political, has attempted to smear Gale Norton, President-elect George W. Bush's choice for Secretary of Interior.

In an article today, The Times essentially attempted to make Norton, a former Colorado attorney general, responsible for what is headlined as 'the death of a river.'

The article is based on a series of factual misrepresentations regarding the Summitville gold mine, also a made a hash of explaining applicable environmental law.

The writer, Timothy Egan, clearly doesn't understand the history of Summitville, nor does he demonstrate any understanding of the ongoing dispute between the Environmental Protection Agency, and various states, including Colorado, that have passed environmental self-audit laws.

Egan's thesis was simple. Summitville was an enigmatic water meter. Norton was attorney general when it happened, thus she was partially responsible for it. Because Norton has supported self-audit laws that allow companies to inventory and report on environmental problems, she therefore must somehow countenance the environmental damage at Summitville.

The problem with this thesis is that it is wrong on almost every count.

Egan misrepresents the so-called death of the Alamosa River. That river has for decades been anything but a prime fishery. The problem with this thesis is that it is wrong on almost every count.

Egan goes on to repeat the falsehood that cyanide releases from the Summitville mine killed fish. It makes for a nice scare story but it did not happen. No fish died of cyanide poisoning.

Norton was attorney general when the state and federal government filed suit in 1996 against financier Robert Friedland—a former owner of the company who ran the mine in the mid- and late 1980s—attempting to recover cleanup costs.

That suit was finally settled last month, with Friedland agreeing to pay $27.5 million. There is no allegation in The Times or elsewhere that Norton did less than quality work in the 1996 against financier Robert Friedland.

There has long been affected by acid drainage from the Summitville site at certain times of the year, and is normally, under the Superfund law, recovery of cleanup costs goes directly into the federal treasury. Friedland has long claimed that the federal government somehow killed with Summitville and said that he did not want his money to be used to effectively finance what he believes is the EPA's nuclear waste program.

This concession was almost certainly won because the EPA had badly botched its legal case against Friedland. Friedland had a major victory in the United States before the Canadian Supreme Court, and it is safe to assume the United States was anxious to avoid having that case go forward. Any matter of Summitville litigation can be directly traced to the EPA and to the Justice Department. Norton was certainly not involved.

Finally, there is the matter of the state's self-audit law. Colorado's law was passed after Summitville went out of business. The self-audit procedure has nothing whatsoever to do with Summitville. What happened under Norton's watch regarding self-audits was quite simple.

The EPA, in effect, declared war on the states that had such a statute, and Norton as attorney general—defended the state law against what she saw as junk federal law. It is impossible to trump or otherwise replace all other federal or state regulation. The truth is that the EPA didn't waste taxpayer money or time and decided to fight the use of self-audit laws even though there was clear and convincing proof that the programs had prevented damage that otherwise would not have been achieved.

The New York Times seems incapable of keeping its clearly liberal political positions out of its news columns. It has achieved something of a temporary new journalistic low in trying to tie Norton to a mythical version of Colorado. The Colorado Attorney General may have made a number of mistakes relative to Summitville, but they pale to insignificance compared with the mistakes made since the EPA's, its waste of millions in tax dollars and the federal government's mishandling of years of litigation. That's the truth, whether The New York Times knows it or not.

Mr. ALLARD. The Denver Post, which describes itself as a newspaper with an active environmentalist agenda says that "Norton should not be slammed as a lawyer and a politician, mistakes," also defends Norton as one who tried to fix Summitville under nearly impossible circumstances. I hope my colleagues read these editorials and help set the record straight to end these vicious rumors.

With Gale as the Secretary of the Interior, we can begin the healing process in our rural communities, of regaining the trust. You see, when I was elected to the Senate, I made a commitment that I would visit their county every year for a town meeting. I've held more than 250 town meetings, and whether I was in the rural communities of Craig and Lamar or the larger communities of Grand Junction and Pueblo, the message was the same—they were tired of constant threats and assaults on their way of life, they don't trust government. And how can they? When in the waning days of the Clinton administration, some 200 new rules and regulations were added to the Federal Register. How can this be good for the environment and the economy?

Gale believes there is a role for local input in the public policy process. It's one thing to say that you believe in local involvement, but to actually use their input and listen is different. I know that Gale adheres to this philosophy also know that she recognizes the role of Congress in protecting our environment. I am confident that she will work with all of us, as elected officials and our constituents to address our complex environmental issues.

With Gale Norton as the President-elect Bush, we will restore the premise that the public and Congress have a role in the decision making process, especially as it relates to federal land management. Local input and congressional support ensures that sound public policy prevails. I know the new administration will work to protect the environment and restore integrity to the public process.

Now that you know who Gale Norton is and what she represents, I hope you too will give her your strong support and vote yes for her confirmation.

Again, I thank Senator MURkowski and Senator BEN CAMPBELL for their efforts on behalf of Gale Norton. It is clear that this nomination demonstrates her knowledge of Indian nations and their position within the federal system.
The Navajo Nation does have its concerns with regard to Indian country policies and initiatives. We advise the new administration to follow the basic goals and principles of affirmation of the commitment to tribal sovereignty and self-determination, protecting and sustaining treaty rights and the federal trust responsibilities, and supporting initiatives that promote sustainable economic development in Indian country.

The Navajo Nation supports the nomination of Gale Norton for Secretary of the Interior and we trust she will continue to work with Indian country as she has done in the past. We look forward to working with her in advancing Indian country policies and Indian initiative for the Bush-Cheney Administration.

Sincerely,
KELSY A. BROYCE, President.

RESOLUTION OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVajo NATION COUNCIL

SUPPORTING PRESIDENT-ELECT GEORGE W. BUSH’S CABINET NOMINEE FOR UNITED STATES DEPARTMENT OF THE INTERIOR, GALE NORTON

Whereas:
1. Pursuant to 2 N.N.C. §821, the Intergovernmental Relations Committee of the Navajo Nation Council is established and continued as a Standing Committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §822(B), the Intergovernmental Relations Committee of the Navajo Nation Council ensures the presence and voice of the Navajo Nation; and
3. Pursuant to 2 N.N.C. §824(A), the Intergovernmental Relations Committee of the Navajo Nation Council shall have all the powers, authority and proper to carry out said purposes; and
4. Pursuant to the Treaty of 1868, the Navajo Nation and the United States Government have a government-to-government relationship; and
5. The United States Department of the Interior is charged with maintaining the government-to-government relationship between the United States and the Navajo Nation; and
6. President-Elect George W. Bush has nominated Ms. Gale Norton as the Secretary of the Interior, United States Department of the Interior; and
7. The Navajo Nation previously interacted with Ms. Gale Norton, former Colorado State Attorney General, on issues, which benefited the Southern Ute Nation and the Navajo Nation.

Now therefore be it resolved, that:
1. The Intergovernmental Relations Committee of the Navajo Nation Council supports President-Elect Bush’s Cabinet nominee, Ms. Gale Norton, for Secretary of the Interior, United States Department of the Interior.
2. The Intergovernmental Relations Committee of the Navajo Nation Council authorizes and directs Navajo Nation President Kelsey A. Begaye to deliver a letter of support for Ms. Gale Norton to President-Elect George W. Bush, Senator Jeff Bingaman, Senator Pete Domenici, Senator John McCain, Senator John Kyl, Senator Daniel K. Inouye, Senator Ben Nighthorse Campbell, Senator Orrin G. Hatch, and Senator Robert F. Bennett, on behalf of the Navajo Nation.

The Navajo Nation therefore urges the Senate to follow the basic goals and principles to which the Navajo Nation subscribes and directs Navajo Nation President Kelsey A. Begaye to deliver a letter of support for Ms. Gale Norton to President-Elect George W. Bush, Senator Jeff Bingaman, Senator Pete Domenici, Senator John McCain, Senator John Kyl, Senator Daniel K. Inouye, Senator Ben Nighthorse Campbell, Senator Orrin G. Hatch, and Senator Robert F. Bennett, on behalf of the Navajo Nation.

Sincerely,

Chairman.

ONIDA INDIAN NATION,
ONIDA NATION HOMELANDS,

Hon. FRANK MURKOWSKI,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

RE: NOMINATION OF GALE NORTON, NOMINEE FOR SECRETARY OF THE INTERIOR

On behalf of the Oneida Indian Nation of New York, I am writing to express support for Gale Norton to be the next Secretary of the Interior.

The Oneida Indian Nation of New York strongly supports the nomination of Gale Norton, a woman who understands the unique needs of Indian Country.

As a member of the Senate Indian Affairs Committee, I have worked closely with Gale Norton, both in private and public settings. She has shown a strong commitment to the principles of self-determination, sovereignty, and economic development that are fundamental to Indian Country.

Gale Norton’s background in law and public service, as well as her experience with Native American affairs, make her an ideal candidate for the position of Secretary of the Interior. She has demonstrated a commitment to working with Native American leaders, and has a deep understanding of the complexities of Indian Country.

The Oneida Nation is confident that Gale Norton will continue to work hard to ensure that the federal government fully respects the rights and sovereignty of Indian tribes. We believe that she will be a strong voice for Indian Country in the White House.

We urge all members of Congress to support Gale Norton’s nomination and to ensure that she is confirmed quickly so that she can begin her new role as Secretary of the Interior.

Sincerely,

Chairman.
Norton to serve as Secretary of the Interior, and hope you will share our remarks with members of the Committee who will visit with her during her upcoming confirmation hearing.

Our Tribes have enjoyed a strong working relationship with the State of Colorado for many years. As Attorney General, Gale Norton frequently gave her wholehearted commitment to resolving issues in a fair and thoughtful way. She is an open-minded leader who listens and then works toward a resolution that she agrees to as a means to a genuine compact with the State of Colorado during her tenure as Attorney General. In addition, her strong and Adamsam support of the Colorado Ute Indian Rights Settlement Act was a major factor in what ultimately became successful legislation to modify the Animas-La Plata Project and still meet the obligation to the Ute people of Colorado.

Ms. Norton is a very capable individual whose public service is not based on a desire for accolade or credit, but on a commitment to resolve issues, no matter how controversial.

We proudly support her nomination and enthusiastically encourage the Senate to approve her nomination.

Sincerely,

ERNST HOUSE, Chairman, Ute Tribe of Oklahoma
VIDA PEABODY, Acting Chairman, Southern Ute Indian Tribe

Mr. MURKOWSKI. I also have letters from the Fraternal Order of Police, United States Park Police Labor Committee endorsing Ms. Norton; the Governor of Guam endorsing Ms. Norton; the Commonwealth of the Northern Mariana Islands endorsing Ms. Norton, signed by Pedro Tenorio, Governor; and a letter from 21 State attorneys general supporting the nomination of Ms. Norton.

I ask unanimous consent that these documents be printed in the RECORD.

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

FRATERNAL ORDER OF POLICE.

Hon. FRANK MURKOWSKI,
Chairman, Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: On behalf of the Fraternal Order of Police, United States Park Police Labor Committee, we are writing to strongly endorse President-elect Bush’s nomination of Gale A. Norton for the office of Secretary of the Interior. We feel Ms. Norton is extremely well qualified for this position and possesses the knowledge, expertise, and leadership necessary to be a highly successful Secretary. We urge the Committee to favorably report her nomination to the full Senate as quickly as possible.

The United States Park Police Labor Committee is deeply concerned with the current state of law enforcement within the Department of the Interior. For this reason, we are applauding the appointment of many others who are supporting the nomination of Mr. Norton. Our Committee does not customarily write endorsements, but we feel that the importance of confirming Ms. Norton justifies our participation.

During the past two years, three separate studies have been conducted to examine law enforcement needs in the Department. Two of these studies were conducted by outside experts, namely Booz-Allen Hamilton and the International Association of Chiefs of Police, while a third was an Internal Departmental review mandated by the Senate. All three studies concluded that the effectiveness of the U.S. Park Police and the Law Enforcement Rangers has been consistently declining. While both organizations continue to succeed in their missions of protecting our parks and their visitors, a lack of resources and emphasis on law enforcement in the Department threatens our future ability to keep our lands safe. Strong leadership and critical reforms are needed now.

From a law enforcement perspective, Ms. Norton’s service as Solicitor for Secretary. Her background in law enforcement as Attorney General of Colorado, coupled with her previous service within the Department, gives her a unique ability to understand and address the problems faced by its law enforcement agencies. Throughout her career in public service, she has consistently shown strong support for law enforcement officers. Furthermore, she has repeatedly proven her ability to work with diverse individuals and groups to forge consensus and accomplish our common objectives. We are confident that Ms. Norton will exert this same vigorous leadership as Secretary of the Interior to enact the reforms necessary to strengthen the Department’s efforts and ensure the safety of the visitors to our parks and monuments.

Once again, we urge the Committee to favorably report her nomination to the full Senate at the earliest possible opportunity.

Sincerely,


Chairman JEFF BINGAMAN, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.


Ms. Norton has substantial experience in the Department of the Interior, having previously served in the Solicitor’s Office. We believe that she has the necessary familiarity with territorial issues to be an effective Secretary. Ms. Norton brings a broad understanding of the unique federal land issues on Guam to her office.

Guam has a unique relationship with the Department of the Interior in large measure due to the Fish and Wildlife Service’s acquisition of 370 acres of excess military land for a wildlife refuge. The 370 acres at Ritidian have become the focal point for Guam’s dissatisfaction with federal land policy on our island. Due to the historical context of the military’s acquisition of approximately one-third of Guam’s lands after World War II for national security purposes, the Interior action has been harmful to the good will relationship between the people of Guam and the United States. We hold the federal Government to its commitment that military lands no longer needed for defense purposes should be returned to the people of Guam.

In an effort to resolve these issues, I have been engaged in discussions for the past year with the previous Secretary and his staff on possible solutions that would enhance the level of environmental protection on Guam while addressing the issue of Interior’s actions and the impact that they make the necessary compromises that would restore the good relationship between the U.S. Department of the Interior and the people of Guam. Regrettably, the Fish and Wildlife Service was not.

We believe that Ms. Norton will restore balance to federal land policy on Guam that has been missing since 1993. There is now an imbalance where the bureaucrats at the Fish and Wildlife Service manage land without adequate regard for local concerns. Environmental policy should not be a zero sum game where the Fish and Wildlife Service wins and the people of Guam lose. Environmental policy should be collaborative process with respect for, and accommodation of, local needs. On Guam, the respect we seek would recognize the patriotism of the people of Guam and our support for the national security interest, even when the national interest conflicts with local needs. On Guam, the respect we seek would include the right of the people of Guam to have a say in the use and management of the lands that we have won.

We are also encouraged by Ms. Norton’s commitment to the devolution of federal power where local governments are more appropriate to formulating public policy in response to local needs. This is a bedrock principle of self-government that Guam supports and encourages. We are confident that Ms. Norton will appoint a full and senior staff at the Department of the Interior that will reflect this view. Any increase in local self-government in the territories must be based on the principles of accountable government. We believe that Ms. Norton appreciates our history and our culture, and that she will be fair in dealing with us on these land issues.

We hope that the Senate Committee on Energy and Natural Resources votes to recommend Ms. Norton to the full Senate and that she is confirmed quickly. We look forward to her leadership and her initiatives for the territories.

Sincerely,


Hon. FRANK MURKOWSKI, Senate Committee on Energy and Natural Resources, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MURKOWSKI: This coming week Secretary Designate Gale Norton will present her nomination for consideration with her confirmation. I am writing, on behalf of the people of the Commonwealth of the Northern Mariana Islands, to express our support for her nomination as Secretary of the Interior.

The Department of the Interior, in particular its Office of Insular Affairs, plays a central role in the relationship of the Commonwealth with the United States Federal Government. We were pleased by the announcement of her nomination to this position. We believe that we could establish a positive and fruitful working relationship with Secretary Designate Norton should she be confirmed and wish her the best of luck.

Respectfully,

PEDRO P. TENORIO.
Mr. MURKOWSKI. I thank all of my colleagues who have spoken on behalf of the nominee. The action out of the committee on a vote of 18-2 is certainly, in my opinion, a mandate for approval by this entire body. I think she will present our new President in a manner that attempts to balance the delicate issue of concern over the environment and the ecology.

Since there has been a lot of comment about ANWR during this entire process and many pictures, for my colleagues I show a picture of ANWR as it exists for about 9 months of the year. This is what it looks like. Do not be misinformed; it is a long, dark 9-month winter.

I thank the Chair for its indulgence. It is my understanding that the vote will be scheduled for 2:45 on two nominations and there will be separate votes. I wonder if the Chair could identify those.

The PRESIDING OFFICER. There will be two separate votes occurring at 2:45. The first will be on the Norton nomination, and the second one will be on the Whitman nomination.

RECESS
The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15. Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CHAFEE).

EXECUTIVE SESSION

NOMINATION OF GALE ANN NORTON TO BE SECRETARY OF THE INTERIOR—Resumed

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

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

Mr. GRAHAM. Mr. President, I come before you today to offer my views on the nomination of Ms. Gale Norton to be Secretary of the Department of the Interior. I believe in some basic principles relative to Presidential nominees for the President's Cabinet. I believe they are reviewed for purposes of advice and consent of the Senate with the presumption that the President has the right to choose his or her closest advisers.

I believe our duty as Senators in discharging that constitutional responsibility of advise and consent is to assure those advisers are capable of and committed to doing the jobs for which they have been nominated.

In the past, Ms. Norton has made statements that raise questions in my mind, and in many others, about her attentiveness for the position of Secretary of the Interior. Ms. Norton's explanations of those statements suggested that her views have evolved over time.

If you really listened to her responses and evaluated her truthfulness, I take her at her word and trust her sincerity. My own life experience tells me that it is possible—in fact, it is highly desirable—for individuals to evolve in their thinking over their adult years. If a person at 55 has the same views they had at 25, that would raise serious questions as to whether this was an individual who was sufficiently affected by life to be an appropriate holder of a position of major public trust.

I asked Ms. Norton if she would support the current moratorium that exists on offshore oil and gas leases, particularly those in California and my home State of Florida. She answered yes. She echoed President Bush's support for those moratoriums. I take Ms. Norton at her word.

I asked Ms. Norton if she would work with our State and others to assure that the wishes of the State, with regard to existing leases, are followed. Ms. Norton answered yes, and I take her at her word.

I asked Ms. Norton if she would enter into discussions toward the objective of developing a plan for the buyback of Outer Continental Shelf leases in those States which had expressed opposition to their development for oil and gas purposes. This is much in line with the plan which is currently in effect in Florida for buyback of leases in the area of the Florida Keys that was originally developed by President George Bush. Ms. Norton answered yes, and I look forward to the opportunity to commence that process.

I spoke to Ms. Norton in my office regarding the importance of the Department of the Interior in the restoration of America's Everglades. I consider the passage of that legislation last year to have been one of the signal events of the Congress and one of the most important environmental advances in recent years.

As a steward of four national park units and 16 national wildlife refuges, the Secretary of the Interior has a distinct role in assuring that the natural systems are protected in America's Everglades, particularly protected as we move forward with their restoration.

She clearly understood the importance of the Department of the Interior's role in Everglades restoration, and I take her at her word.

I asked Ms. Norton what her plans were for funding of the Land and Water...
Conservation Fund. Ms. Norton answered that in accordance with President Bush’s campaign position, she supported full funding of the Land and Water Conservation Fund, both those funds that flow to Federal agencies and those that go to State and local communities. I take Ms. Norton at her word.

Ms. Norton went further and recognized the important interrelationship between a balanced park and recreation policy, with the Federal Government’s responsibility for the protection of natural resources and with State and local governments having the responsibility for providing appropriate recreational activities for our people. I asked Ms. Norton how she would balance the Secretary’s responsibility to protect public lands with her desire to partner with private landholders and local governments in executing those responsibilities. Ms. Norton answered that partnerships are not a substitute for enforcement actions, and that as Secretary of the Interior, she would remain committed to enforcing the law. And I take her at her word.

I could continue this list of questions and answers for some time. However, my conclusion is that Ms. Norton demonstrated during the Energy and Natural Resources Committee hearings that she will be open minded and will take the expertise of State and local governments into the issues that come before her very seriously.

I was particularly pleased she committed to respecting the moratoria on new leases off the coast of Florida and California. She intends to look to the future relative to the buyback of those leases which are currently outstanding, and that she intends to uphold the Department of the Interior’s responsibilities as caretaker of public lands involved in America’s Everglades restoration. With these assurances, I offer my support for the nomination of Ms. Gale Norton to be Secretary of the Interior, and I look forward to working with her, the Department of the Interior, and State and local officials in my State and elsewhere to build upon the commitments that she made during her confirmation hearings.

I thank the Chair.

Mr. ROCKEFELLER. Mr. President, I rise today, for some time, to state my opposition to the nomination of Gale Norton to be Secretary of the Interior. I suspect that Ms. Norton’s nomination will be approved by the Senate later today, without my support, and I want to share with my colleagues and the people of West Virginia why I have decided to oppose this nomination.

First and foremost, I should say that I do not oppose this or any other presidential nomination lightly or on personal or ideological grounds. President Bush should have a Cabinet of people whom he trusts and who will govern as he wishes. In the vast majority of cases, I have and will lend my firm support to the President’s nominees, after considering their qualifications and determining that they will effectively represent our nation and share my commitment to tackling the challenges facing West Virginia. I should have high regard for my nominees, and I do not expect or insist that they agree with me on how best to approach our challenges or solve our problems. But I do take seriously my duty under the Constitution to approve or disapprove presidential nominees. In these times of national division and discontent without government on so many issues, what I look for in a nominee is an overriding ability to follow through on the President’s promise to bring our nation together, and a commitment to the values that West Virginians hold dear.

Let there be no doubt that Ms. Norton is a capable and experienced person whose willingness to serve her country is to be commended. However, I do not believe that her life’s work reflects the balance and inclusiveness we need to chart this new course, and I cannot abide by her fight against laws that I and my fellow West Virginians support and respect.

One prominent example is Ms. Norton’s prior work to dismantle the Surface Mining and Reclamation Control Act, SMRCA. SMRCA is a law that strikes a balance between critical economic and industrial development and adequate environmental protections. It is intended to ensure that after mining is complete, reclamation will happen and water quality will be protected. And it provides an important level playing field for states and companies that are committed to this kind of balance—with federal standards that prevent any competitive disadvantage for sound mine reclamation.

As a constitutional lawyer for the Mountain States Legal Foundation in 1980, Ms. Norton tried to convince the courts that SMRCA is unconstitutional, on the grounds that it usurped state government in a way that “threaten[ed] to destroy the structure of government in America. . . .” First as Governor and then as Senator for a coal state, I have disagreed with Ms. Norton’s assessment. I testified then in support of surface mining legislation that would equalize reclamation standards among the states and alleviate West Virginia’s distinct competitive disadvantage in the marketplace. “I remain proud of my work on the surface Mining Act and its initial implementation during my years as a Governor. I know that the law is not perfect, and that we need always to be vigilant about striking the intended balance. Yet also believe Ms. Norton’s position on this law is indicative of her determination to limit or eliminate the federal role in reclamation. Even when that role can help balance the needs of critical industries with the goal of preserving our environment and protecting the quality of our water and air.

Some will say that Ms. Norton’s nomination should be approved because she has promised to uphold the law and has recently distanced herself from some of her more divisive past positions. I should also note that Ms. Norton would respect the decisions of the courts, nor that she would uphold the law as it is written. But I also do not believe that one can so easily change course after a career advocating to strictly adhere to precedent. Rather, it seems to be an extreme position on takings law.

As Interior Secretary, Ms. Norton would have enormous discretion in implementing and enforcing federal law and policies. She would set priorities or the Department’s resources and would develop and promote policy positions large and small. Ms. Norton’s career and experience reflect neither balance nor moderation, and I simply do not think she can be expected to change her approach so dramatically at this point.

In addition, Ms. Norton’s nomination has been questioned by leading public health organizations because of her policies and actions regarding lead paint and its link to public health, particularly the health of our children. I have a long history in promoting children’s health, and I feel obligated to raise these matters as part of my duty to “advise and consent” on the President’s nominees.

Let me close by saying that my opposition to Ms. Norton’s nomination is intended primarily to register my grave concern. I stand ready and willing to work with her as the new Interior Secretary and hope we can find common ground in striking a balance between environmental policies and programs.

Mr. LEVIN. Mr. President, I will vote no on the nomination of Gale Norton as Interior Secretary because, based on her record, I do not have confidence that she will serve as an environment-sensitive steward of the nation’s public lands. There is too much at stake to take a chance on someone who, throughout her career, has consistently chosen development over environmental protection. Her responses to questions at her confirmation hearings failed to relieve my concerns about her record of weak environmental enforcement as Colorado attorney general.

For instance, Ms. Norton wrote that "we might even go so far as to recognize a homesteading right to pollute or to make noise in an area." Although she attempted to explain that statement by stating that she was referring to emissions trading, I see no indication in the article itself that she was referring to emissions trading. Rather, it seems to be an extreme position on takings law.

As attorney general, Ms. Norton pursued government polluters while rarely
taking on corporate polluters. According to the Denver Post, Ms. Norton “sat out fights when a corporate power plant broke air pollution laws 19,000 times, a refinery leaked toxins into a creek and a logging mill conducted illegal logging.”

Further, when I asked Ms. Norton about her position on drilling for oil and natural gas in the Great Lakes, she responded that she had no position. This caused me concern because her philosophy could play a central role in decision-making at the Department of Interior. After thorough consideration of Gale Norton as Secretary of the Interior, I have reluctantly concluded that Ms. Norton is not the right person to serve as the Interior Secretary.

We have made substantial progress the past several years in improving the quality of the Great Lakes and its habitat. I hope that Ms. Norton proves my concerns unfounded and will work hard the next four years to protect our valuable natural resources and further the environmental progress that we have worked so hard to achieve.

Mr. President, I rise to speak in opposition to the confirmation of Gale Norton as Secretary of the Interior. After thorough consideration of her record and her recent testimony before the Senate Energy and Natural Resources Committee, I have reluctantly concluded that Ms. Norton is not the right person to serve as the chief steward of our nation’s public lands.

Ms. Norton stated at her confirmation hearings earlier this month that she would feel “very comforted” enforcing federal environmental laws as they are written. Unfortunately, her record of two decades in private and public life strongly suggests that she will do so with little enthusiasm, and, where the law gives her discretion—which it often does—she will favor resource extraction over resource protection.

Ms. Norton’s employment history and legal writings reflect a consistent record of supporting industry and developers over wildlife and public lands protection, even going so far as to argue to the U.S. Supreme Court that the Endangered Species Act and the Surface Mining and Reclamation Act—both of which she would administer if confirmed—are unconstitutional. She has repeatedly taken the position that the federal government lacks the constitutional power to address a wide range of environmental harms, a view that she is likely opposed to a long line of Supreme Court rulings and is hard to reconcile with the Secretary of the Interior’s role in managing our precious natural resources.

President Bush and Ms. Norton support opening the Arctic National Wildlife Refuge to oil and gas exploration. I oppose drilling in the ANWR, and I believe a bipartisan majority in the Senate feels the same way, but let me emphasize that my opposition to this nomination is not about a policy disagreement with the ANWR. It is about whether we will have an Interior Secretary who will provide aggressive oversight of industries that have been granted the privilege to seek profits on federal land—whether in the ANWR (should Congress ever approve such activity) or in the hundreds of other magnificent places owned by the taxpayers of this country.

The President committed during his campaign to come to Washington to unite the nation and to work with Congress to protect America’s environment. That makes his choice of Ms. Norton to head the Interior Department all the more disappointing. With so many qualified candidates across this country to choose from, including both Republicans and Democrats with substantial experience managing public lands and a balanced view on the best use of those lands, it is regrettable that President Bush chose someone who has spent so much of her professional life working against the very mission of the Department she would oversee and, more importantly, the laws she would enforce.

I must cast my vote against the confirmation of Ms. Norton. I urge my colleagues to do the same, and I hope that if she is confirmed Ms. Norton will set aside her long-held views and work with Congress to strengthen public lands for generations to come.

Mr. CORZINE. Mr. President, I rise to oppose the nomination of Gale Norton to be the Secretary of the Department of Interior.

The Department of the Interior is charged with the protection of more than 500 million acres of public land that comprise an important part of our natural and cultural heritage. The Secretary of the Interior is the steward of this land and is responsible for protecting it for the generations that follow.

Unfortunately, based on her record, I am concerned that Gale Norton is the wrong person to handle this critically important responsibility. From all indications, she has a strong tendency to favor the interests of industry over the needs of the environment. That is not my preferred approach, nor does it represent the values of the people in New Jersey who I represent.

When Ms. Norton served as a State Attorney General, for example, she was very reluctant to prosecute industries that polluted Colorado’s rivers and air. Perhaps the most disturbing example of this was the Consolidated Mining Corporation, which spilled cyanide and acidic water into a 17-mile stretch of the Alamosa River, killing every living organism that was there. Notwithstanding this egregious conduct, Ms. Norton refused to prosecute. It took federal intervention to prosecute the polluters. I find this very troublesome.

In many other ways, Gale Norton has expressed views towards environmental protection that strongly conflict with my own and the people’s rights argument to the extreme—arguing that the Surface Mining Act, an invaluable tool to protect the environment from problems associated with coal mining, was unconstitutional. She has supported restrictions to the Endangered Species Act that would have gutted the law. She has shown a readiness to accept an extremist view on who constitutes a taking under the Constitution, something that could jeopardize necessary environmental protections. She also has strongly supported drilling for oil in the Arctic National Wildlife Refuge, something I cannot support.

Ms. Norton also has argued against the “polluter pays” principle contained within the Superfund law. That is very troubling to me. Coming from a state that has the most Superfund sites in the country, I believe strongly that those who pollute the land should pay to restore it.

I recognize that during her confirmation hearings Ms. Norton seemed to review her views, must be substantiated to enforce laws such as the Endangered Species Act and the Surface Mining Act. Yet one statement before a congressional committee does not negate a lifetime opposition. For a position as important as this, I would need someone whose commitment to the environment is clear and long-standing.

For all these reasons, regretfully, I must oppose the nomination of Gale Norton to be the Secretary of the Interior. However, I recognize that she probably will win confirmation. I only hope that my concerns are proven wrong.

Mr. LIEBERMAN. Mr. President, I rise today to cast my vote against Gale Norton for Secretary of the Interior. I do this with some reluctance, as I believe that the Senate owes the President significant deference in its review of his Cabinet nominees. The Senate’s review, however, is both substantive and searching, and cannot amount to automatic approval of every nominee.

Over the years of my service here, I have given great thought to the extent of the Senate’s advise and consent power in all cases. In our review must focus on a candidate’s experience, judgment, and ethics. However, I also believe that a Senator may consider whether the nominee holds fundamental and potentially irreconcilable policy differences with the department she will head which put in doubt the nominee’s capacity to credibly carry out the responsibilities of the department.

The Secretary of the Interior plays a critical role in determining our national natural resource policy, which will affect our nation for centuries to come. I have concluded that Ms. Norton’s record reflects a philosophy that is so contrary to the mission of the Department of Interior that I have serious doubts about the manner in which she would administer the Department.

The Secretary of the Interior enjoys wide discretion in how to best carry out the Department’s mission of preserving, “the Nation’s public lands and natural resources for use and enjoyment both now and in the future.” I
have reviewed Ms. Norton’s past writings, speeches and professional ac-

activities, and they reveal an ideological viewpoint at real variance with the

legal requirements and responsibilities that she would have as Secretary of the

Interior.

Many of my colleagues have stated that they were comforted by Ms. Nor-
ton’s testimony in her confirmation hearing in which she seemed to back
-away from her more controversial posi-
tions and that she had decided to vote against the nomination. I strongly re-
-
spect their decisions but I remain with too many doubts. Therefore, I will re-
-luctantly and respectfully vote no.

Ms. MIKULSKI. Mr. President, I rise today to oppose the confirmation of

Gale Norton to be Secretary of the Interior.

I have three criteria I use to evaluate nominees: (1) competence; (2) integrity, and

(3) commitment to protecting the mission of the department he or she seeks to

head. I do not question Ms. Norton’s com-
-petence or integrity. But I am con-
cerned that Ms. Norton’s views and her record cast serious doubt on whether she
-is suitable to act as our chief land conserva-
tion official—safeguarding our Nation’s parks, wilderness, and wildlife

refuge areas.

The Interior Department’s mission is “to encourage and provide for the ap-
-propriate management, preservation, and operation of the Nation’s public

lands and natural resources for use and enjoyment both now and in the fu-
-
ture.” The Department of Interior is charged with ensuring that we preserve and

protect our Nation’s extraordinary public lands and natural resources. To do this,
-the Interior Secretary must implement critical parts of the Clean Water Act, Clean Air Act, Superfund, Endangered Species Act and other laws that

protect our nation’s natural heritage.

I am concerned about Ms. Norton’s commit-
t ment to fulfilling this mission. She has fought against these very laws and

regulations her entire career. We need an Interior Secretary who can balance economic interests with envi-

ronmental protection. Yet Ms. Norton has shown an unfortunate bias toward those who profit from public lands.

For example, as the Attorney General of Colorado, Ms. Norton refused to

vigorously enforce environmental com-

pliance against corporate polluters. She didn’t seek criminal penalties against a mining company that allowed

cyanide to pollute a river or against a

power plant that broke air pollution

laws thousands of times. She supported

a law to grant immunity to industrial polluters and weaken the government’s

ability to enforce environmental regu-
-
lations. She has also sided with compa-
nies that are being sued for exposing children to lead paint. This record of siding with polluters and weaken-
-doubt on her commitment to pursuing polluters and holding them account-
-
able.

In addition, Ms. Norton has sought to overturn the Endangered Species Act.

This law is essential to maintaining our nation’s fragile, diverse eco-
systems. Yet Ms. Norton signed onto an amicus brief in a case before the Su-

preme Court in which the state of Ari-
zona sought to have the Endangered Species Act overturned. She argued that the En-

dangered Species Act was constitu-

tional in the requirements it placed on

landowners. How can she enforce laws that she claims are unconstitutional?

Furthermore, Ms. Norton strongly sup-
ports opening the Arctic National Wildlife Refuge to oil drilling. Drilling at ANWR would threaten this fragile and unique ecosystem. It is a short-
term solution to the long-term problem of energy dependency. This policy

could result in irreparable damage to one of our Nation’s natural treasures.

Mr. President, Ms. Norton’s record raises serious concerns about her ap-
-propriateness to serve as our highest ranking land official. Her record indicates

that her views are fund-
-damentally incompatible with the mis-

ion of the Department she seeks to

lead. I am deeply concerned that her confirmation may lead to a significant retreat from the visionary policies made by former Secretary Babbitt.

Although I hope her actions prove me wrong, I must regretfully oppose Gale

Norton’s confirmation.

Mr. TORRIELLI. Mr. President, I rise to express concerns regarding the

nomination of Gale Norton as President Bush’s Secretary of the Inte-

rior. I will vote against her confirma-
tion today. I will do so with some re-
-luctance because I believe that the

President enjoys the privilege of se-

lecting the people he wishes to join his administration. However, after much

thought and reflection, I am afraid that the views that Gale Norton and I

hold on a number of important envi-
-
ronmental issues are irreconcilable.

Let me begin by saying that I do not believe Gale Norton is a bad person.

However, her documented record as At-

orney General of Colorado and posi-
tions she has taken for twenty years in

opposition to a number of important federal environmental laws, such as the

Endangered Species Act, the Clean

Water and Clean Air Acts, and Super-

fund are of concern.

Gale Norton supports, as does Presi-
dent Bush, opening the Arctic National Wildlife Refuge to oil exploration.

While the President is certainly enti-
tied to nominate those who share his

views, I am unable to support a nomi-

nee who would advocate for the open-
ing of this pristine wilderness to oil

drilling.

I am also concerned that Gale Norton will bring what I perceive as a solely

Western orientation to resource man-

agement issues to the Interior Depart-

ment. The Secretary of the Interior must represent all regions of our Na-

tion with equal vigor. This means un-
derstanding the unique issues facing the Northeast. Our open spaces are

being churned up by development at an alarming rate. New Jersey is losing its

open space faster than any other State in the Union. Federal funding for the

acquisition of this open space is not viewed as a “land grab” in New Jersey, it is a

necessity. However, I am not convinced that these concerns will be addressed.

Open space protection is perhaps the most important issue fac-
ing a state like New Jersey, and I am concerned that the same passivity in enforcing environmental laws that protects natural resources in Colorado will occur in New Jersey.

Franklin Delano Roosevelt said, “The throwing out of balance of the re-
-
sources of nature throws out of balance also the lives of men.” I strongly be-
-

lieve that this balance is critical to the

success of the next Secretary of the In-

terior. I have attempted to find this balance in President Bush’s nominee, and

I am not satisfied. However, I am not convinced that her record does not reflect this balance that is so necessary. I see no real dif-
-
ference between her positions from 20 years ago, 10 years ago, and today. Therefore, I reluctantly oppose this nomination, not this woman.

Mr. KENNEDY. Mr. President, I join in expressing my concern over the

nomination of Gale Norton to be Sec-

retary of the Interior.

The Secretary of the Interior is charged with being the caretaker of the

Nation’s public lands and public wa-
-
ters, which are held in trust by the government for the benefit of the public.

Our Nation’s public lands and public waters contain vast riches of minerals, oil, gas, timber, and grazing areas. The Secretary of the Interior has the respon-
sibility of ensuring that these priv-
-
ate uses of the public lands are com-
-patible with the public’s right to enjoy these lands as a priceless part of the

Nation’s environmental heritage.

I am concerned that Gale Norton’s record has too often been hostile to

our most important environmental protection laws. The views she has often expressed in opposition to needed federal environmental regu-
-
lations raises serious doubts about her commitment to the environment. Her

partial, vague, and evasive answers to questions at the committee hearing

were in sharp contrast to her past harsh criticisms of the important fed-
-
eral role in the protection of the Na-

tion’s natural resources.

The Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—which calls for the govern-
ment to “... fulfill the responsibili-
-
ties of each generation as trustee of the environment for succeeding genera-
tions...”—are long protected bodies of law. The American people are

proud of the progress that we have made in recent years on the environ-
-
ment. The talented and committed of-
-
icials in the Department of Interior deserve a great deal of credit for that achievement, and they and the Amer-
-
ican people deserve a Secretary of the Interior who shares that commitment.
Superfund and the Surface Mining Act have also been largely successful environmental laws. But it was environmental brinkmanship that made those laws necessary.

Energy crises in the 1970’s and again during the Gulf Wars were not merely putting our priceless environmental heritage at risk, and they cannot be solved by such a strategy today.

The position of Secretary of the Interior requires a vigilant leader who can resist the urge to exploit our natural resources at the expense of the environment.

The next Secretary will also face numerous challenges in the management and development of our National Parks. As recreation becomes more and more popular, our parks and wildlife refuges will continue to be under pressure, and sound management policies will be needed to protect them.

These and many other environmental concerns are widely shared by the vast majority of the American people, and the country needs a Secretary of Interior who shares that commitment.

Mr. FEINGOLD. Mr. President, today as the Senate begins the consideration of the nomination of Gale Norton to be Secretary of the Interior, and endorses the first woman to ever hold this position as the premier land manager within the United States Government.

As a Wyoming State legislator and member of the Wyoming State Senate, I have known Ms. Norton as Attorney General for the State of Colorado. Ms. Norton was able to demonstrate the invaluable ability to talk to people, on all sides of the issues, to get to the heart of the matter, and to effect real change in the place that she was then in and the roles she is taking on.

In order to do this, both the Federal Government and local communities must be able to sit down together and talk through any potential conflicts and must do so in a way that lays the groundwork for the future. In my home state of Wyoming, Ms. Norton was able to demonstrate the invaluable ability to talk to people, on all sides of the issues, to effect real change in the place that she was then in and the roles she is taking on.

However, in doing so, I fully recognize that my responsibility involves nothing less than overseeing the institution with stewardship of our national policies for our natural resources.

The Senate does not, by confirming Ms. Norton, place the responsibility for the protection of public lands and natural resources in the hands of a single individual. I am placing my support of the nomination of Gale Norton, place the responsibility for the protection of public lands which ruins our enjoyment of them and makes our air unbreathable the water unsafe for drinking, the rivers and lakes on which we depend for our water resources. For this reason, I will vote for her today.

I will take Ms. Norton at her word that she will devote her time and energy to the proper enforcement of the Interior Department policies, that she will put those considerations in preserving our environmental heritage.

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However, in doing so, I fully recognize that my responsibility involves nothing less than overseeing the institution with stewardship of our national policies for our natural resources. Ms. Norton will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation’s great resources. As a member of this body, I have committed myself to a career of environmental stewardship, I have tried to cast votes and offer legislation that fully reflects the importance and lasting legacy of America’s natural resource management decisions. I have done so because of the role of my own home state in this matter. America’s conservation history is Wisconsin’s conservation history. From John Muir’s battles with Teddy Roosevelt over the Hetch Hetchy Dam, to Sigurd Olson’s efforts to create the National Wilderness Preservation System, to former Senator Gaylord Nelson’s efforts to create the Wild and Scenic Rivers System, to Alido Leopold’s struggles to move and mold the Forest Service, Wisconsin’s role in conservation has been rich. I also add tradition to the fight to preserve and develop our natural resources. This person will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation’s great resources.

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I am encouraged by this statement for two reasons: first, it is an acknowledgment that she is obliged to work hard to enforce the letter of the law; second, it is an admission that there is indeed an interest on the part of all Americans in preserving our environmental heritage.

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that these statutes have made more of a difference on the health and environmental well-being of local communities than superfund. There is more proactive action on the part of property owners and there is a greater testing of unknown substances so we now have a much better understanding of what is out there in our communities. Most states have now followed this lead.

Ms. Norton is also aware of the fiscal responsibilities that many federal agencies have shirked over the past several years. In one discussion I had with Ms. Norton, she made the comment that as a state official she had a fixed budget and was responsible for every dollar, but in reviewing the budgets of the Federal Agencies that fall under the jurisdiction of the Department of Interior she was appalled to see the lack of accountability. I encouraged her then, and I will encourage her now, to do what she can as Secretary to shift this situation. Most policy is set by the President; Secretaries administer and manage huge work forces. Ms. Norton is a manager.

In closing Mr. President, when I spoke with Ms. Norton earlier this year I was encouraged by her sincerity and by her understanding of the responsibility and sense of duty that must accompany public servants like the Secretary of Interior. I am convinced that Ms. Norton will uphold the laws of this nation as well as the biological and mineral resources native to those lands.

The role of the Secretary of Interior is nowhere more important than in the great state of Nevada where nearly 90 percent of the land is owned by the federal government. Through her oversight of the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service, the Secretary of Interior impacts the lives of Nevadans every day.

The challenges of managing the Interior Department have evolved over the years. Today, some of the most important issues facing the Secretary are urban land management decisions that did not pose major problems decades ago.

For example, the Las Vegas Valley, which is the fastest growing region in the country, is completely encircled by federal lands. Much of this public land, including scattered parcels throughout the Valley, is managed by the Interior Department.

The tremendous growth in Southern Nevada places increasing pressure on our public land resources. As an example, recreational sportsmen cannot safely shoot in many parts of the Southern Nevada desert any longer because of urban growth and competing recreational uses.

In an effort to remedy this problem, I am working with Clark County and the BLM to identify and dedicate public lands for shooting complexes. Recreation and access to public lands are of paramount importance in Nevada.

Conservation and protection of natural resources in the Silver State are important to me. It is my sincere hope that Secretary Norton and President Bush do not view confirmation of someone who once worked for the Mountain States Legal Foundation as a mandate for the rollback of environmental protections enacted over the past 8 years.

The recently enacted phase out of snowmobile use in Yellowstone National Park will provide a litmus test for whether the Bush administration will promote conservation or oversee the decline and degradation of our treasured national park system and our public lands generally.

Mrs. MURRAY. Mr. President, after carefully considering the record and statements of Gale Norton, nominee for Secretary of Interior, I am voting to confirm her nomination today. I have serious concerns about many of the land use and conservation policies Ms. Norton has promoted in the past, and my vote is in no way a confirmation of these policies. However, after a lengthy discussion with Ms. Norton, she has pledged to work closely with me on the issues that affect Washington state.

We discussed many of Washington’s challenges, including the Hanford Ranch, Elwha dams, salmon recovery, habitat conservation plans, and funding for scientific research and conservation. I assured Ms. Norton that if she threatens Washington’s interests she will find in me a strong and persistent opponent. I will speak out from the Senate floor and use my position on the Appropriations Committee to challenge any initiatives or spending proposals that don’t meet Washington’s needs. If the Interior Secretary seeks to roll back important policy initiatives, I will defend my state with every tool within my power.

I do not want to address President Bush’s proposal to open the Arctic National Wildlife Refuge (ANWR) to drilling; a proposal Ms. Norton supports. During the past eight years, I’ve consistently opposed drilling in ANWR, which the Bush Administration considers a high priority. I remain very skeptical of our ability to drill without threatening or disrupting this pristine area, and I will continue to voice my concerns to the Bush Administration.

Throughout the past eight years, we have made great progress in protecting the environment and preserving natural resources while maintaining resource-dependent industries. We need to continue our progress in this fragile balance. Now is not the time to undo the environmental progress made under previous Administrations. Now is the time to look ahead, to work together, and find solutions to the many problems still facing our nation. I look forward to working together with Ms. Norton in the months ahead.

Mr. JEFFORDS. Mr. President, today I rise to comment on the nomination of Gale Norton to the position of Secretary of Interior, and to explain the reasons why I plan to support her nomination.

The founders of this nation gave the United States Senate an important responsibility when they granted it advice and consent authority over Presidential nominations. Throughout my career in the Senate I have taken this responsibility seriously and have established consistent standards for application of this power, regardless of which political party sits in the White House.

However, not all Presidential nominations are equal. I apply a very different standard to Supreme Court and federal court nominees than to political appointees.

Federal judges and Supreme Court Justices receive the highest standard
of scrutiny. They are confirmed for life and can only be removed through impeachment by Congress. Justices, by the nature of the job, should be nonpartisan. I subject Judicial nominees to intense review, examining their experiences and their ideology.

Cabinet and subcabinet appointments receive a different standard of scrutiny. These appointees serve at the will of the President and can be removed from office with relative ease. Unless the nominee is shown, through the nomination and hearing process, to be unfit or不合格 to serve, I believe any President should be allowed to choose his or her cabinet and the Senate should confirm the nomination.

Mr. President, Gale Norton and I may disagree on many issues. However, after two days of hearings by the Senate Energy and Natural Resources Committee and answers to over 200 questions submitted in writing, she came across as a qualified nominee of integrity and intellect who is committed to upholding current environmental laws, whatever her past opinions. In fact, I have been encouraged by the fact that her nomination was reported to the full Senate by a bipartisan vote.

My guess is that today she will receive the votes of a majority of Democrats, who, like me, consider themselves devoted environmentalists. My good friend and the ranking member of the committee, Senator Jeff Bingaman, who had earlier expressed concern about the nomination, spoke yesterday on the floor of the Senate and said that Norton had stated her commitment to “conserve our great wild places and unspoiled landscapes’’ and to enforce endangered species and other laws. “I take her at her word,’’ he told the Senate.

I will also take her at her word, and will be watching her actions carefully on the Senate floor. I would much prefer that we not put our Vermonters care so deeply about. In this regard, let me take a moment to lay out my positions and priorities for protecting the natural resources under the purview of the Interior Secretary.

I will not support drilling for oil or natural gas in the Arctic National Wildlife Refuge (ANWR). I continue to believe that the United States’ dependence on oil and its byproducts cannot overshadow the importance of keeping ANWR as a wilderness area. Drilling and exploration in this pristine Arctic wilderness could have a lasting impact that would forever damage the environment of this region. Hopefully, we can secure permanent protection for this unique linkage of ecosystems upon which the local communities depend, and the American community as a whole should value as a national and natural treasure.

In order to reduce our dependence on nonrenewable resources like oil and coal, we must consider alternative energy resources, as well as increasing investments in energy efficient technologies and promotion of energy conservation. I have worked to increase our nation’s investments in solar, wind and other alternative technologies since founding the Congressional Solar Coalition in 1976. We must make investing in alternative energy sources and clean energy technologies a priority.

In the past and in the future, many environmental battles come down to funding questions. One of the new Secretary’s first responsibilities will be to help ensure that the Administration budget reflects the President’s priorities.

Mr. KOHL. Mr. President, I rise today to explain why I have decided to support Gale Norton as the Secretary of the Interior. It is not because I agree with her on every issue. In fact, on many issues we disagree. She supports expanding the extraction of resources from public lands and drilling in the Arctic National Wildlife Refuge. I do not. In the past, she has supported greater exploitation and commercialization of our public lands, and that troubles me. While I agree that public lands can have mixed uses, I am concerned that Ms. Norton will swing the pendulum too far in favor of industry. Her attitudes, however, fairly represent those of the President, and President Bush has the right to appoint a Cabinet that is a reflection of his beliefs.

While I am concerned about her past writings and beliefs about the role of the Federal government in managing federal lands and conserving natural resources, she has pledged to the Senate to uphold the law as it is currently interpreted by the courts. She has told the Senate that her thinking on issues like global warming has changed. She now supports the Endangered Species Act, and the right of the Federal government to intervene on private lands to protect wildlife from extinction. I will take her at her word and give her the opportunity to serve as the President’s leading environmentalist.

Ms. Norton’s opponents have compared her to James Watt, for whom she once worked, but I hope she learned well from his term as the Secretary of the Interior. I hope she learned the lesson that the American people will not tolerate an extremist anti-environment agenda. Americans have embraced a moderate environmental agenda that protects, nurtures, and manages our lands in the public interest, and not for the benefit of private industry. This country will not allow an Administration to abuse that public trust.

Secretary Watt damaged not only the Department of the Interior and our public lands, but the Administration’s credibility. President Bush has the right to put forward a strong pro-environment and nonpartisan leader with whom he can work. I believe Gale Norton under-stands what Utahns have always known, but what the last administration was unwilling to acknowledge:
that the environment and our public lands belong to the people, not to fed-
eral bureaucrats. Gale Norton seems to believe, like I do, that some power
should be returned to our state and local communities who have the greatest
interest in protecting their environment.

There will always be a role for our federal government in protecting our
environment and our federal lands. But our federal government cannot be ef-
efective when it fails to listen to the needs of the people it is supposed to
serve. After the last eight years of increasing all viewpoints will be a breath
of fresh air. I urge all of my colleagues, today, to join me in confirming Gale
Norton as the Secretary of the Inter-
rior.

Mr. BIDEN. Mr. President, I rise
today in opposition to the confirm-
ation of Gale Norton as Secretary of
the Interior. I do not reach this decision easily. It is a decision I do not have to
make. Evidence that Ms. Norton will bring the necessary balanced approach
that should be required for this position.

I have discussed the important and spec-
tific role the Secretary of the Interior performs in this country when
the Senate has considered other nomi-
nees to this office. In 1989, I described the
office of the Secretary of the Inter-
ior as:

the chief environmental officer of the
United States as well as the conservator,
trustee and steward of the public lands
and natural resources. At the same time, the
Secretary is expected to promote and defend
the reasonable and efficient use of those
lands and natural resources, in ways which
do not conflict with his primary environ-
mental responsibilities. And the American
people, those who wish to preserve those
lands and resources as well as those who
wish to develop them, expect that the Secre-
tary will bring to bear an appropriate ex-
pertise, experience and balanced tempera-
mom on the wide variety of issues he is
called upon to decide.

I do not question that Gale Norton
has a great deal of experience and knowledge about the matters that will
come before her. However, I am con-
cerned that her record fails to indicate a
“balanced temperament on the wide
variety of issues she will be called upon
to decide.”

From her earlier attacks on the Sur-
face Mining Act and Endangered
Species Act to positions she has taken to
deter the implementation of the Clean
Air Act and Clean Water Act, her judg-
ments evidence a pattern that
calls into question exactly how she will
view her responsibilities as the steward
of our public lands when she is called
upon to make decisions about their ap-
propriate use. The position of Sec-

etary of the Interior is too important to
entrust to someone whose record
does not convey a commitment to the
preservation of our public lands and
natural resources.

For these reasons, I will cast my vote
against the confirmation of Ms. Nor-
ton.

Mr. LEAHY. Mr. President, I rise
today to express my opposition to the
nomination of Gale Norton to be Sec-
tary of Interior. While I am not a
member of the Energy Committee that
held hearings on the nomination, I have closely reviewed her record and
her testimony.

The Secretary of Interior is the stew-

ard of our country’s natural resources
and public lands. Any nominee for this
position should be selected for their
commitment to protecting our precious
resources as well as their dedication to
uphold and enforce our environmental
laws.

After reviewing the record of Gale
Norton there is little doubt that she is
an intelligent and dedicated public
servant. She has shown strong conver-
sions about issues that concern the Depart-
ment of Interior. On the one hand, I
commend her commitment to her
strong ideological views. However, it is
this unyielding commitment to those
strongly held beliefs that makes me
doubt whether she will be able to set
aside her views and consider the views
of all Americans as we debate
important issues concerning the nat-
ural resources.

As our country continues to prosper,
the Secretary of Interior will oversee a
number of ongoing debates concerning
public lands and the protection of en-
dangered species. There is no single so-
lution that can serve as an answer to
land management issues in each region
of our country. There are many stake-
holders with a wide variety of views on
how we protect, access and use our nat-
ural resources. We in Vermont and
New England are deeply concerned about
pressure being placed on our natural
resources from rapid growth. We
Vermonters also have concerns that
environmental standards should be
strictly enforced for our lands, air,
water and threatened species.

The record of Gale Norton provides
important insight on how she will in-
terpret laws and weigh the views of
stakeholders concerning our natural
resources. These beliefs have been re-
markably unwavering.

Based on the record I must vote
against this nomination. However, if
Gale Norton is confirmed, you be sure
that I will work closely with her
on a variety of issues that are impor-
tant to Vermonters. I will work with
her to try and foster consensus not
only in our region but also throughout
the country.

Mr. DASCHLE. Mr. President, Gale
Norton has a record and has written
tensively on environ-
mental issues over her career. I have
reviewed that record and understand
the concerns of those who have asked
whether, as Secretary of the Interior,
her strong convictions about en-
vironmental laws, many of which she has
challenged or questioned in the past.

That is the core question sur-
rounding this nomination. It was put
to Ms. Norton in a number of ways by
members of the Committee on Energy
and Natural Resources.

Ms. Norton testified that she is a
“passionate conservationist” who will
enforce the law as interpreted by the
courts. I will vote to confirm her nomi-
ation, but I don’t discount the seri-
ousness of the concerns raised by her
opponents. I intend to monitor closely
her stewardship of the Department of the
Interior.

The duties of the Secretary of the In-
terior are profound, and have serious
implications for the health of our na-
tion’s environment and the quality of
life for millions of Americans. The Sec-
cretary is the primary guardian of the
Endangered Species Act, our nation's
flagship law for protecting plant and
animal species threatened with extinc-
tion. The Secretary also is charged
with administering most of our na-
tion’s public lands, including places of
extraordinary beauty and fragility such as Yellowstone National Park.

As Ms. Norton undertakes these re-
sponsibilities, it is my hope and expec-
tation that she will follow the prag-
matic approach reflected in her testi-
mony before the Committee on Energy
and Natural Resources. Her success as
Interior Secretary will be measured by
the degree to which she maintains this
balanced approach to environmental
and naturalresource issues.

Our nation’s environmental laws, in-
cluding the Endangered Species Act
and the National Environmental Policy
Act, must be enforced fully, as they
have been interpreted by the courts.

In managing our natural resources,
we should respect the views of local
residents, but we must also recognize
that the American people own these
lands and that the Secretary must up-
hold the public interest as a whole.

Ms. Norton has expressed confidence
in the efficacy of allowing industries
to police themselves when it comes to
protecting the environment. History
has shown too often that this approach
fails to protect the public interest.

Summitville, Colorado, is only one ex-
ample of how insufficient oversight has
led to environmental disaster. The map
of the United States is dotted with
other examples. It is my hope that,
through this confirmation process and
through her experience in public office,
Ms. Norton has gained a better appreci-
ation of the fact that the Secretary
of the Interior’s trust includes active
enforcement of the nation’s environ-
mental laws.

It is particularly important to me
that Ms. Norton fully implement the
biological opinion written by the U.S.
Fish and Wildlife Service regarding the
management of the Missouri River.

The Fish and Wildlife Service has
found that, unless the Corps of Engi-
neers makes major changes in the oper-
ations of federal dams on the river, it
will be in violation of the Endangered
Species Act. Ensuring that the Corps
makes the needed changes in the oper-
ations of the dams is a top priority for
the upper Midwest, and for me person-
ally. That is why I strongly oppose the
confirmation of Gale Norton follow through on the Fish and
Wildlife Service recommendations so
that they are adopted by the Corps.
I also hope to work with Secretary Norton to preserve small wetlands and native prairie in South Dakota, both of which provide important habitat for wildlife. Tallgrass prairie preservation has been a remarkable success in my state, and the number of farmers seeking to preserve their prairie has outpaced the amount of available funding.

Finally, I want to work with Secretary Norton to strengthen the Bureau of Reclamation. Vast portions of South Dakota lack potable drinking water. Federal projects funded by the Bureau of Reclamation such as the Mni Wiconi, Mid-Dakota and Lewis and Clark rural water systems are critical to the public health and economic vitality of our state. At current funding levels, however, it will be years before these projects can be completed. I urge the Secretary to give these projects the priority treatment they deserve.

Ms. Norton faces some significant policy differences in the Department of the Interior. I expect we will have our differences, such as on President Bush’s support for opening the Arctic National Wildlife Refuge for oil exploration and drilling. On those issues I anticipate a spirited debate. On many other issues, I am certain we will work closely together to protect and manage our nation’s natural resources and honor our trust responsibilities to tribes.

Gale Norton has my congratulations on her nomination and confirmation as Secretary of the Interior.

Mr. LOTT. Mr. President, I rise today to speak in support of the nomination of Gale Norton to be the next Secretary of the Department of Interior. Clearly the Senate Energy and Natural Resources Committee hearings on Gale Norton’s nomination have revealed that she is a vivacious lawyer who contemplates and explores ideas. Concepts matter more to her. Moreover, she has the management ability to turn concepts into public policies which have both enhanced compliance with environmental laws and respected the responsible stewardship of citizens who live on the land. Gale Norton knows there must be a balance and this will make her invaluable for America’s conservation programs and for all our communities.

Too often, some environmentalist groups only offer false choices. They only want a policy choice which pits the environment against citizens and industry. This is unacceptable. Some environmentalist groups also only want Washington “experts” making the decisions. Well, Gale Norton has repeatedly shown her commitment to a safe and clean environment through consensus building. For over 20 years, she has brought people together with different views to overcome problems dealing with environmental and Federal land issues.

I have little doubt that Americans will see for themselves that Gale Norton will serve with a steady, firm and fair hand as our Nation’s next Secretary of Interior. I firmly believe our Nation’s treasures will be both protected and improved.

Americans will quickly discover just how harshly inaccurate many special interest groups’ characterizations of her have been. Gale Norton has shown the grace and resolve that will help her restore the unanimity at the Department of Interior.

Mr. THOMAS addressed the Chair.

Mr. THOMAS. Is there a couple minutes remaining before the vote?

The PRESIDING OFFICER. There are 3 minutes remaining.

Mr. THOMAS. I yield to my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. Domenici. Mr. President, I have spoken at length about the Interior Secretary nominee and about our other nominee today, but I have not had a chance to say anything about the Environmental Protection Agency and the nominee, Christine Todd Whitman. I am very proud to make a statement for the RECORD that expresses my views.

Mr. President, “just as houses are made of stones, so is science made of facts; but a pile of stones is not a house and a collection of facts is not necessarily science. For the past 8 years I have questioned numerous collections of facts put out by the Environmental Protection Agency in the name of science. That is why I strongly support President Bush’s nomination of Christine Todd Whitman as the new Administrator of the Environmental Protection Agency.

President Bush has endorsed Christie Whitman as a person who understands the importance of a clean and healthy environment and who will ensure that environmental regulations are based, not merely on assembled facts, but on solid, sound science. Sound science has been left out of the regulation equation too often over the past 8 years. A prime example is the new arsenic standards proposed last week. These standards were not based on sound science and they were not implemented to increase health benefits, they were put into effect because it was the politically expedient thing to do.

Arsenic naturally occurring in my home state of New Mexico. I have not seen reasonable data in support of increased health benefits from these lower standards. I have only seen a collection of facts from studies conducted outside of the United States. New Mexicans will not see appreciable health benefits; they will see their water bills double and will be forced to endure financial hardship.

Ms. Whitman has been an advocate of clean water, clean air and clean shores and why I know that she will continue to promote these things for all Americans, I am excited about the way she will champion these causes. I believe that she will promote scientifically valid initiatives to ensure that we have clean water, clean air and clean shores.

In conjunction with sound scientific, Ms. Whitman also understands that better results can be achieved through a more cooperative, rather than a confrontational, approach with the regulated community. This too is consistent with the beliefs and philosophies of President Bush. President Bush has said that the federal model of mandate, regulate, and litigate needs to be modernized. Americans need to be rewarded for innovation and results when it comes to protecting the environment.

Christie Whitman has worked extensively on environmental issues during her service as the New Jersey Governor. She has demonstrated her commitment to a safe and clean environment and shows that she is willing to bring all parties together in an effort to find solutions to complex environmental issues. She exemplifies the qualities of a consensus builder, not a divider.

Environmental issues continue to be some of the most complex and contentious and require a leader who can balance various competing interests. Christie Whitman will bring this type of leadership into the Environmental Protection Agency.

It is time to base our regulations on more than just a collection of facts. It is time to work with research for solutions that are based on scientifically valid facts. I look forward to working with Ms. Whitman in doing just that.

As I have said, the Secretary of the Interior has important jobs besides just the Interior Department’s functions. I say the same about Christine Todd Whitman. She will have a tough job because America is in an energy crisis. This means every Department of our Government is going to have to start looking not only at their policies but how do their policies affect America’s energy future? She will have a difficult job because that has not been the case as EPA in the past. Well, I hope she has a very successful term because if she does, we will. If she adjusts some of her rulings to a bigger problem, and can make some cost-benefit assessments that are good for the environment, but also for energy, the energy supply, I think that will be a marvelous achievement.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is, Will the Senate advise and consent to the nomination of Gale Ann Norton to be Secretary of the Interior? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. Dorgan) is the only other Senator in the Chamber desiring to vote?
The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action on these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Democratic leader, Mr. DASCHLE. Mr. President, I will use my leader time under the agreement and under the rule of the day. It is my understanding the time now will be designated primarily for statements related to the Ashcroft nomination. There may be other comments and other remarks to be made about other issues, but it is my intention to make some remarks with regard to the Ashcroft nomination.

NOMINATION OF JOHN ASHCROFT

Mr. DASCHLE. Mr. President, in 14 years in the Senate, I have voted on 36 Cabinet nominations: 24 by Republican Presidents, and 12 by a Democratic President. Of all of them, this one is by far the most difficult. I have struggled with this decision, as have most of us. I have spent many hours thinking about what I have heard and read. I have reviewed the words of our founders, and I have searched my memory and my conscience.

In his inaugural address, President Bush pledged to “work to build a single nation of justice and opportunity” for all Americans. I think most Americans share that desire.

That is why this vote is so important. John Ashcroft is a man of considerable accomplishment. He is a graduate of Yale and the University of Chicago Law School, a former State auditor, State attorney general, and a former Governor.

Beyond that, he is a former Member of this Senate. Many of us have worked with him for a number of years.

The question facing us, however, is not: Does John Ashcroft have an impressive resume? Clearly, he does.

The question facing us is: Is John Ashcroft the right person to lead the United States Department of Justice? The Attorney General of the United States has enormous power. He advises the President and every other Cabinet member—on whether their actions are consistent with the law.

The result was announced—yeas 75, nays 24, as follows:

(Rollcall Vote No. 6 Ex.)

YEAS—75

Akaka                    Domenici                    Lott
Allard                   Ensign                     Lugar
Allen                    Enzi                        McCain
Baucus                   Feingold                    McConnell
Bennett                  Feinstein                   Miller
Bingaman                Ferraro                     Murkowski
Bond                     Frist                       Murray
Breaux                   Graham                      Nelson (FL)
Brownback                Gramen                      Nelson (NE)
Bunning                  Grassley                    Nickles
Burns                    Gregg                       Reid
Byrd                     Harder                      Roberts
Campbell                 Hatch                       Santorum
Cantwell                 Holmes                      Sessions
Carnahan                 Hollings                    Shelby
Carper                   Hatchinson                  Smith (NH)
Chafee                   Hatchinson                  Smith (OR)
Coats                    Inhofe                      Snowe
Collins                  Inouye                      Specter
Conrad                   Jeffords                    Stevens
Craig                    Johnson                     Thomas
Crapo                    Kohl                        Thompson
Daeschle                 Kyl                         Thurmond
DeWine                   Landrieu                    Voinovich
Dodd                     Lincoln                     Warner
NAYS—24

Bayh                     Harkin                      Sarbanes
Biden                    Kennedy                     Schumer
Boxer                    Kerry                       Stabenow
Cleland                  Leahy                       Torricelli
Clinton                  Levin                       Wollstone
Curnue                   Lieberman                   Wyden
Dayton                   Mikulski                    Wyden
Durbin                   Reed                       Wyden
Edwards                   Rockefeller
NOT VOTING—1

Dorgan

The nomination was announced—yeas 99, nays 0, as follows:

(Rollcall Vote No. 7 Ex.)

YEAS—99

Akaka                    Alford                      Conrad                    Helms
Allard                   Allen                       Cummiskey                 Hollings
Baucus                   Baucus                      Dayton                    Hatchinson
Bennett                  Bennett                    Collins                   Hitler
Biden                    DeWine                      Edwards                   Inouye
Bingaman                 Dixie                      Domenici                   Kennedy
Bond                     Byrd                        Byrd                      Kohl
Campbell                 Fitzgerald                  Collins                   Levin
Carper                   Carper                     Campbell                  Lincoln
Carnahan                 Carper                     Chevrolet                  Lott
Carper                   Carper                     Cleland                   McConnell
Clinton                  Clinton                    Corzine                    Miller
Cochran                  Coachman                   Corzine                    Murray
Collins                  Collins                    Dorgan                    Sarbanes
Brownback                Craig                       Durbin                    Santorum
Bunning                  Dorgan                      Sanders                   Schumer
Burns                    Feinstein                   Sessions                   Scranton
Byrd                     Fitzgerald                  Sessions                   Sessions
Cleland                  Gramm                      Smith (NH)
Clinton                  Hagel                       Smith (OR)
Cochran                  Harkin                      Snowe
Collins                  Hatch                       Specter
Continued

The legislative clerk read the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The question is: Is John Ashcroft the right person to lead the Department of Justice? The Attorney General of the United States is the protector of our fundamental freedoms.

The PRESIDING OFFICER. Are there any other nominations in the Chamber desiring to be considered?

The result was announced—yeas 99, nays 0, as follows:

(Rollcall Vote No. 6 Ex.)
constitutional. He has enormous authority to decide which laws are enforced, and to what extent.

The Attorney General decides how—and whether—to intervene in court cases. He is responsible for screening and recommending nominees for the Federal bench, including the Supreme Court.

Because of his enormous authority and discretion, the Attorney General—more than any other Cabinet member—has the power to protect, or erode, decades of progress in civil rights in America.

I believe the President has the right to choose advisers with whom he is philosophically comfortable.

That is why—out of 36 Cabinet nominations, I voted so far on 35, “yes.” The only nominee I voted against was John Tower. I think we are all aware of the problems with that nomination.

My position is that the President has the right to choose his own Cabinet is also a good part of the reason I have voted to confirm every other nominee this President has sent us.

At the same time, the Senate has a right—and a responsibility to evaluate the President’s nominees; offer advice; and either grant—or withhold—its consent.

How do we decide whether to confirm—or reject—a Cabinet nominee? Our Founders, unfortunately, gave us no constitutional guidelines. The “appointments clause” of the Constitution says only that the Senate has the power of advice and consent. It does not specify how we should decide.

During his 6 years in this body, Senator Ashcroft had his own standard. He made it clear he believes Presidential appointees can—and should—be rejected for ideological reasons. That is the standard he in blocking Bill Lann Lee’s nomination to head the Justice Department’s Civil Rights Division.

As Senator Ashcroft put it at the time: Mr. Lee “obviously (has) a strong capacity to be an advocate. But his pursuit of objectives important to him limit his capacity to make a balanced judgment.”

Some might say it is fair to hold Senator Ashcroft to that same standard. And they might be right. But I choose a different standard.

In Federalist No. 76, Alexander Hamilton said there must be “special and strong reasons” for Senators to reject a Presidential nominee. Rarely has that standard been met. Out of more than 900 Cabinet nominations that have reached this floor, the Senate has rejected only five.

Only one nominee for Attorney General has ever been rejected on the floor of the Senate; and that was 76 years ago.

Nearly 30 years ago, Archibald Cox was the special Watergate prosecutor—until President Nixon had him fired for doing his job too well. Before that, he was Solicitor General of the United States.

He has said that the best way to judge what sort of Attorney General a person will make is not by listening to the nominee’s promises about the future. It is by examining his past.

In his words:

Respect for the law—the fairness with which the law is administered—is the foundation of a free society. The individual who becomes Attorney General can do more by his past record . . . . than by his conduct in office . . . . to strengthen or erode confidence in the fairness, impartiality, integrity and freedom-from-taint-of-personal-influence, in the administration of law.

Is John Ashcroft the right person to lead the Justice Department? Or are there specific reasons that make his appointment as Attorney General unwise? The answer is not in his heart. It is in his long public record.

Senator Ashcroft has been a public official for nearly a quarter of a century.

Throughout his career, he has been a fierce advocate for his beliefs. Those beliefs—on civil rights, on women’s rights, workers’ rights, separation of church and State, and many other issues—put him far to the right of most Americans.

Senator Ashcroft and his supporters argue that his past activism does not matter. Legislators write laws, they say. Attorneys general simply enforce the laws that are on the books.

It is an interesting distinction. But in 8 years as Missouri’s attorney general, it is not a distinction John Ashcroft made.

For 8 years, as Missouri’s attorney general and 8 years after that as Governor, John Ashcroft prevented efforts to end segregation of public schools in St. Louis and 23 surrounding communities.

The Federal court system found the State responsible for the segregation, and ordered it to correct its sad history. John Ashcroft fought nearly every one of those orders. Three times in 4 years, he appealed all the way to the U.S. Supreme Court. Each time, he lost.

When St. Louis and the surrounding communities agreed on their own to a voluntary desegregation plan, Attorney General Ashcroft used the power of his office to block it. His obstruction provoked one judge in the case to threaten him with contempt. Today, he insists that his opposition was just a matter of guarding the public till.

But in 1984, when he ran for Governor, John Ashcroft denounced the voluntary desegregation plan as “an outrage against human decency.”

According to the St. Louis Post Dispatch, he and his opponent in the 1984 Republican Gubernatorial primary competed “to see who could denounce desegregation most harshly . . . exploiting and encouraging the worst racist sentiments that exist in the state.”

His continued defiance as Governor caused another judge in the case—a Republican appointed by President Reagan—to conclude that “the State is ignoring the real objectives of this case—a better education for city students—to personally embark on a litigious pursuit of righteousness.”

John Ashcroft’s 16-year fight to prevent the voluntary desegregation cost Missouri taxpayers millions of dollars. Worse than that, it cost many children their right to a decent education.

So much for the distinction between writing laws, and merely enforcing them.

In addition, Attorney General Ashcroft vigorously opposed the Equal Rights Amendment.

When the National Organization for Women urged a boycott of Missouri and other States for failing to ratify the ERA, Attorney General Ashcroft ignored settled legal precedent and stretched antitrust laws to sue the organization. He used taxpayer dollars to take the case all the way to the U.S. Supreme Court. The Court ruled that NOW members were simply exercising their fundamental, constitutional right to free speech.

Governor Ashcroft also twice vetoed voting-rights bills that would have allowed trained volunteers to register voters in the city of St. Louis—just as they did in neighboring suburbs, where there were more white and Republican voters.

Earlier this month, in his opening remarks before the Judiciary Committee, Senator Ashcroft described himself as “a man of common-sense conservative beliefs.” The truth is, there is nothing common about his conservative beliefs.

Here in this Senate, he demonstrated what the New York Times called “a radical propensity for offering constitutional amendments that would bring that document into alignment with his religious views.”

In more than 200 years, our Constitution has been amended only 27 times—including the 10 amendments of the Bill of Rights. In his one term in this Senate, John Ashcroft introduced or cosponsored seven constitutional amendments. One of his amendments would have radically rewritten the rules to make it easier to amend the Constitution. Another would have made abortion a crime, even in cases of rape and incest, and even when continuing a pregnancy would result in serious and permanent injury to a woman. It also would have banned most common forms of birth control.

By his own account, Senator Ashcroft was “pro-life” and “family-values critical than any other individual in the Senate” of Federal judges. He has vilified judges with whom he disagrees as “renegade judges, a robbed and contemptuous elite.”

He frequently opposed qualified Presidential nominees. He opposed both Dr. Henry Foster and Dr. David Satcher for Surgeon General because they supported President Clinton’s position on a woman’s right to choose. In Dr. Foster’s case, he prevented the nomination from ever reaching the Senate floor.

In 1998, when James Hormel was nominated to serve as U.S. Ambassador to Luxembourg, Senator Ashcroft said
he opposed the nomination because Mr. Hormel "has been a leader in promoting a lifestyle."

While Senator Ashcroft never met with Mr. Hormel to discuss his qualifications, he now asserts vaguely that it was "the totality" of Mr. Hormel's record that prompted his opposition. Then-Senator Al D'Amato—a member of Senator Ashcroft's own party—saw a different reason.

In a 1998 letter to Senator Lott, Senator D'Amato wrote: "I fear Mr. Hormel's nomination is being held up for one reason and one reason only: the fact that he is gay."

Senator Ashcroft blocked Bill Lann Lee's nomination to head the Justice Department's Civil Rights Division because of Mr. Lee's views on affirmative action.

Just as Senator Ashcroft assures us that he will enforce laws with which he disagrees, Mr. Lee assured members of the Judiciary Committee that he would enforce Supreme Court rulings restricting affirmative action.

Senator Ashcroft refused to accept that assurance. Perhaps the most troubling for me personally is Senator Ashcroft's treatment of Judge Ronnie White. Mr. White served as Judge White to the Federal district court to be rejected on the Senate floor in 50 years.

Judge White grew up in a poor family and worked his way through college and law school. He is a former prosecutor in a circuit judge, and member of the Missouri State appeals court. He is the first African American ever appointed to the Missouri Supreme Court. In 1997, he was nominated to be a U.S. district court judge. For 2 years, Senator Ashcroft blocked Judge White's nomination from coming to the Senate floor. The wait lasted so long that the seat for which Judge White was nominated was officially declared a judicial emergency.

When Judge White's nomination finally did come to the floor, Senator Ashcroft mislaid the Senate and deliberately distorted his record. For me, that day was one of the saddest in all of my years in the Senate.

John Ashcroft smeared Judge White as "pro-criminal and activist," a man with "a tremendous bent toward criminal activity." Nothing could be further from the truth.

Stuart Taylor, who writes for the conservative National Journal magazine, writes that John Ashcroft's treatment of Judge White alone makes him "unfit to be Attorney General."

"The reason," Taylor writes, "is (that) during an important debate on a sensitive matter, then-Senator Ashcroft abused the power of his office by descending to demonogrophy, dishonesty and character assassination."

I do not believe John Ashcroft's treatment of Judge White was motivated by racism or his dislike for what he termed political opportunism. In the heat of a tough reelection battle, John Ashcroft was willing to try to distort the record and destroy the reputation of a good man. To this day, Senator Ashcroft continues to misrepresent Judge White's record and insist that he himself did nothing wrong.

The job of Attorney General demands fairness, judgment, tolerance and respect for opposing views. It demands commitment to equal rights for all Americans and a sensitivity to injustice. John Ashcroft has shown a pattern of insensitivity through his public career. Even now he refuses to disavow 'Southern Partisan Quarterly Review,' a magazine that has defended slavery. He refuses to distance himself from Bob Jones University, a cauldron of intolerance that has described Mormons and Catholics as 'cults which call themselves Christian.'

Senator Ashcroft has said there are only "two things you find in the middle of the road: a moderate and a dead skunk." I think he is wrong. The other thing you find in the middle of the road is the vast majority of the American people.

An article in the December 23 New York Times quoted an adviser to President Bush as saying:

"Attorney General was the one area where the right felt very strongly, a la Ed Meese. This is a message appointment.

The adviser described it as a signal to the conservatives that "I hear your concerns."

What message does making John Ashcroft Attorney General send to the blacks and Hispanics who do not send to women or to minorities? What message does it send to judges and others who may not see the world exactly as John Ashcroft sees it? What message does making John Ashcroft Attorney General send to Americans who fear their votes don't count and aren't counted?"

John Ashcroft has said:

"There are voices in the Republican Party today who preach pragmatism, who champion compromise. I stand here today to reject those depictions. If ever there was a time to unfurl the banner of unabashed conservativism, it is now.

I say, if ever there was a time to unfurl the banner of conciliation, it is now. Senator Ashcroft is a man of intellect and passionate beliefs. I am sure there are many ways he can serve the causes in which he believes so fiercely, but I do not believe it is fair or reasonable for us to expect him to fully enforce laws he finds unwise, unconstitutional, and, in some cases, morally repugnant.

How can John Ashcroft enforce laws he has spent his entire public career fighting? What would that say about him if he did?

I have turned this over in my head a hundred times. Every time the answer is sadly the same: I do not believe John Ashcroft is the right person to lead the U.S. Department of Justice. For that reason, I will vote no on this nomination.

In his inaugural address, President Bush spoke of the "grand and enduring ideals" that unite Americans across generations, "the grandest of all these ideals," he said, "is an unfolding American promise that everyone belongs, that everyone deserves a chance, that no insignificant person was ever born."

I applaud the President's words, but I cannot reconcile those words with Senator Ashcroft's nomination. John Ashcroft spent 6 years in the Senate mocking bipartisanship. To require that we confirm him now as proof of our bipartisanship and good faith is asking too much.

Nearly a century ago, another Republican, President Theodore Roosevelt, heard rumors that the district attorneys and marshals in a particular State would be ordered to replace their deputies for political reasons. Immediately President Roosevelt sent a letter to his Attorney General, a man named William Moody, demanding that the plan be stopped. As he put it:

"Of all the officers of the Government, those of the Department of Justice should be kept free from any suspicion of improper action on partisan or factional grounds."

He went on to say:

"I am particularly anxious that the federal courts... should win regard and respect for the people by an exhibition of scrupulous nonpartisanship, so that there shall be gradually a growth—even though a slow growth—in the knowledge that the Federal Court and the Federal Department of Justice insist on meting out even-handed justice to all.

That was in 1904. Over the course of the 20th century, we made great strides in assuring that America's courts and Justice Department are indeed committed to even-handed justice for all. Now, as we begin the 21st century, is not the time to turn the clock back."

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. INHOFE. Yes.

Mr. REID. Mr. President, we are in a time for morning business. In an effort to have Senators know what is next, I ask unanimous consent that Senator INHOFE be recognized next for up to 15 minutes or whatever time.

Mr. INHOFE. Maybe a little bit longer.

Mr. REID. Senator INHOFE for 25 minutes. Following that, the Senator from Michigan, Ms. SMITH, be recognized for 15 minutes; following that, Senator BUNNING be recognized for up to a half hour; following that, Senator Harkin...
be recognized; and following that, Senator Murray from Washington be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. MOYNIHAN. Mr. President, I was just advised that I failed to mention Senator Jack Reed in the mix, and we want him to follow Senator Bunning in the same order, if there is a Republican who needs to speak in between Senator Reed and Senator Harkin.

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

Mr. INHOFE. I was listening very carefully during the entire presentation of our very illustrious minority leader, immediate past majority leader. I had a hard time figuring out who he was talking about.

I am 66 years old, and I have been involved in virtually every kind of political job. I have been involved for 30 years in the private sector. I don’t believe I can stand here and think of one person I have ever met in my entire life who is a more honorable person, who is totally incapable of telling a lie, than John Ashcroft.

I have watched him take courageous stands for things he believes in, yes, but he always tells it exactly the way he believes it. That is not the question here. We are talking about a law enforcement officer. We are talking about the chief, the guy at the top.

What I want to say is, you will not hear anyone say that he will not uphold the rule of law. I am reminiscent of the last 8 years, certainly Janet Reno and the Clinton administration. We have been waiting for her to uphold the law, to prosecute people, and not let people off just because they may be friends of the administration.

I have watched her refuse to go after campaign fundraising abuses, refuse to appoint an independent counsel where it is required by law, reject advice by Louis Freh and Charles LaBella, refuse to prosecute Gore’s White House phone calls, questionable plea bargains with John Huang, Charlie Trie. I have watched the theft of nuclear secrets, the botching of the investigation of Wen Ho Lee. I have watched this Attorney General refuse to vigorously enforce gun laws. Gun prosecutions went down under the Reno administration.

We could think of a lot of examples. One that comes to mind, I happen to be in a Bible study with a man named Chuck Colson, who occasionally comes by. I got to know him quite well. I think most Americans know who Chuck Colson is. Chuck Colson violated the laws that during the Watergate era. He disclosed confidential information and leaked it to the media. As a result of that, he was found guilty and he served time, was prosecuted and went to prison in a Federal penitentiary.

Kenny Bacon did exactly the same thing. I have stood on this floor on three different occasions and talked for about 40 minutes just on this particular case, that during the Linda Tripp case, Ken Bacon did in fact release confidential information to the media. And as a result of that, this person was taken out of consideration in terms of credibility.

There is no question in the world. The law hasn’t changed. If anything, it is stronger than it was at that time. But there is no reason in the world that if Chuck Colson was prosecuted 25 years ago and spent time in the Federal penitentiary, Ken Bacon should not have been prosecuted and sent to the penitentiary exactly as Chuck Colson was.

There is an accusation that John Ashcroft would not uphold the law. I am not saying he should be just a little bit better than our previous Attorney General, Janet Reno, has been. He has to be much, much better. But there is certainly no comparison.

As far as Ronnie White is concerned, I think it is important that we not try to paint John Ashcroft as being any kind of racist—a man who was a high school teacher in the positions that he held in the State of Missouri, he supported 26 of the 27 black judges. It is my understanding that he supported more black judges during his administration than anyone has ever had.

As far as Ronnie White is concerned, I listened to him testify before the committee, and I was wondering why certain things were not said that should have been said, because after listening to him and knowing that I believe the name is James Johnson—where this individual had gone out and had violently murdered a sheriff, in the same night a deputy sheriff, in the same night another deputy sheriff, and then, if that weren’t enough, went to a person’s home where they were having a Christmas party and in the process of praying brutally murdering the wife of one of the sheriffs, White was the lone dissector in the death penalty case involving a man who brutally murdered four people.

On the same day that the nomination came to the floor, I heard this story. I voted against Ronnie White mostly because of that case.

But I have to say this. I don’t think many of us here who were not on the Judiciary Committee knew that Ronnie White was black. This is the thing that shocked everyone. One of the Senators said this: The first time I realized that he was black is when someone took the floor and said this was a case of racism. I know this isn’t true.

There is one thing I want to clarify. I think it is important during the next few hours that each one of these allegations be responded to because there is an assumption that there is that true. I am going to respond to one in kind of an unusual way about James Hormel.

I almost 3 years ago on the floor of this Senate made a speech. It was on May 22, 1998. I heard some comments by one of my favorites in the Senate. I say that if I had said what I thought he said, I was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them. Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself. I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

One thing I respect about Senator Wellstone is he is not a hypocrite. He is the same thing everywhere. He is the same everywhere. He honestly believes that government should have a more expanded role. He is a liberal. I am a conservative.

Having said that, let me go back and talk a little bit about what he had actually said. I made the statement when I was running for office—and I have been consistent with that—that if I get elected Attorney General, it was I have the opportunity to participate in the confirmation process, I will work to keep the nominee from being confirmed if that
individual has his own personal agenda and has made statements publicly to the effect that he believes strongly in his personal agenda and will use that office to advance the personal agenda more than he will the American agenda.

In the case of James Hormel, a gay activist, he made statements in the past, which I will read in a moment, that have led me to believe that his personal agenda is above the agenda of the United States. As I said, the same thing would be true if it were David Duke. If he were up for nomination, I would oppose him because I believe he would have his agenda above the agenda of America. Maybe with Patricia Ireland it would be the same thing. Ralph Reed, who started the Christian Coalition, maybe if he were up for nomination and he made the statement that he would use that nomination, whether it be ambassadorial or anything else, to further his own agenda, I would oppose it. Yet I agree with his agenda.

I would also like to quote someone who I think is familiar to all of us and whom we hold in very high esteem. Faith Whittelsey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various embassies. She said:

Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements I have made previously about James Hormel that led me to the conclusion he wanted to use his position to advance the agenda was the following statement he made June 16, 1996. He said:

1 specifically asked to be Ambassador to Norway. I mean, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity to homosexuals. I believe he was implying and there is no question in anyone’s mind that he was saying he was going to use that job to advance his own agenda. I think it is important that we understand that. I would like to repeat what I just said. It was 3 years ago.

As we listen to the confirmation hearings and hearing the speeches on the floor, whoever it was who said that John Ashcroft was the one who blocked and opposed the confirmation of James Hormel, I think it is important to put people with their own personal agendas in the various embassies.

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right.

Ms. STABENOW. I thank the Chair.

(Copies of Ms. STABENOW’s remarks pertinent to the introduction of S. 215 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 30 minutes.

Mr. BUNNING. Mr. President, before I am recognized under the time allotted under the previous order, I ask unanimous consent that not withstanding the previous order, Senator Ashcroft be recognized for up to 15 minutes following the remarks of Senator Reed of Rhode Island and that Senator Thomas be recognized for up to 15 minutes following the remarks of Senator Harkin.

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

Mr. BUNNING. Mr. President, I rise in support of the nomination of John Ashcroft to be our next U.S. Attorney General, a man of integrity and humility. He is going to make a fine Attorney General.

For the past 2 years in the 106th Congress, I served with John Ashcroft as a deputy whip, and I came to know him very well.

He is one of the most intelligent, fair, and compassionate men I have ever known. He is imbued with a full of integrity and humility. He is going to make a fine Attorney General.

What is being done to John Ashcroft and his reputation is wrong and despicable. Today I want to help set things straight about John Ashcroft, and to separate the facts from the lies and distortions that are being carelessly tossed around about him and his record.

First of all, John Ashcroft is one of the most qualified nominees ever to be named to be Attorney General. He was twice elected to be Missouri’s attorney general. He was twice elected to be Missouri’s Governor. And the people of Missouri elected him in 1994 to be one of U.S. Senators.

None of our previous Attorneys General has had such broad popular support from the people who knew them best.

I think it is the issue so many of the mainstream, are John Ashcroft himself to the Senate. He is a man of integrity and humility. He is going to make a fine Attorney General.

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None of our previous Attorneys General has had such broad popular support from the people who knew them best.
We saw it with Robert Bork. We saw it with Clarence Thomas. Now we are seeing it with John Ashcroft.

It is just hot air, and I believe that the American people are going to reject these tactics and the politics of personal destruction.

Another one of the lies that is being told about John Ashcroft is that he is a racist. His critics point to his opposition to Missouri Judge Ronnie White for a position as a Federal judge as proof.

But, again, let's ignore the rhetoric and look at the facts. When he was Governor, John Ashcroft appointed the first black judge to one of Missouri's appellate courts. As a Senator, John Ashcroft voted to confirm 26 black judges out of 28 nominated to the Federal bench.

He led the fight to save Lincoln University which was founded by black soldiers. His wife, Janet, even teaches as a law professor at Howard University, one of our leading historically black colleges.

For his critics to now turn around and call John a racist is absurd and nothing more than dirty politics. When they're not calling John Ashcroft a racist, the liberals sneer that he can't be trusted to enforce the law. They don't have any real proof, just a lot of strong words. They say that John isn't fair-minded enough to enforce laws he might not agree with.

But John did a fine job enforcing Missouri's laws when he was attorney general there. And I believe that after he lays down the law, people will respect the law. He swears to uphold the Constitution as our 68th Attorney General that he will do a fine job for our Nation.

Eight years ago when Janet Reno was nominated to be Attorney General, no one made the ridiculous charge that she wouldn't uphold laws she might not agree with.

No one can or should make the same claim about John Ashcroft.

John Ashcroft is going to be confirmed, and I believe his critics and the tactics they take will backfire.

Mr. President, I urge my colleagues to vote for John Ashcroft. We could not ask for a more qualified and fair-minded person for the job. John will make us all very proud.

I yield the floor.

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

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

Mr. REID. Mr. President, the Senator from Rhode Island came to the floor to ask a question.

Mr. REED. Absolutely.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF CHRISTINE TODD WHITMAN

Mr. INHOFE. Mr. President, I thank the assistant minority leader.

Certainly in having the discussion on the floor about Christine Todd Whitman and her nomination to the director of the EPA—I have served on the Environment and Public Works Committee since I have been in the Senate—I can say what a refreshing change it is going to be. I have watched her record and things for which she stands. She is someone who really believes in a commonsense approach to solving problems. She has experience as Governor and has the desire for cost-effective programs and environmental beliefs. I am very pleased that she is going to work on this job at a time when we really have serious problems.

For the last 8 years, we have not had a reliance upon science in the promulgation of our rules and regulations. We haven't had the cost-benefit analyses that I think most people realize we should have. I think there is a lot of work to be done.

I was very upset when we ended up with the so-called "midnight regulations." Christine Todd Whitman does not believe in issuing a 60-day review of all of the Clinton administration's midnight regulations. For example, one of the regulations was the final rule, the sulfur diesel rule which spent 2 weeks at the OMB instead of the customary 90 days. This is something that will have a direct effect on the cost of fuel, something we were having hearings on, and we didn't need to rush into that. Some of the regulations having to do with putting 60 million acres out of reach so that some cannot be developed or have roads built on them.

Right now, we have a crisis in this country. Some States have a greater crisis than we have. But certainly it is a crisis in terms of the price of fuel and the availability of fuel. By putting this 60 million acres in the category that it is in, it would keep us from developing about 21 trillion cubic feet of natural gas. That would be enough to run this country for a period of 1 year.

The EPA doesn't operate in a vacuum. Some of the things they have and the rules they promulgate affect other departments. I happen to be chairman of the Senate Armed Services Subcommittee on Readiness. And I can tell you right now that some of the EPA regulations on our training grounds have caused us to be less than adequate in our training activities. In fact, we have testimony from one of our commander trainers that they spend more money on compliance of EPA rules and regulations than they do actually on training.

In terms of the energy supply, we can't just act as though all of these new rules and regulations affecting our refiners don't have an effect on cost. They do have an effect on cost of gasoline that we burn in our cars. It is something that will have to be dealt with. Right now, we are at 100 percent of refining capacity in this country. Any new rules and regulations that would cause any of these refiners to drop down directly impacts and increases the cost of fuel.

If I could single out one thing that I am highly thankful for in Christine Todd Whitman taking her position, it is that she has been on the receiving end of abusive regulations. She has been the Governor of a State that had to comply with things without adequate time, without the resources, and I think it is time we had someone in that position who has been on the receiving end of these regulations. I am sure Christine Todd Whitman will be one of the best directors we have ever had for the EPA.

I yield the floor.

Mr. REED. Thank you, Mr. President.

NOMINATION OF JOHN ASHCROFT

Mr. REED. Mr. President, after listening to the testimony given before the United States Senate Judiciary Committee and after much reflection, I decided to oppose the nomination of John Ashcroft as Attorney General of the United States.

This has been a difficult decision; one that I take very seriously. Just as the Constitution gives the President the unfettered right to submit nominees to the Senate, the Constitution requires the Senate to give "Advice and Consent" on such nominations.

The Senate does not name a President's Cabinet, but it also does not delegate its checks. Senatorial consent must rest on a careful review of a nominee's record and a thoughtful analysis of a nominee's
ability to serve not just the President, but the American people.

Unlike other cabinet positions, the Attorney General has a very special role—decisively poised at the juncture between the executive branch and the judicial branch. In addition to being a member of the President’s Cabinet, the Attorney General is also an officer of the federal courts and the chief enforcer of laws enacted by Congress.

He is in effect the people’s lawyer, responsible for fully, fairly and vigorously enforcing our nation’s laws and Constitution for the good of all.

In addition to being intellectually gifted, legally skilled and of strong moral character, I believe that the position of Attorney General requires an outlook and temperament that will allow the American people to believe that he will champion their individual rights more than any particular and potentially divisive dogma.

During the past several weeks, I have listened to Attorney General Ashcroft’s words in the context of his lifetime of public conduct. As a state attorney general, a governor and a United States Senator, he has established a pattern of activism that challenges important civil and individual rights.

Instead of being a positive force for reconciling the races, as Missouri’s Attorney General John Ashcroft conducted a futile struggle to frustrate the voluntary integration of public schools.

He fought a voluntary desegregation plan for the city of St. Louis, showed defiance of the courts in those proceedings and used that highly charged issue for political advantage instead of for constructive action.

Instead of accepting commonsense approaches to limiting the damage done by guns in our society, he has rigidly worked against such solutions—such simple solutions as asking that guns sold with safety locks.

He also has aggressively worked to dismantle some of our country’s most basic legal tenets, such as the separation between church and state.

On the nomination of Judge Ronnie White to the United States Federal court, he appears to have mischaracterized Judge White’s record unfairly, and at the end of the process, raising issues that really did not go to the merits of Judge White’s nomination. This raises serious concerns and questions about both his sense of fair play and his respect for judicial independence.

In sum, although he claims he will enforce the letter of the law, I fear he will not recognize the true spirit of the law.

I believe he will use the considerable power of the Attorney General in directing resources, initiating lawsuits, and interpreting the law to clearly and consciously impose his views as he has done in the past.

His views are not the views of a vast majority of Americans, regardless of political affiliation.

Given the extremely divisive nature of the last election, and the nature of some of the voting irregularities, our nation needs an Attorney General who can lead us on critical civil rights issues, unite us in the pursuit of justice, and help heal some of these wounds.

I believe that John Ashcroft lacks the temperament needed to serve as Attorney General of the United States and I cannot support his nomination as our next Attorney General.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I may proceed for 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized without objection.

BUDGET PITFALLS

Mr. NELSON of Florida. Mr. President, I had the privilege of coming to Congress in 1978 and being assigned as a freshman in January of 1979 to the House Budget Committee. In 1979, I never thought I would live to see the day when we would balance the budget, much less did I think I would live to see the day that, in fact, we would get into a surplus situation. Now, in this time of prosperity and budget surpluses, it is very much incumbent upon us to be fiscally wise and fiscally disciplined in how we use these budget surpluses so we do not go back into the boom-and-bust cycles that we have experienced in the past.

Mr. President, 22 years ago as a freshman member of the House Budget Committee—I am now a freshman member of the Senate Budget Committee—we had an annual deficit somewhere in the range of about $20 billion to $24 billion. Then, as we moved into the decade of the 1980s, that annual deficit crept higher and higher and higher. Toward the end of the decade of the 1980s, we exceeded $300 billion in annual deficit spending. That is not the kind of financial situation you want.

Indeed, we just had Mr. Greenspan before the Budget Committee and he continued the very severe lecture that he has given us for years, which is: Be very fiscally disciplined and wise, and don’t return to that era of deficit spending.

I bring this up today—and this is, by the way, my maiden speech in the Senate, so what a privilege for me to be here, what a privilege to represent such a dynamic State as the State of Florida—but I rise on the occasion of my maiden speech to talk about the potential long term impact of what is being done in education, into deficit spending. In these times of prosperity and budget surpluses, it is important for us to be very wise and fiscally conservative in making these choices—and we are going to make some choices very soon.

One of the first choices we have to make is: Are we going to use all of the Social Security surplus and most of the Medicare trust fund surplus to be applied to reducing the national debt? I can tell you the people in Florida believe very firmly that we should use the surplus to reduce and ultimately pay off the national debt. I think most of us, almost unanimously in this Congress, would agree that that particular part of budgetary restraint. We have the surpluses. We need to do that.

The next question that is going to face us, then, is: What should be the size of the tax cut? I am going to argue and articulate about what my people have educated me, and that is to craft a Federal budget that will be balanced so we can have a substantial tax cut and, at the same time, we can address other very important needs facing this country, such as modernizing Medicare, a 35-year-old system, to provide a guaranteed prescription drug benefit.

One of the best examples I can give another example: a substantial investment in education that will help bring down class sizes and pay teachers more to give them the respect they need in their profession and who ought to have the very best both to compete with the private sector, so that we have the very best teaching for our children; an investment in education that will also enable us to make the classrooms more safe and the schools safe.

In addition to lowering class sizes, paying teachers more, and making the schools safe, we should have our schools accountable for the product they produce. That is just another example.

Clearly, defense is another important priority: the new systems we are going to need, the research and development that will be needed. Indeed, what is one of the main reasons for having a National Government? It is to provide for the common defense, not even speaking about the question of pay for our men and women in our armed forces.

I have only listed three, and there are many more. I mentioned prescription drugs, education, and defense, all being needs in which, over the next decade, this Government is going to have to invest more.

The question is: With the available surplus, after we subtract the Social Security surplus and the Medicare trust fund surplus, with what is left, what is wise for us then to enact in a tax cut? Should it be the tax cut that is proposed by the administration which, after one considers the interest cost and the alternative minimum tax, is going to be in the range of a $2.2 trillion tax cut over a decade? What that means is wiping out all of the available remaining surplus over the next decade so there would not be anything left for prescription drugs, education,
Mr. BYRD. Mr. President, I yield.

Mr. NELSON of Florida. Indeed, I yield with pleasure.

Mr. BYRD. Mr. President, I was sitting at my desk perusing over my mail, watching for grammatical errors, errors in sentence construction, and, lo and behold, I heard this voice coming to my voice mail. I heard it saying this was a maiden speech, so I just stopped everything, and I said to the other staff people in the office: That man says this is a maiden speech. I am going to go up and listen to him.

This is a reminder to me of the old days when Senators gathered around close to hear a new Senator’s maiden speech. The word would go out, and we would gather. We did not have the public address system. We gathered close by so that we could clearly understand the words that were being spoken, and we looked the speaker eye in the eye and he looked us eye in the eye.

This reminds me of those days when Senators gathered together to listen to a new Senator. This Senator has greatly impressed me. He serves on the Budget Committee with me. We are both newcomers on that committee. I have had the chance to talk on very few occasions with Senator NELSON. I have been impressed by his straightforwardness and sense of purpose in service. He comes to us from Florida. My wife and I lived in Florida for 7 months during the last days of the war—the Second World War, that is, not the Civil War.

I was a welder in the shipyard at the McClosky shipyard in Tampa. Spessard Holland was the Governor of the State of Florida. I later came to this body, although I was a welder, and I lived in your State. I was sworn in. I said: Well, Governor, I lived in your State while you were Governor. I am proud to be here serving with you.

Spessard Holland was a very fine Senator. He was always courteous to a fault and made up his own mind. I think this Senator from Florida will be one who will make up his own mind. That is something we need to be very careful of. I do not count myself being in a particular ideological group. I am not the kind of Senator—not an Independent but an independent Democrat. Sometimes I differ with my other Democratic friends.

That is not the point here. I think we have a fine Senator from Florida, who will be his own man, who will make up his own mind. He will study things carefully, and he will try to reach a reasoned, balanced—I use his word “balanced” there—disciplined—his word, too—judgment. I am proud we have such a man coming into the Senate. I predict he will be a power in the Senate, and I consider myself very fortunate in having the opportunity to serve with Senator NELSON.

I was trying to think of a bit of poetry that I wanted to recall for this particular occasion. But aside from that—I may get back to it later—I like what the Senator said. He intends to weigh very carefully this proposed tax cut which is in the nature of $1.6 trillion. That is $1,600 for every minute since Jesus Christ was born. That is a good way to gauge the size of this tax cut: $1,600 for every 60 seconds since the birth of Jesus Christ.

That is a lot of money, and I am going to weigh it very carefully with him. Yes, we need to think carefully about education. We also must remember that the 7 percent contribution we make to the education budgets in the States is not a great deal. And I am not sure how much good what we contribute really does. Probably, we will never be really sure.

But education is at the local level. We need good teachers, teachers who know the subjects, teachers who are dedicated. We need parents who will back up the teachers. And we need students who want to learn.

I was talking about the Great Depression, to have good teachers. They didn’t make much money, and many times they had to give 20 to 25 percent of their check in order to get it cashed in the days of the Great Depression. But they were dedicated teachers.

I started out in a two-room schoolhouse; I am proud of it. I thank God for it. I thank God for the fact that I came through the Great Depression. It left some very vivid memories with me.

I was born in 1917, and so my recollections of the Great Depression are as they were only of yesterday. I remember that little two-room schoolhouse at Algonquin in Mercer County. And I remember a little two-room schoolhouse up on Nubbins Ridge where I attended. There were two teachers in that little school. One was a man; one was a lady.

The man walked, I expect, 4 miles every day from far down the creek, and he came up, walked by my house, and I fell in line when he came by the house, and I walked on to school with him.

I learned in those days. My heroes were the great patriots of the American Revolution. And they were men such as George Washington, Benjamin Franklin, Francis Marion, the “Swamp Fox,” Daniel Morgan, and men who lived during the formation of this Republic.

Now, I wanted to learn. And the man who raised me never told me he would ever go up and whip the teacher if I came home with a bad report card. He wouldn’t go up. And if the teacher gave me a whipping—who was told that I would get another one when I got home. And I knew that was the case.

I wanted to please the two old people who raised me. They were not my father and mother, but I wanted to please them. I wanted to please the teacher, just to get a pat on the back, just to get a little pat on the top of my head from the teacher.

I remember I took violin lessons beginning in the seventh grade. And at this particular school—it was in a coal mining camp—the principal was a tough disciplinarian, the kind we need in our schools, if they would let teachers discipline children. I don’t think they will let them do that anymore. Too bad.

But the principal’s wife was a music teacher, and an excellent one. She talked me into asking the people who raised me if they would buy a violin for me so I could take music lessons. She thought I might grow up to be a violinist.

So I remember one Saturday night when we all piled into the back of a big truck and went to Beckley 10 or 12 miles away. And they called him my dad; he was the only dad I ever knew—he bought a violin and a case and a fiddle bow. Now I am talking about a fiddle, but it is all the same thing. But this whole kit and caboodle came about $25 or $28. That was big money in a coal mining camp.

Anyhow, I went home that night carrying that fiddle case under my arm and with visions—old men dream dreams, and young men have visions—of myself being a Fritz Chrysler or a great violinist. Well, I took lessons. And in this high school orchestra, I was the first violinist. It so happens, I was the first violinist. I was the first one. I
I yield the floor to the Senator from Colorado and recognize that my friend, the Presiding Officer, is also a doctor of veterinary medicine.

Mr. BYRD. Will the distinguished Senator yield to me briefly?

Mr. ALLARD. I yield to the Senator from West Virginia.

Mr. BYRD. I did not know that Senator ALLARD was a doctor. He has gone up in stature with me since I have learned that. I have a little dog, a little Maltese dog, Billy Byrd. He is approaching his 14th birthday. If I ever saw in this world anything that was made by the Creator’s hand that is more dedicated, more true, more undeviant, more faithful than this little dog, I am at a lose to state what it is. I take my hat off. My wife and I pay some pretty high bills to some of these veterinarians, but we gladly pay them. We love that little dog. I take my hat off. I wish I could say that I had been a veterinarian. It must be a joy to work with animals, especially with dogs. I believe it was Truman who said: If you want a friend in Washington, buy a dog. Well, I have a friend in McLean, and I take my hat off to the veterinarians, the two of them, the one who cured Billy Byrd and the other who am glad we have two here. I did not know this about Senator ALLARD. I have served with him a while. I am pleased to hear this. Thank you for the services you perform on creatures that make us happy and that show us God’s love and show us how to be honest and true and faithful and guiltless.

Mr. NELSON of Florida. Will the Senator further yield?

Mr. ALLARD. I thank the Senator from West Virginia, as well as the Senator from Nevada, and in a moment I will recognize the Senator from Florida to comment, too.

I want to invite all of you to join the veterinary caucus with all the favorable comments we have had. Before I yield to the Senator from Florida, I want to respond that Senator GREGG has a dog by the name of Wags, and Wags comes down the hallway and frequently comes into my office to say hello. We visit with him a little bit. If your dog is ever visiting you in your office, bring him down. We love dogs and would like to have an opportunity to get to know Senator BYRD’s dog.

I yield to the Senator from Florida.

Mr. NELSON of Florida. I thank the distinguished Senator for yielding for me to make the comment that it is not only a great privilege to serve here and to represent my State, but it is doubly a pleasure to serve with the quality of Members of this body as exemplified by the senior Senator from West Virginia. He is someone I have naturally gravitated to in these first few weeks as someone from whom I can learn a lot. Of course, I knew of his tremendous talents as one of the best orators who have been in the chamber in my lifetime. His reputation precedes him as one of the best fiddlers the Nation has ever produced, and now I am delighted to...
I know how he got started as an expert fiddler by virtue of the story he told us of receiving the gift of a violin as a child.

I thank the Senator for his comments, and I thank the Senator for yielding.

Mr. ALLARD. I would also like to join with the Senator in commending Senator Byrd for his distinguished service in the Senate. We all respect him. Whether we agree with him or not, he is one of the more honorable Members here, somebody I appreciate. He has joined on the Budget Committee; I am new on the Budget Committee. I am looking forward to visiting with him about those issues as they come up before the Budget Committee. I think it is going to be a challenging year, and it is an important committee. It is an important start for the Congress.

Hopefully, we will get some legislation quickly reported out of there, as the Congress.

Again, I am glad we have all these animal lovers here in the Senate. I talked to Senator Ensign, who is in the Chair, about facetiously setting up a veterinary caucus. With all these comments, I take it more seriously. We would like to perhaps extend an invitation to all the dog lovers here in the Senate, to see if they would like to join us.

Mr. BYRD. I thank the Senator.

NOMINATION OF JOHN ASHCROFT

Mr. ALLARD. Mr. President, I come to the floor this evening to lend my support to President Bush’s nomination of John Ashcroft to be the next United States Attorney General. He is another individual in the Senate whom I have always viewed as quite honorable.

It is the constitutional right and duty of each President to appoint Cabinet Members who will help serve the citizens of this great country during their tenure. I believe President Bush has made a wise choice in John Ashcroft as a member of his Cabinet.

John Ashcroft is a man of great honor and high personal integrity. He will bring these much needed characteristics to the office of the U.S. Attorney General. I have no doubt about that. He has had a long and distinguished career serving the people of Missouri and the people of the United States. I am confident he has the experience to fulfill the duties of this position.

Those who defended President Clinton to the death are now attacking one of the most honorable individuals of the Senate as less than honorable. This was most evident by Senator Ashcroft’s gracious concession to his opponent in his Senate race in Missouri.

John Ashcroft served as Missouri’s attorney general from 1976 to 1985, where he worked tirelessly to enforce Missouri State laws and chaired the National Association of Attorneys General; having been supported in that position, I might add, by both Democrats and Republicans. After serving his home State as their top law enforcement agent, he was elected as Missouri’s 50th Governor in 1984. He was a two-term Governor, where he received 64 percent of the vote.

It was during his second term that he was recognized as a leader among his colleagues and was named chairman of the National Association. Again, he was supported by both Democrats and Republicans.

In 1994, John Ashcroft was elected by the people of Missouri, this time to serve his State in the U.S. Senate. While serving in the Senate, Senator Ashcroft was a member of the Judiciary Committee as well as chairman of the Judiciary Subcommittee on the Constitution. His record has shown a strong commitment to upholding the Constitution and the rule of law equally and fairly.

Throughout this grueling nomination process, Members on the other side of the aisle have questioned John Ashcroft and, in some cases, even accused him of allowing race to affect his decision on judicial nominees.

There is absolutely no evidence that backs up these absurd allegations. Let me remind Members of this body that as a United States Senator, John Ashcroft supported 26 of 28 African American Judicial nominees sent to the Senate for confirmation by the President.

As the Governor of Missouri, John Ashcroft nominated eight African American judges, including the first ever to the court of appeals in the state. He appointed three African American members to his cabinet while he was the chief executive of the state of Missouri. He supported and signed Martin Luther King Jr., holiday. He supported and signed the law that established Scott Joplin’s house as the first and only historic site honoring an African American citizen. He led the fight to save independent Lincoln University, founded by African American soldiers.

He established an award, emphasizing academic excellence, in the name of George Washington Carver. I believe John Ashcroft wants equal opportunity everywhere.

Over the last few weeks we have heard from a number of people who have questioned the nomination of John Ashcroft. I would like to take a few moments to mention some of the groups who have endorsed the nominee for Attorney General:


I could go on and on and continue to name a total of some 263 groups that have voiced their support for John Ashcroft to be the next Attorney General.

John Ashcroft is clearly qualified for the job of U.S. Attorney General.

He understands what is expected of the office. During his hearings he summed up his duties in one statement:

My responsibility is to uphold the acts of the legislative branch of this government and I would do so and continue to do so in regard to the cases that now exist and further enactments of the Congress.

John Ashcroft is a man of unquestionably high character and morals who has the knowledge and experience to serve our Nation with justice and excellence as our Nation’s next Attorney General.

I thank you Mr. President, I yield the floor.

Mr. HUTCHINSON. Mr. President, I want to take just 1 minute to say a word of commendation for my colleague, John Ashcroft. As the Judiciary Committee at this very hour, prepares to meet for a vote on his confirmation, I say that this man of honor and integrity has gone through an unprecedented ordeal in his desire to serve this country as Attorney General.

I cannot imagine anyone who comes to that position with greater qualifications or a greater sense of integrity. I do not believe my colleagues on either side of the aisle would question his faith commitment nor his faith in this body, and yet that very faith commitment has been turned on its head to make it an issue against his faith in this body, and yet that very faith commitment has been turned on its head to make it an issue against his faith. In fact, I suggest no one would argue but that he is the man of deepest faith in this body, and yet that very faith commitment has been turned on its head to make it an issue against his faith. I find that astounding and very disappointing.

The fact that people would ask, can John Ashcroft enforce the laws because of his religion and his faith—John had the best answer to it when he said before the Judiciary Committee: I will enforce the laws of this land because of my faith. As someone who shares much of the same faith as John Ashcroft, I can relate to and understand exactly what John is saying.

Though he may hold deep convictions—and he may or may not agree with all the laws of this land—it is because of his deep faith that he knows he must enforce the laws of this land—and will.

With those words in this body would question his sincerity or his honesty? And as he stood before the Judiciary Committee, and sat before that Judiciary Committee, and took that oath to tell the
truth, and said he would enforce the laws of this land—whether he agreed with them or not—who would we be and which of my colleagues would dare question his sincerity or his honesty?

It was interesting to me, as you look back historically—how would you have previously treated Democrat nominees for the Cabinet, overwhelming votes, without filibusters, and without delay, here is a quote about the nomination process worth repeating:

"We must always take our advice and consent seriously because they are among the most sacred. But, I think most senators will agree that the standard we apply in the case of executive branch appointments is not as stringent as that for judicial nominees. The president should get to pick his own team. Unless the nominee is incompetent or some other major ethical or unconstitutional problem arises in the course of our carrying out our duties, then the president gets the benefit of the doubt."

That statement was made by Senator Leahy. He laid down the right standard. The President should be able to pick his own team. I hope my colleagues recognize that and will support the confirmation of our distinguished colleague from Missouri, Senator John Ashcroft.

Mr. President, I thank you and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I rise this evening to speak about the nomination of Senator John Ashcroft to serve as Attorney General. I want to be very clear, I did not seek this debate. I think it is unfortunate that this new Senate has to address such a difficult and contentious nomination that opens up old history and old wounds and old debates, rather than moving forward on issues that unite our country.

I do not relish the role of opposing a new President's nominee for Attorney General. In fact, quite to the contrary. I believe a new President should be able to fill his Cabinet with the people he wants. Unfortunately, this is not something over which I have control. President picked Senator Ashcroft and in doing so he brought this conflict upon himself and he must accept responsibility for that decision.

Senator Ashcroft, too, must accept responsibility for his actions, especially those that have raised doubts about his ability to serve as Attorney General. I did not seek this conflict, but under the U.S. Constitution the Senate is called upon to provide advice and consent on Cabinet appointments, and I take that responsibility seriously.

I do want to point out that I and all of my colleagues took great care to treat John Ashcroft carefully. In fact, throughout the debate over Senator John Ashcroft's nomination I have said that I would only make a decision after Senator Ashcroft had a full and fair hearing. That is what fairness requires. Senator Ashcroft had an opportunity to respond to the Senate Judiciary Committee. I reviewed the testimony thoroughly and then I reached my decision. I want to share with my colleagues and the people I represent how I reached the conclusion that Senator Ashcroft should not serve as Attorney General.

First, I considered the unique responsibility and trust placed in an Attorney General. Far more than any other Cabinet officer, the Attorney General of the United States has the power to affect the rights and the lives of all Americans. For that reason, this nominee must be chosen with great care.

I can tell you I spent many days and several long nights thinking about qualities I would want to see in an Attorney General. I believe in and have fought against the intensity that belongs to advocacy, not the balance that belongs to administration.

It seems to me that Senator Ashcroft would not even pass his own test. Senator Ashcroft's treatment of Judge White, Ambassador James Hormel, and others does not show the level of fairness that an Attorney General must display. This is not how the U.S. attorney general should treat people.

Let me turn to the second standard I considered—trust. The Attorney General must be someone the American people can trust to vigorously protect their rights.

Citizens of this country should feel comfortable that the highest law enforcement officer of the land will ensure their basic liberties. Unfortunately for far too many Americans, Senator Ashcroft's record creates fear, not trust. His appointment sends the wrong message to Americans who already face discrimination and unfair treatment in their daily lives.

Next I want to turn to integrity because Senator Ashcroft is often said to be a man of integrity, and I do not challenge his integrity, but I do ask this: If he is true to his beliefs, how can he vigorously enforce the laws he has vigorously opposed to overturn throughout his public service?

His past history shows he does not believe in and has fought against the laws that strengthen gun safety, protect a woman's right to choose, and civil rights. I can only assume that a man who prides himself on his integrity would continue to advocate those views.

John Ashcroft is a man of uncommonly strong beliefs. Based on what I know of Senator Ashcroft, he has not convinced me that he can set aside those beliefs to execute fully the laws with which he disagrees.

I also considered Senator Ashcroft's willingness to enforce the law, especially those with which he disagrees. Because we are a nation of laws, the Attorney General must actively enforce our laws. This is an area where Senator Ashcroft has an extensive record.

Unfortunately, as Missouri's attorney general, John Ashcroft was selective in his application of the law. Often
he acted outside the scope of his office. For example, Senator Ashcroft refused several court orders to implement desegregation of public schools in St. Louis. In fact, one judge said of Senator Ashcroft’s efforts representing Missouri, the State has, as a matter of deliberate policy, decided to defy the authority of this court.

The desegregation case is the most troubling example of Senator Ashcroft’s refusal to enforce the laws with diligence. Senator Ashcroft has also failed to convince me that he would actively enforce the laws that protect a woman’s right to choose.

Finally, the Attorney General must be someone to whom all Americans can look as their advocate. President Bush has said he wants to unite our country, not divide it. This nomination, more than any I have ever seen, has divided our country and left many Americans wondering if their rights will be protected in the Bush administration.

I have received literally thousands of calls from a wide variety of citizens in my State asking me to oppose Senator Ashcroft’s nomination, and they are not just saying oppose Ashcroft and hanging up. These are people who are telling me they have been following the debate and are really concerned that their rights will not be protected if John Ashcroft becomes Attorney General.

I want to say one more thing about the high level of public comment we have heard in recent weeks. Some claim that interest groups are to blame for John Ashcroft’s problems. I disagree. No interest group made John Ashcroft mistreat Ronnie White or Bill Lann Lee. John Ashcroft did that himself, and he has to accept responsibility for his actions.

Those are the factors I considered: fairness, trust, ability to enforce the law, and a commitment to represent all Americans and to safeguard their rights.

I asked myself: Is John Ashcroft someone whom all Americans can trust to treat them fairly and to protect their rights? I have concluded he is not.

I will vote against John Ashcroft because he has not shown the fairness, the trust, or the respect of the law required in America’s highest law enforcement officer.

Given the likelihood of his confirmation, I hope that John Ashcroft’s actions in office will prove me wrong. Either way, I will hold President Bush accountable for his decision.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. Voinovich). The Senator from Alabama.

Mr. SESSIONS. Mr. President, President Bush’s Cabinet nominees are the finest group of Cabinet nominees I believe we have seen in the last 100 years. They are extraordinary men and women of accomplishment and achievement. They are growns. They are people who have a proven record of achievement, and I am proud of them.

John Ashcroft is a quality nominee. He is 59 years old. He served twice as attorney general of Missouri, twice as state representative, and he was elected to the Senate. He was five times elected to public office in the State of Missouri, a heartland State, a State that is always a bellwether for who will win the Presidency.

This is not a man who is an extremist. This is one of the finest, most decent men I have ever known. This is a man who tells the truth to a degree unusual in this Capitol, and to have John Ashcroft accused of not telling the truth by the very same people who on this floor defended the former President of the United States, Bill Clinton, for bald-faced misrepresentations and lies he has finally admitted to making is stunning.

John Ashcroft is not that kind of person. John Ashcroft is a better person than that. He tells the truth. He does what is right. I have seen that aspect of his character exhibited time and time again on this floor. He is one of the most principled and decent Senators I have ever dealt with.

As I told some friends of mine back home, I have not met a finer person in my church, in my State, or in Washington than John Ashcroft.

It is really a waste of time for me to have Members of this body be encouraged and pushed by a group of hard-left activists to make statements that are demonstrably untrue. This is especially true when the people parroting these irresponsible statements were not present to observe the hearings that we had on this nomination. In fact, some who have announced their intentions to vote against John Ashcroft did not even wait for the Judiciary Committee hearings to begin before making their rush to judgment.

I am a member of the Judiciary Committee, and I was there when we had the hearings concerning this nomination. The committee gave everybody their say. We had representatives of Planned Parenthood, who oppose virtually any kind of control on abortion. We had representatives of the National Abortion Rights Action League as well. We also had a representative from Handgun Control who admitted to me that his organization never criticized the Clinton administration when they allowed prosecutions of gun crimes to drop 46 percent over the past eight years.

He never criticized the Clinton administration not even one single time. Yet he has no problem launching attacks on Republicans who would not agree to support more and more regulation of innocent law-abiding citizens who want to possess guns. That is what the gun debate had become. Whatever bill will come up, these groups want to put something more extreme out there so that it implicates the second amendment to a degree that is arguably unconstitutional, thereby giving them ammunition with which to attack the person who will not vote for it.

They never criticized the Clinton administration for not prosecuting gun crimes. They never criticized Governor Reno allowed prosecutions to plummet 46 percent over the past eight years. Why was this group silent? If their agenda is truly one of concern about the criminal misuse of firearms, why were they willing to turn a blind eye to the Democratic administrations lax enforcement efforts?

The truth is that many of these activist groups are fundamentally arms of the Democratic National Committee, and they are leaders of the hard left in America. They think they can come in and dictate to the President of the United States that he cannot appoint a decent, exceptionally skilled, and fine individual as Attorney General of the United States.

Another problem with John Ashcroft went to Yale. He graduated from the University of Chicago Law School. He is a scholar. I have heard him make speeches that are extraordinarily fine in their analytical thought. He follows the principles that I think is unsurpassed here. So it is really surprising to me to hear these complaints raised about him.

Let’s talk about one matter his opponents keep raising. I would like to stand here all night and try and debunk the myths that the far left has attempted to construct, but for the moment I am just going to talk about a couple of them tonight. The Ronnie White matter is one of the first myths that the hard left is perpetuating.

Let’s look at the facts. John Ashcroft voted for every single African American judicial nominee who came up for a vote on this floor except Ronnie White—26 out of 27. Ronnie White was not only from his home State of Missouri by John Ashcroft, he was also opposed by KRT Bond, the senior Senator from Missouri. Both of the home State Senators opposed this nominee. Was this some sort of an extremist position? I mean, confirmation is a fact and we need to deal with the cases that come before us.

John made a speech on this floor indicating his opposition to that nomination. He voted against it in committee. I think there was a committee on two different occasions and on both occasions he voted against it and expressed his opposition to the nominee. But, to his credit, he did let the nominee come to the floor for a final vote. He agreed to allow that to happen in committee.

So now he has been accused of intentionally mistreating Ronnie White because he allowed the full Senate to consider the nomination, rather than attempting to quietly defeat the nomination in committee. Let me tell you, if I had that nominee in committee and I suppose Senator Bond and Senator Ashcroft could have kept that nominee in committee—the left would...
have been attacking him now for not letting the White nomination come to a vote. I am telling you, that is what he would be accused of. I have been here on the floor, and I have seen that.

John made a speech delineating some of the reasons which I am going to mention in a moment—that he opposed him. And 54 of the 100 Senators in this body voted no.

How is that an extreme matter? Why would they vote no? There were several reasons. Out of the 114 sheriffs in Missouri, while the vote on opposing the White nomination, the sheriff of the White nominess. Incidentally, many of these sheriffs are Democrats. Additionally, the Mercer County District Attorney wrote a letter to John Ashcroft stating:

"Judge White’s record is unmistakably anti-law enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on fourth amendment issues should be disqualifying factors when considering his nomination."

You have heard another far left myth if you listened to the debate to date in that some opponents of John Ashcroft’s nomination claim that John Ashcroft of the Supreme Court voted to dissent on capital cases more frequently than Judge White. That is a very inaccurate statement. Let me tell you why. It is because apples are being compared to oranges. Ashcroft’s position and the death penalty in a number of cases that were not the same cases Judge White was voting on. That is a very inaccurate statement. Let me tell you why. It is because apples are comparing to oranges.

In order to place Judge White’s death penalty dissent in proper perspective, it is necessary to compare Judge White’s rulings to all the members of the court during the time Judge White sat on the court. When apples are compared to apples, it is clear that Judge White dissented four times more frequently than any other judge on that court.

That is a record that should be examined. That is a cause of concern. Some of Judge White’s opinions that I have read cause me great concern because I was a Federal prosecutor for 15 years, and an attorney general for 2. I know some of the issues that come up with judges. I have spent by far the largest portion of my career in Federal court before Federal judges.

You have to understand something about Federal judges. They are appointed for life. They have absolute power in many instances in a trial, power that is unreviewable by any court. The most dramatic of these powers is the ability to grant a judgment of acquittal at the end of the prosecution’s case.

For example, if you present a case against a defendant for murder, or some other fraud or crime, and the prosecution stands up at the end of its case and says, “The prosecution rests.” immediately now, these days, no matter what the evidence, the defense lawyer will stand up and make a motion for a judgment acquittal. Usually they are denied. Usually these motions are just hot air. They are just saying stuff for the record, frankly. Most prosecutors bring good, strong cases. So defense attorneys as a matter of routine move for a judgment of acquittal. That may not be grants that they think the judgment of acquittal, it is the same as if a jury had acquitted that defendant. Jeopardy attaches. Under the Constitution of the United States, you cannot twice be held in jeopardy under the law. That defendant is acquitted, and he can never be tried again, no matter how guilty he or she may have been of the offenses charged.

So a Federal judge with a lifetime appointment in many ways is much more problematic. In this case the defendant's death, Mr. Johnson, was involved in a domestic disturbance. The call went out to the sheriff’s department. As so often happens, sheriff’s deputies go out to those houses in response to a domestic call.

These missions are considered to be perhaps the most risky and dangerous thing they do. In this case a deputy knocked on the door, and Johnson appears with a gun. As the deputy tried to get away, Johnson shot him in the back. The deputy fell to the ground, and Johnson walked over and fired a bullet through his forehead, execution style.

That is not enough to satisfy Johnson’s blood lust, however. Whatever does he do next? After murdering, in cold blood, a deputy doing his duty, Johnson goes out and tries to track down the sheriff. The sheriff isn’t home. But the sheriff’s wife is in the home, having a social gathering there—and with her own children about—and he shoots the wife five times through the window, killing her.

Then Johnson continues his rampage by tracking down two other deputy sheriffs and killing them.

This is one of the most horrible crimes I have seen.

At his trial, Johnson’s defense lawyers suggest that because he served in Vietnam, the murders were the result of posttraumatic stress syndrome. The trial had all kinds of expert testimony and things of that nature to deal with this issue.

The defendant was caught, surrounded in a building, and surrendered. He made a detailed confession. I would say, as a prosecutor, it was a powerful demonstration of guilt beyond a reasonable doubt that this defendant committed this crime.

The defense tried to say this guy thought he was in Vietnam. These were good defense lawyers, they had been award-winning criminal defense lawyers. All of them were highly skilled. So, on behalf of their client they claimed he had posttraumatic stress
In light of the overwhelming evidence what else could they do? The murders were plain and simple. During the course of the trial, these lawyers made some representations that were not factually accurate, but which were not sufficiently egregious for the majority of the Missouri Supreme Court to find any error in their actions.

But Judge White felt differently. He concluded that the defense attorneys were incompetent, and that Johnson didn’t meet the legal definition of insanity. In fact, what White said was that if Johnson didn’t meet the legal definition of insanity, he had something “akin to madness.”

The two most significant criminal justice issues in America are the question of insanity and incompetent counsel. That is true because so many cases in our criminal justice system are like this case—the guilt is clear and overwhelming. The problem is that many attorneys went to work for the prosecution as attorneys. They were hired by this defendant or his family; they hired them; he wanted good attorneys. They made some representations that were not factually accurate, but which were not sufficiently egregious for the majority of the Missouri Supreme Court to find any error in their actions.

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But Judge White felt differently. He concluded that the defense attorneys were incompetent, and that Johnson didn’t meet the legal definition of insanity. In fact, what White said was that if Johnson didn’t meet the legal definition of insanity, he had something “akin to madness.”
John Ashcroft is better than the rest of us. In many important ways, John Ashcroft is different from the rest of us. In many important ways, John Ashcroft is different than what we understood Adarand to be and that he could not fulfill the very heart of his office's responsibility if he didn't understand the seminal case on preferences and quotas in American law, the Adarand case.

There are hundreds of Federal programs based on race in America. When asked if any of them would fall because of Adarand, Lee suggested maybe one. I think that is unlikely to be so as the law continues to develop in this area. I think we had a real problem there. That is why that matter was decided the way it was.

It certainly is unfair to say that this brilliant lawyer, this principled Senator, this public servant of over 25 years was somehow anti-Chinese-Americans because he voted against Bill Lann Lee. He voted for 26 out of 27 African American judges that the Clinton administration sent forward, objecting only to the one in his State where his sheriffs and police chiefs opposed him. Does that mean that he is anti-black? They are wrong. This is going too far. What is happening here is not right. It is wrong to allow a series of groups that are not answerable to the American people, that have hard-left agendas, to come in here and caricature his colleagues who may not know otherwise.

It was an honest, professional discussion of the law. It was an honest discussion to be done for Bill Lann Lee, and we concluded that his understanding of Adarand was different than what we understood Adarand to be and that he could not fulfill the very heart of his office's responsibility if he didn't understand the seminal case on preferences and quotas in American law, the Adarand case.

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I was talking to a group, and I acknowledged that John was different from the rest of us. He doesn't drink, dance or smoke because of his dedication to his religious beliefs. He has been married to one wife, and he has a fine personal life. He conducted on the highest standard of decency and fairness. In many important ways, John Ashcroft is different from the rest of us. In many important ways, John Ashcroft is better than the rest of us.

He has appointed numerous African Americans to the bench in Missouri. He signed into law and supported the Martin Luther King birthday law in Missouri at a time when some didn't want to do it. A law graduate of his herself, is teaching at the Howard University, a majority black college here in D.C. John has a clear record of fairness and justice.

It is wrong to allow a series of groups that are not answerable to the American people, that have hard-left agendas, to come in here and caricature his decisions as being somehow anti-civil rights because he voted against Bill Lann Lee; that he is somehow anti-black because he voted against this one judge. To do that is the kind of cheap shot of this good man and then ask us to vote against him based on that caricature is fundamentally wrong.

If you had heard the testimony and heard him answer and explain how he did this and other things in the hearing, you would agree, I believe, that he made a wonderful case for what he did. It was plausible and reasonable and principled and is not in any way extreme outside the mainstream of American law.

Another far left myth is that John is against integration because he resisted massive Federal Court intervention in the State of Missouri's school systems. Many years ago heard of the Kansas City case where a Federal judge imposed a tax and ordered a county commission to impose a tax to pay for the court's plan for education. John was the attorney general of the State of Missouri, the sovereign State of Missouri, that has a constitution that says what State school boards do, what State superintendents of education do, and how the system is set up. This Federal judge came in and ripped it apart doing what he thought was just.

I am telling you, if the attorney general wants to defend his State, what is the matter with that? Who is in charge? Is he supposed to stand idly by and allow what? Senator Danforth, one of the most respected Senators who has served in this body, is an Episcopal priest, and was attorney general before John. He opposed these court orders. His successor opposed these orders. The second successor to John Ashcroft, Jay Nixon—I was attorney general, and I knew Jay. Jay opposed those orders exceedingly vigorously. But that didn't stop a few of the Members of this body, Senators Kennedy andarkin, from going to Missouri and having a fundraiser for Jay Nixon in his race for the Senate.

Let me repeat that. Senators Kennedy andarkin held a political fundraiser for Jay Nixon after he opposed the order. I am not saying the opposite, yet somehow it was improper for then Attorney General Ashcroft to have opposed them as well.

This example is illustrative. Like the integration charge, all the charges made against John are trumped up. This is not fair. John Ashcroft was doing his duty as an attorney general. He favored school integration, and he has stated that unequivocally. He believes in integration, but he did not agree with the actions taken by the federal courts.

This is what was in one of the court orders that John Ashcroft resisted as attorney general of Missouri. It ordered the school system to have an 8-lane, 50-meter swimming pool, the biggest in the State, bigger than any of the universities' swimming pools; a 300-seat Greek amphitheater with a stage framed with white columns; a planetarium; greenhouses; a dust-free diesel mechanic shop—I worked in my dad's mechanic shop and it wasn't dust free. It didn't hurt me, I don't think—broadcast cable radio and TV studios; school animal rooms, including an indoor petting zoo; private nature trails; overseas trips for students; and a model United Nations with language translation.

The attorney general is supposed to sit by and let a Federal judge take over the whole State and issue these kinds of orders? Who is going to pay this $1.7 billion that you are going to pay to people who overreached?

Who is this judge? How do judges get to do this? They have to be careful about this. You can't issue orders to remedy a past discrimination. You can't do that, but judges do it regularly. But many judges overreach. Most court rulings are not even reached.

As attorney general, John Ashcroft thought it was his duty to defend Missouri as his predecessor and as his two successors did. That is not an extreme position.

This is second-guessing somebody and twisting it to make it sound as if he opposed integration, which he absolutely did not.

There are many more matters that have been charged. The responses to them are just as compelling. In fact, it is not fair to me that against John Ashcroft totally collapsed in the hearings that we held. We gave everybody a chance to testify. John responded to all of them. He answered 400 questions propounded to him.

There is no case here that shows that he wouldn't be the finest kind of Attorney General. I am convinced that he will. I am convinced that he will be a great Attorney General.

As one who spent 15 years in the Department of Justice, I dearly love and respect it from my deepest being. It has not been run well in the last 8 years. It really has not. Morale is not where it needs to be. They have not pursued cases effectively, in my view. For long, long periods of time, chief positions such as Criminal Division Chief have been left vacant. There has not been a focus and a leadership there, and it is desperately needed. More than anybody I know, John Ashcroft can fill that role with integrity, with fairness, and with justice to restore the concept of equal justice under the law, even if it means denying pardons to million-are fugitives who won't come back to face the medicine.

He would never have approved a pardon for that kind of case. That kind of stuff is rotten to the core. The same people in this body who have defended, excused, and apologized for lies, for unprincipled operation of the Department of Justice, or for former President Clinton's subversion of the law, now see fit to attack a man of character and decency. This is tragic, and it speaks volumes about John's opponents.

He is going to be confirmed, because my colleagues know the truth about John Ashcroft. He will be a good Attorney General. Members of this Senate in the future will need to reevaluate their conscience about how they have handled this case. I yield the floor.
The PRESIDING OFFICER. The Senator from Arkansas.

ELIMINATING FEDERAL BARRIERS

Mr. HUTCHINSON. Mr. President, I rise to enthusiastically applaud George W. Bush’s community and faith-based initiative which he announced yesterday and is emphasizing and talking about this week. It is a very exciting prospect that we have a President who recognizes the vast untapped potential of the charitable and faith-based sector and who wants to rally what he calls the “armies of compassion” to solve the deeper social problems and the deeper social challenges we face in this Nation.

The government can do many things. Some of those things it does well, but there are many things government cannot do. It cannot put hope in our hearts or a sense of purpose in our lives. This is done by churches, synagogues, mosques, and charities that warm the cold of life. It is done by the faith-based sector in our society.

I am pleased the President has established the Office of Faith-Based and Community Initiatives. By creating this office, we now will have a clearinghouse in the executive branch to point up where we have legislative and administrative barriers that have been erected to make it more difficult for people and support these faith-based initiatives. It will identify such problems in Federal rules, practices, and regulatory and statutory barriers in order that we might find relief and coordinate new Federal initiatives to empower and partner with faith-based and community problem solvers.

As he rolled out this plan—some of it, I am sure, is going to be controversial, and that is where the media would like to focus—much of what the President has said makes common sense if we go beyond welfare reform, passed a few years ago and signed by President Clinton. Welfare reform has had a dramatic impact. We have seen the welfare roles decline by half across the Nation. All of us involved in the effort understood that was but the first step, and if we were ultimately to get to the deeper problems in a welfare culture, if we were going to deal with the problems of drug dependency, if we were going to deal with the high rate of recidivism in our prisons that we had to embrace, we had to involve the faith-based sector.

The President has suggested we should expand private giving, we should encourage dollar for dollar nonitemizers. The Federal charitable deduction, under the President’s plan, will be expanded to 80 million taxpayers. Seventy percent of all filers do not itemize, and thus currently cannot claim this benefit. This initiative will spark hundreds of millions of dollars in nonitemizer contributions to charitable organizations. He has suggested that we promote corporate in-kind donations. The administration seeks to limit the liability of corporations that in good faith donate equipment, facilities, vehicles, or aircraft to charitable organizations, thus enhancing the ability of these organizations to serve neighborhoods and families. That, I say to my colleagues, is common sense and should not be controversial. He suggested that we permit charitable contributions from IRAs without penalty. Under current law, withdrawals from IRAs are subject to income tax. This creates a disincentive for retirees to contribute some or all of their IRA funds to charity.

President Bush supports legislation that would permit individuals, over the age of 59, to contribute IRA funds to charities without having to pay income tax on their gifts. He promotes a charitable State tax credit. He supports raising the cap on corporate charitable deductions and creating a compassion capital fund.

All of these are a simple means in which we can use the Tax Code to encourage donations to the faith-based and charitable sector and unleash this vast source of energy to help solve these very deep-rooted problems that we have in our society.

Among the new approaches, he suggests action that would help the children of prisoners, improving inmate rehabilitation, providing second chance maternity group homes, and more after-school opportunities.

I want to tell one such story from the State of Arkansas that I believe the President’s initiatives will assist. We had a wonderful organization started in Little Rock, AR, called PARK. It stands for Positive Atmosphere Reaches Kids. It was established by someone whose name will be familiar to football fans across this country. It was established by Keith Jackson. Keith was raised in a single parent household in a low-income neighborhood. But he went on to attend Stanford and to his course of finishing high school, playing football, and ultimately graduating from college. Unfortunately for us, he played football for the University of Oklahoma. But he went on to the NFL where he had a stellar career. He returned to Little Rock with this burden to help underprivileged children in Little Rock.

This is what he said in 1989. He said, while watching an evening newscast, he was struck by the number of stories involving teenagers and violent crime. He said: It seemed like every story was about a kid getting shot or robbing a liquor store or being in a gang fight. It really hit me for the first time that somebody had to do something to stop this. What we are doing now isn’t working.

He said the Government programs, as many and as well motivated as they were, were not doing the job. He established PARK. It is a wonderful program. It is an after-school program. From September through May, the program operates 4 days a week. Kids ride schoolbuses to PARK. When they arrive, they eat a nutritious snack. They participate in the required academic program which requires homework, tutoring, reading or research in the library, working in the computer lab that is equipped with software designed to enhance skills in reading, math, and language arts.

Volunteer tutors and mentors come in. After they spend the hour doing the academics, they then get to enjoy the recreation. They have a skating rink, a weight room, basketball courts, racquetball courts, and an arcade. Some kids may get involved in the recreation, but they first have to do the academic work. They have a summer program. They have a community service program. They emphasize parental involvement.

When school is over, the buses take the kids to PARK, where they enjoy an extra hour of academic emphasis. Then they have the recreation. They have a nutritious snack. They have parental involvement. They have mentors and tutors. And they have a college prep program. All of this is done without one cent of Government money. It is all from donations. It is all from foundations; not any Government assistance.

Why shouldn’t we make it easier for people who believe in programs such as PARK to be able to give and contribute and have a tax incentive to do that? I simply applaud President Bush for seeing this need and for stepping forward and being willing to take some of the barbed attacks he has faced, and will continue to face, for this initiative because it is sorely needed.

I want to tell one more example. Here in Washington, DC, a group of Hill staffers, a few years ago, saw the need of children in disadvantaged homes in the District of Columbia, where many of them did not have the same educational opportunities as children in more affluent homes. They went out and they started a school called Cornerstone. They started it on a shoe-string. They had no great resources. They had no great endowment. They had no great foundation. All they had was a vision and a dream. They are Hill staffers. They have started a school that is now serving scores of young people here in the District of Columbia. While we may argue about vouchers, we surely should not argue about making it easier for people to support faith-based initiatives such as Cornerstone.

Mr. DASCHLE. Mr. President, the following is our completed list of Democratic members of the Energy Committee who may join them: BROWN, AKAKA, DORGAN, GRAHAM, WYDEN, JOHNSON, LANDRIEU, BAYH, FEINSTEIN, SCHUMER, and CANTWELL.
States at the age of 15 and successfully families attain their dreams of becoming single-family homes in poor communities over five years to build and renovate.

As the steward of the Department of Health and Human Services, he will be involved in managing more than 300 separate programs and the largest budget of any cabinet agency, more than $400 billion. In this position, it is my hope that he will make providing affordable, universal prescription drug coverage to every Medicare beneficiary, and reforming the Medicare program to ensure its long-term fiscal solvency at the top of his agenda.

Also, I would hope that under his leadership, HHS will take an active role in working to address continued funding and access shortfalls in the rural health care system, particularly as they relate to Medicare reform. This is especially important in my state of North Dakota, where health care providers are struggling to offer quality services to seniors living in rural areas. In addition, we know that Governor Thompson has fought hard to expand health care coverage for low-income parents and children in the state of Wisconsin. It is my hope that he will continue this effort at the federal level, with a firm commitment to retaining a strong federal role in important programs such as Medicaid and the State-Children's Health Insurance Program.

I look forward to working with Governor Thompson in the coming years to improve health care and income security for all Americans.

CONFIRMATION OF MEL MARTINEZ

Mr. CONRAD. Mr. President, I supported Mel Martinez as Secretary of the Department of Housing and Urban Development. I believe that Mr. Martinez will contribute both his knowledge of housing policy and personal experience to the task of implementing these legislative initiatives as well as helping to negotiate the next highway bill.

As he takes on these challenges, I hope Secretary Mineta will keep in mind some of the concerns of primarily rural states like North Dakota. In my state, Essential Air Service is critical to preserving air service to mid-size communities and helping to foster economic development in those communities. More generally, federal funding is essential to maintaining the hundreds of miles of highways that bridge the distances between population centers. Finally, I had the opportunity to talk with Mr. Mineta the other day about the unique situation in the Devils Lake region in my state and the need to come up with an innovative solution that will maintain the road network in the face of continued flooding of Devils Lake.

I look forward to working with Secretary Mineta on these many issues and wish him well in his new position.

FH CHARITABLE CONTRIBUTIONS

Mrs. HUTCHINSON. Mr. President, later today I plan to introduce legislation that will be a very important part of our tax bill and also part of the effort to encourage people to give more to charitable institutions. This bill was passed by Congress last session, and it was vetoed by the President. Senator DURBIN and I are going to reintroduce it. It is the IRA charity rollover bill.

It will allow simply anyone 59 1⁄2 or older his or her money will go and it will certainly continue to encourage people to save for their retirement security. It will also give them flexibility, an option, if they have saved in good faith and find they now can be more generous and would like to help the charity of their choice.

The charity IRA rollover bill will be introduced by Senator DURBIN and myself this afternoon. I am very pleased that it is going to be part of President Bush’s tax package. Now I know that when we pass this bill, it will be signed by the President.

TRIBUTE TO ALAN CRANSTON

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1980. This report shows the effects of congressional action on the 2001 budget through January 24, 2001. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 Concurrent Resolution on the Budget (H. Con. Res. 250).

The estimates show that current level spending is above the budget resolution by $33.9 billion in budget authority and by $21.8 billion in outlays. Current level is $14.3 billion above the revenue floor in 2001.

This is my first report for fiscal year 2001, and my first report for the first session of the 107th Congress.
Enclosures.

TABLE 1.—FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT, AS OF JANUARY 24, 2001

(In billions of dollars)

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>Current level</th>
<th>Current level over/under resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ON-BUDGET</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget Authority</td>
<td>1,534.5</td>
<td>1,568.4</td>
</tr>
<tr>
<td>Outlays</td>
<td>1,495.9</td>
<td>1,517.7</td>
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<tr>
<td>Revenues</td>
<td>4,032.4</td>
<td>4,155.9</td>
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<tr>
<td>Debt Subject to Limit</td>
<td>5,663.5</td>
<td>5,646.0</td>
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<tr>
<td><strong>OFF-BUDGET</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Outlays</td>
<td>336.5</td>
<td>337.2</td>
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<tr>
<td>(2001–2005)</td>
<td>1,765.0</td>
<td>1,767.3</td>
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</table>

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JANUARY 24, 2001

(In millions of dollars)

<table>
<thead>
<tr>
<th>Appropriation Act</th>
<th>Budget Authority</th>
<th>Current Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Appropriations</td>
<td>297,807</td>
<td>n.a.</td>
<td>1,514,820</td>
</tr>
<tr>
<td>Commerce, Justice, State Appropriations (P.L. 106–553)</td>
<td>37,812</td>
<td>25,437</td>
<td>0</td>
</tr>
<tr>
<td>Energy and Water Development Appropriations (P.L. 106–377)</td>
<td>23,598</td>
<td>15,129</td>
<td>0</td>
</tr>
<tr>
<td>Interior Appropriations (P.L. 106–291)</td>
<td>18,905</td>
<td>11,912</td>
<td>0</td>
</tr>
<tr>
<td>Act making further continuing appropriations for the fiscal year 2001 (P.L. 106–426)</td>
<td>7</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Veterans, HUD Appropriations (P.L. 106–377)</td>
<td>103,577</td>
<td>62,961</td>
<td>0</td>
</tr>
<tr>
<td>Consolidated Appropriations (P.L. 106–554)</td>
<td>4,368</td>
<td>4,480</td>
<td>(132)</td>
</tr>
<tr>
<td><strong>Total, enacted in previous sessions</strong></td>
<td>663,430</td>
<td>885,047</td>
<td>1,514,820</td>
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</table>

Total, enacted in 2001:

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<tr>
<th>Appropriation Act</th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Appropriations</td>
<td>77,830</td>
<td>42,663</td>
<td>0</td>
</tr>
<tr>
<td>Commerce, Justice, State Appropriations (P.L. 106–553)</td>
<td>37,812</td>
<td>25,437</td>
<td>0</td>
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<tr>
<td>Energy and Water Development Appropriations (P.L. 106–377)</td>
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<td>7</td>
<td>0</td>
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<tr>
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<td>103,577</td>
<td>62,961</td>
<td>0</td>
</tr>
<tr>
<td>Consolidated Appropriations (P.L. 106–554)</td>
<td>4,368</td>
<td>4,480</td>
<td>(132)</td>
</tr>
<tr>
<td><strong>Total, enacted in 2001</strong></td>
<td>300,681</td>
<td>205,126</td>
<td>0</td>
</tr>
</tbody>
</table>

Total, authorizing legislation:

<table>
<thead>
<tr>
<th>Appropriation Act</th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
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<td><strong>Total, authorizing legislation</strong></td>
<td>300,681</td>
<td>205,126</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Congressional Budget Office.
Notes: P.L. = Public Law. n.a. = not applicable.
TRIBUTE TO JERE W. GLOVER

Mr. KERRY. Mr. President, I speak today to praise Jere Glover, former Chief Counsel for Advocacy at the U.S. Small Business Administration, for almost seven years of outstanding work in that position.

The United States Senate confirmed President Clinton’s appointment of Mr. Glover as Chief Counsel for Advocacy on May 4, 1994. Mr. Glover served as Chief Counsel until January 20, 2001. The following briefly highlights some of the Office of Advocacy’s achievements during Mr. Glover’s leadership.

Mr. Glover was instrumental in making the third national White House Conference on Small Business a success. Held in June of 1995 in Washington, DC, it was attended by nearly 2,000 delegates. Some 20,000 small businesses participated in 59 state conferences and six regional conferences leading to the national conference. In the legislation authorizing the conference, the Congress mandated that SBA monitor and report to the delegates on the progress made to implement their recommendations. Under Mr. Glover, the Office of Advocacy established networks of delegates and provided information through “regional issue chairs.” In the months of September 1994, 1995, and finally, 2000, the Office of Advocacy sent annual implementation reports to Congress, the President and the delegates. These reports indicated the unprecedented progress, compared with previous conferences, in implementing the recommendations of the 1995 White House Conference on Small Business.

Following up on the recommendations of the 1995 White House Conference on Small Business, the Office of Advocacy provided research and testimony in support of a number of laws designed to reduce small business regulatory, and paperwork burdens. In addition to the Small Business Regulatory Enforcement Fairness Act of 1996, the Office of Advocacy supported provisions in the Taxpayer Relief Act of 1997, the Health Insurance Portability and Accountability Act of 1996, the American Inventors Protection Act, the Federal Activities Inventory Reform Act and others, all of which incorporated the Conference recommendations.

Since the enactment of the Regulatory Flexibility Act (RFA) in 1980, the Office of Advocacy has had an oversight role in monitoring compliance with the law. The RFA requires federal agencies to determine whether a proposed rule will have a disproportionate effect on small firms and other small entities and, if so, to explore equally effective alternative regulatory solutions. In 1996, Congress expanded the Office of Advocacy’s role by passing the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). This law provides new avenues for small businesses to participate in and have access to the federal regulatory arena.

The Office of Advocacy held briefings for more than 600 federal officials on the requirements and procedures mandated by this amendment to the Regulatory Flexibility Act. The Office of Advocacy held a special conference for the economic analysts in each agency on how to analyze the economic impact of agency regulations on small business and successfully challenged violations of the RFA and SBREFA in court.

Under Jere Glover, the Office of Advocacy pursued the mandates of SBREFA in over 20 EPA and OSHA small business advocacy review panels. The panels reviewed proposals that would impose burdens on small business and recommended changes. The work of these panels helped craft stronger, more equitable regulations. Even in cases where agreement wasn’t reached, small businesses were better informed about regulatory burdens and requirements.

At the beginning of this year, the Office of Advocacy published its 20th Anniversary Regulatory Flexibility Act Report. Chief among the report’s findings is the estimate that in the 1998-2000 period, regulatory changes supported by the Office of Advocacy saved small businesses about $20 billion in annual and one-time compliance costs. In addition to the Regulatory Flexibility Report, the Office of Advocacy has completed its fourth annual report focusing on small business lending activities of the nation’s commercial bank lenders. This study analyzes information in the “call” reports filed by all federally regulated banks. The national and state-by-state analyses of the data show which banks, large and small, are most likely to lend to small businesses. The Office of Advocacy reports also categorize the banks by the percentage and dollar volume of their lending to small businesses.

Additionally, under Mr. Glover’s tenure, the Office of Advocacy has developed a number of databases to address the critical gap in equity capital financing, and it aides public and private contracting officers seeking small business contractors, subcontractors and partnership opportunities and, measure job creation by small business. Using this data, the Office of Advocacy estimates that small businesses created more than 12 million net new jobs between 1992 and 1996.

Mr. President, as the Ranking Democratic Member of the Senate Committee on Small Business, I would like to extend my congratulations to Mr. Glover for his successes while Chief Counsel for Advocacy and wish him well in his future endeavors.
Tribute to Elder E.E. Cleveland

Mr. Shelby. Mr. President, I rise today to recognize Elder E.E. Cleveland, a teacher, religious leader, and one of the most prominent leaders over 50 years with the Seventh-day Adventist Church. A graduate and an eventual professor at Oakwood College in Huntsville, Alabama, Elder Cleveland is a shining example of a man whose devotion to principle and belief can serve to inspire and influence others. In honor of the new Bradford Cleveland Institute for Continuing Education located at Oakwood College, I wanted to take this opportunity to recognize a man who has been a pioneer in religious and community involvement.

After graduating from Oakwood College in 1941, and being ordained in 1946, Elder Cleveland embarked on a remarkable path which has taken him all over the United States, across 6 continents, and 67 countries. He has conducted over 60 public Evangelism campaigns, trained over 1,100 pastors worldwide, and held scores of church revivals. Elder Cleveland was the first black church leader sent to Asia, Europe, South America and Australia, and has preached to integrated audiences in Cape Town and South Africa. He has authored sixteen published books and twenty Sibyl Lesson Quarterly, and served as a Contributing and Associate Editor to numerous religious journals and publications.

In fact, Elder Cleveland was presented with an award by Governor Guy Hunt in 1985 for being the most distinguished Black Clergyman in the State of Alabama.

It can truly be said that Elder Cleveland has touched the lives of many throughout the world. This broad sense of community is demonstrated in his involvement with numerous organizations. Elder Cleveland participated in the First March on Washington in 1957 with Dr. Martin Luther King, and organized the NAACP Chapter for students on the Oakwood College Campus. He also was a member of the Washington, D.C. Branch of the Organizing Committee of the Southern Christian Leadership Conference’s “Poor People’s March” on Washington in 1968. In addition, he has conducted “Feed the Hungry” programs in over 20 cities in the U.S. and helped to establish a feeding depot in Washington, DC.

Elder Cleveland remains a great Evangelist, teacher, author, and leader. He has received over 100 awards, honors and citations for his various achievements. Currently, Elder Cleveland lives with his wife, Celia Abney Cleveland, and is serving in semi-retirement in Huntsville, Alabama. I would like to take this opportunity to commend Elder Cleveland for his commitment to his moral principles and his unwavering dedication to helping those less fortunate.


George Bush
January 11, 2001; to the Committee on Environment and Public Works.

EC-521. A communication from the Deputy Assistant Secretary for Fish Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Alaska-Breeding Population of the Steller’s Eider” (RIN1018-AF96) received on January 12, 2001; to the Committee on Environment and Public Works.

EC-522. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Oil Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities” (RIN2050-AE62) received on January 12, 2001; to the Committee on Environment and Public Works.

EC-523. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting pursuant to law, the report of a rule entitled “List of Approved Spent Fuel Storage Casks; Fuel Solutions Addition” (RIN1550-AG54) received on January 12, 2001; to the Committee on Environment and Public Works.

EC-524. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Termination of Section 274 Agreement Between the State of Louisiana and the Nuclear Regulatory Commission” (RIN1550-AG60) received on January 12, 2001; to the Committee on Environment and Public Works.

EC-525. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Intelligent Transportation System Architecture and Standards” (RIN1235-A565) received on January 12, 2001; to the Committee on Environment and Public Works.

EC-526. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of the Clean Air Act, Section 112(r), for National Priorities Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of Washington; Puget Sound Clean Air Agency” (FRL6935-9) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-527. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Mexican Spotted Owl” (RIN1018-AG29) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-528. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report relating to regulatory programs; to the Committee on Environment and Public Works.

EC-529. A communication from the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relating to the interchange of jurisdiction of Army civil works and National Park Service actions within and adjacent to the San Bernardino National Forest and the Santa Ana River Project; to the Committee on Environment and Public Works.

EC-530. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report concerning environmental assessment, restoration, and cleanup activities for the years 1997 through 1999; to the Committee on Environment and Public Works.

EC-531. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for Peninsular Bighorn Sheep” (RIN1018-AG17) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-532. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Illinois” (FRL6935-4) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-533. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “State and Federal Operating Permits Program: Amendments to Compliance Certification Requirements” (FRL6934-5) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-534. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and promulgation of Air Quality State Implementation Plans; Texas; Approval of Clean Fuel Fleet Substitution Program Revision” (FRL6935-3) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-535. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “OMB Approvals Under the Paperwork Reduction Act; Technical Amendment” (FRL6935-8) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-536. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Priorities Regulations; Arsenic and Clarifications to Compliance” (FRL6934-9) received on January 17, 2001; to the Committee on Environment and Public Works.

EC-537. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Reclassification; Wallula, Washington Particulate Matter (PM2.5) National Ambient Air Quality Standard” (FRL6935-7) received on January 23, 2001; to the Committee on Environment and Public Works.

The following executive report of committee was submitted:

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

John Ashcroft, of Missouri, to be Attorney General.

(The above nomination was reported with the recommendation that it be confirmed.)

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 Ms. COLLINS (for herself, Mr. KYL, and Ms. LANDRIEU):

S. 203. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for educational development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

By Mr. CRAIG:

S. 204. A bill for the relief of Benjamin M. Banford; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. BINGMAN, Mr. Dodd, Mr. LOTT, Mr. CRAIG, and Mr. CRAPPO):

S. 206. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire (for himself, Mrs. FEINSTEIN, Ms. SNOWE, Ms. COLLINS, Mr. KERRY, Mr. HELMS, and Mr. LEAHY):

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. HUTCHINSON, Mr. MIKULSKI, Mr. BINGMAN, Ms. MURAY, and Mr. REED):

S. 208. A bill to reduce health care costs and promote improved health care by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

Placed on the Union Calendar. By Mr. INOUYE:

S. 209. A bill for the relief of Sung Jun Oh; to the Committee on the Judiciary.

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

S. 210. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

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

S. 211. A bill to amend the Education Amendments of 1978 and the Tribally Controlled Schools Act of 1988 to improve education for Indians, Native Hawaiians, and Alaskan Natives; to the Committee on Indian Affairs.

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

S. 212. A bill to amend the Indian Health Care Improvement Act to revise and extend
such Act; to the Committee on Indian Affairs.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 213. A bill to amend the National Trails System Act to authorize federal assistance for the acquisition of scenic and historic trails and provide for possible additions to such trails; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. CONRAD, Mr. DASCHLE, and Mr. CAMPBELL):

S. 214. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Indian Affairs.

By a roll call vote of 94-0, S. 214 was agreed to.

S. 215. A bill to amend the Federal Food, Drug, and Cosmetic Act to permit importation in personal baggage and by mail of certain covered products for personal use from certain foreign countries and to correct impediments in implementation of the Medication Equity and Drug Safety Act of 2000; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. HAKIN, Mr. BIDEN, Mr. JEFFORDS, and Mr. CHAFEE):

S. 216. A bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself, Mr. WARNER, Mr. DURBIN, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. VOINOVICH, Mr. KERRY, Mr. DODD, and Ms. MIKULSKI):

S. 217. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. KYL, and Ms. LANDRIEU):

S. 218. A bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. AL- LAARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, Mr. SANTORUM, Mr. WARNER, Mr. REID, and Mr. ROBERTS):

S. 219. 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; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. HAGEL):

S. 220. A bill to suspend for two years the certification procedures under section 909(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counter narcotics programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. SESSIONS, and Mr. HATCH):

S. 221. A bill to amend title 11, United States Code, and for other purposes; read the first time.

By Mr. BOXER:

S. 221. A bill to authorize the Secretary of Energy to make loans through a revolving loan fund for States to construct electricity generating plants to use in electricity supply emergencies; to the Committee on Energy and Natural Resources.
public schools have the very best educators possible in order to bring out the very best in our students.

Last year, Senator KYL and I offered a similar version of this legislation as an amendment to the Affordable Education Act of 2000. Our amendment enjoyed overwhelming support and passed the Senate by a vote of 98-0. Unfortunately, the underlying bill was not taken up by the House of Representatives.

This year, we are very pleased that President Bush has made the classroom supplies portion of our bill part of his education platform, and that our legislation has received the support of the National Education Association. Our hope is that the bill will become law before the end of the year. We urge our colleagues to join us in supporting this legislation.

Mr. President, I ask unanimous consent to print the bill in the RECORD.

The objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 30B.CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

(c) DEFINITIONS.—

(I) ELIGIBLE TEACHER.—The term ‘eligible teacher’ means an individual who is a kindergarten through grade 12 classroom teacher, classroom counselor, or in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

(II) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term ‘qualified elementary and secondary education expenses’ means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

(III) ELEMENTARY OR SECONDARY SCHOOL.—The term ‘elementary or secondary school’ means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

(IV) SPECIAL RULES.—

(A) DEDUCTION ALLOWED.—The deduction allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

(B) the tentative minimum tax for the taxable year.

(B) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply to any taxable year.

(II) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of this section—

(A) IN GENERAL.—The term ‘qualified professional development expenses’ means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

(B) QUALIFIED COURSE OF INSTRUCTION.—The term ‘qualified course of instruction’ means a course of instruction which—

(I) is—

(A) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

(B) designed to enhance the ability of an eligible teacher to understand and use State standards for the subject area in which such teacher provides instruction,

(ii) may—

(A) provide instruction in how to teach children with differing learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

(B) be offered in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

(iii) is tied to challenging State or local content standards and student performance standards,

(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, and is primarily increasing the knowledge and teaching skills of an eligible teacher,

(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops or similar short-term professional development programs) except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher’s supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

(C) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning assigned by section 4141 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this Act.

(D) ELIGIBLE TEACHER.—

(1) IN GENERAL.—The term ‘eligible teacher’ means an individual who is a kindergarten through grade 12 classroom teacher or aide in an elementary or secondary school for at least 720 hours during a school year.

(2) ELEMENTARY OR SECONDARY SCHOOL.—The terms ‘elementary school’ and ‘secondary school’ have the meanings given such terms by section 4141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6201), as in effect in effect.

(3) DENIAL OF DOUBLE BENEFIT.—

(A) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

(B) COORDINATION WITH EXCLUSIONS.—A deduction or credit allowed under subsection (a) for qualified professional development expenses only to the extent of the amount of such expenses exceeds the amount allowable under subsection (B)(1) of section 222 and subsection (C)(1) of section 223 (as furthering the goals of the preceding clauses) shall be allowed under this section.

(C) CROSS-REFERENCES.—

(A) CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.—

(a) IN General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (17) the following new paragraph:

(18) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 222.

(B) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the items relating to section 222 and inserting the following new items:

Sec. 222. Qualified professional development expenses.

Sec. 223. Cross reference.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. KYL. Mr. President, I was an original cosponsor of the Teacher Support Act of 2001. Working together last year, Senator COLLINS and I, with invaluable assistance from my departing colleague Paul Coverdell, persuaded the Senate to pass almost identical legislation by a vote of 98-0.

Like the amendment approved by the Senate last year, the Teacher Support Act would provide an annual tax credit of up to $100 for teachers un reimbursted classroom expenditures that are qualified under the Internal Revenue Code. For amounts over $100, teachers would continue to use the deductions allowed for such expenses under current law.

We know the need this legislation addresses is real. According to a recent
The Department of Education estimates that 2,000,000 new teachers will have to be hired in the next decade. Yet, each year, only 60,000 college graduates enter into teaching. In my home state of Louisiana, almost one in five of our teachers has not completed the university requirement. One of the main detractors for qualified professionals to choose to enter the profession of teaching is simply that the salaries cover little more than life’s daily expenses. While the amount of salary a teacher earns is determined by the federal government, that does not preclude us from putting forth innovative strategies to address the gaps left by these salaries. In fact, I think it is our responsibility to do all that we can to assist states in their efforts to bring the best and the brightest teachers into our nation’s classrooms. The federal tax code provides us with several opportunities to acknowledge and reward teachers for the work that they do for our children every day. I am proud to join Senator COLLINS in introducing the “Teacher Support Act of 2001”. This bill allows educators to receive a tax credit for some of the costs associated with furthering their professional development. Specifically, it will allow educators to deduct professional development expenses, without requiring the deduction to be subject to the existing two percent floor. In addition, this legislation creates an above the line deduction, allowing for teachers who do not itemize their taxes to take advantage of these helpful benefits. And finally, it allows educators to claim a tax credit of up to $100 for books, supplies, and equipment that they purchase for their students.

This is the first of the many steps we as a body must take toward building a system of supports for our teachers. This small investment will have an insignificant impact on their ability to provide effective instruction to our nation’s children.

Mr. LANDRIEU. Mr. President, as you well know, the need for reform in the education system is a priority for many members of Congress, as well as for President Bush and his newly assembled administration. While there still is some debate over a few remaining issues such as annual testing and private school vouchers, it is clear that there is much that we agree must be addressed if our children are to receive the type of education necessary to be competitive in the 21st century. Almost no one disagrees that focused efforts to recruit and retain qualified teachers are the key to increasing student achievement. Today, research is confirming what common sense has suggested all along. A skilled and knowledgeable teacher can make enormous differences in how well students learn. One Tennessee study found that the students who had good teachers three years in a row scored significantly higher on state tests and made far greater gains than students with a series of ineffective teachers. Another study conducted at Stanford found that the scores of how well a school’s students performed on National assessments was the percentage of well-qualified teachers.

By Mrs. HUTCHISON (for himself, Mr. DURBIN, and Mr. LEVINE):

S. 298. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, today I rise to introduce legislation that will enhance and encourage charitable contributions in the United States.

As many know, this week, the President is set to unveil a number of initiatives to promote charitable giving and to expand the role that charities and faith-based institutions play in attacking social problems in the United States.

Government alone is incapable of solving society’s most vexing problems. In fact, government programs often fail in their missions. The old welfare system is a perfect example. It often went wrong. Under the new system, we encouraged people to stay on welfare. We encouraged out-of-wedlock births. We encouraged fathers to live out of the home. We ended this with our welfare reform bill. Welfare rolls have now dropped by half across the United States.

The track record of charitable organizations has been far superior than the government’s in tackling social ills. America’s top charities cover a broad range of problems. From the Salvation Army to the YMCA, and the American Cancer Society to the Red Cross. Each is playing a role in improving America’s health, education and welfare. How successful can they be? It is well known that the Big Brothers/Big Sisters program can cut drug abuse by 50 percent.

Americans appreciate the role of these groups. They are actively involved in charitable causes. Nearly half of all Americans volunteer in some capacity on a regular basis. Nearly 25 percent of all Americans are active in their religion on a volunteer basis. This is why it is so logical for faith-based organizations as means of accomplishing objectives at which the government has failed. The Chicago Tribune recently noted that “churches, temples and prayer halls cannot replace the mammoth task of helping the needy. But, they do a better and more efficient job of understanding their communities and meeting the needs of their citizens.”

The legislation I am introducing today will make it easier for charitable contributions to the made and for charitable organizations to issue their tax receipts. Under this bill, individuals age 59½ and older will be able to move assets penalty-free from an IRA directly to a charity or into a qualifying deferred charitable gift plan, such as a charitable remainder trust, pooled income fund or gift annuity. Current law requires taxpayers to first withdraw the IRA proceeds, pay the taxes due and then contribute the funds to a charity. Taxes can be offset by the current charitable deduction, but only to an extent.

Americans currently hold well over $1 trillion in assets in IRAs, and nearly half of America’s families have IRAs. This bill will allow senior citizens who have provided for their retirement—but find that they do not need their entire IRA for living expenses—to transfer IRA funds to charity without dilution. This will cut bureaucratic obstacles to charitable giving and unlock a substantial amount of new funds that could flow to America’s charitable organizations.

I first introduced this legislation in 1998, and it was folded into our tax bill...
in 1999. Regrettably, it was vetoed by the President. But, given our new leadership in the White House, this is an idea whose times has come. In fact, President Bush made this part of his tax plan when it was unveiled in 1999. This is also a bipartisan proposal. Senator DURBIN was an original cosponsor of this legislation. I look forward to working with him, and the White House on this bill. It also has the support of numerous universities and charitable groups, including the Charitable Accord and the Council of Foundations, two umbrella organizations representing more than 2,000 organizations and associations.

Mr. DURBIN. Mr. President, I am pleased to introduce, along with Senator KAY BAILEY HUTCHISON, the charitable IRA Rollover Act of 2001. We introduced this legislation in the last Congress. While it was included in last year’s year-end tax bill, our provision was unfortunately stripped out at the last minute. Senator Hutchison sincerely hopes that this legislation will become law this year.

The IRA Charitable Rollover Act has the support of numerous charitable organizations across the United States. The IRA Rollover Act would unlock billions of dollars in savings Americans hold and make them available to charities. Our legislation will allow individuals to roll assets from a retirement plan directly to charity or into a qualified charitable gift fund without incurring any income tax consequences. Thus, the donation would be made to charity without every withdrawing it as income and paying tax on it.

Americans currently hold well over $1 trillion in assets in IRAs. Nearly half of America’s families have IRAs. Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many persons. Many of these individuals would like to give a portion of these assets to charity.

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

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

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

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

By Mr. SHELBY (for himself, Mr. MURkowski, Mr. SARBANES, Mr. GRAMM, Mr. DODD, Mr. LOTT, Mr. CRAIG, and Mr. CRAPO):

S. 206. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001 for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the Public Utility Holding Company Act of 2001. This bipartisan bill would help America’s energy consumers by repealing an antiquated law that is keeping the benefits of competition from reaching our citizens. I am pleased to be joined by Senators Gramm and SARBANES, chairman of the Energy and Natural Resources Committee, Majority Leader LOTT, and Senators DODD, CRAIG, and CRAPO in introducing this important legislation, which closely tracks legislation voted out of the Senate Banking Committee with bipartisan support in the 106th Congress, repeals the Public Utility Holding Company Act of 1935, PUHCA.

The original PUHCA legislation passed over 60 years ago in 1935. At that time, a few large holding companies controlled a great majority of the electric utilities and gas pipelines. However, such a limited number of producers no longer offer a majority of the utility service. In fact, over 80 percent of the utility holding companies are currently exempt from PUHCA.

This legislation implements the recommendations that the Securities and Exchange Commission, SEC made first in 1981 and then again in 1995 following an extensive study of the effects of this antiquated law on our energy markets. In the 1995 report entitled “The Regulation of Public-Utility Holding Companies,” the Division of Investment Companies and Exemptions concluded that Congress conditionally repeal the Act since “the current regulatory system imposes significant costs, indirect administrative charges and foregone economies of scale and scope . . . .” In the end, the report serves to highlight the fact that the regulatory constraints imposed by PUHCA on our electric and gas industries are counterproductive in today’s competitive environment and are based on historical assumptions and industry models that are no longer valid.

In order to ensure that ratepayer rights are protected, this bill provides the Federal Energy Regulatory Commission and the States access to the books and records of holding company systems that are relevant to the costs incurred by jurisdictional public utility companies. As a result, the regulatory framework to protect consumers is not only protected in this bill, but enhanced.

Let me be clear about the effect of PUHCA repeal: it eliminates redundant and burdensome regulation while enhancing existing consumer protections.

Mr. President, we are at a time in our nation’s history when we are going to have to make some critical choices regarding our national energy policy. The fact is, future technological innovation and economic growth is contingent upon this country’s ability to meet its ever increasing demand for energy. In order to do this, we need to modernize production systems, increase market competition, and strip away unnecessary regulations. Achieving these goals is going to be a difficult and time consuming process. However, repeal of this law would be the first step in the right direction.

Mr. President, it has been a very long time since it first became clear that this out dated, Depression-era law had become an unnecessary constraint on the ability of American gas and electric utilities to compete. Unfortunately, the many bipartisan efforts to repeal PUHCA have not been successful. However, strong support still exists for its elimination. I believe that it is imperative that we achieve this goal in the 107th Congress.

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. 206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Utility Holding Company Act of 2001”,

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Public Utility Holding Company Act of 1935 was intended to facilitate the work of Federal and State regulators by placing certain constraints on the activities of holding company systems;

(2) developments since 1935, including changes in other regulatory systems and in the electric and gas industries, have called into question the continued relevance of the model of regulation established by that Act;

(3) there is a continued need for regulation in order to ensure the rate protection of utility customers; and

(4) the increased competition and new technologies in the electric and gas industries have made it increasingly difficult to justify the continued existence of the Public Utility Holding Company Act of 1935.
For purposes of this Act—

(1) the term ‘affiliate’ of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company;

(2) the term ‘associate company’ of a company means any company in the same holding company system with such company;

(3) the term ‘Commission’ means the Federal Energy Regulatory Commission;

(4) the term ‘company’ means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidator;

(5) the term ‘electric utility company’ means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

(6) the terms ‘exempt wholesale generator’ and ‘foreign utility company’ have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a, 79z-5b), as those sections existed on the day before the effective date of this Act;

(7) the term ‘gas utility company’ means any company that owns or operates facilities used for distribution at retail (other than the delivery). An enclosed pipeline, the containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power;

(8) the term ‘holding company’ means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, by such holding company, or any associate company thereof, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to such terms and conditions as the Commission may prescribe for the protection of utility customers with respect to jurisdictional rates.

(9) the term ‘holding company system’ means a holding company, together with its subsidiaries and affiliates as defined by this Act upon holding companies; and

(10) the term ‘jurisdictional rates’ means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the transportation in interstate commerce and the sale of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) the term ‘natural gas company’ means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for such transportation or for sale in interstate commerce;

(12) the term ‘person’ means an individual or company;

(13) the term ‘public utility company’ means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, by such holding company; and

(14) the term ‘public utility company’ means a holding company, and each associate company thereof shall exempt a person or transaction from the requirements of section 5, if, upon application, the Commission finds that the books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as the Commission may prescribe for the protection of utility customers with respect to jurisdictional rates.

(15) the term ‘subsidiary company’ of a holding company means—

(A) any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to such terms and conditions as the Commission may prescribe for the protection of utility customers with respect to jurisdictional rates.

(16) the term ‘subsidiary company’ of a holding company means—

(a) I N GENERAL.

(1) the Commission finds that the books, records, accounts, memoranda, and other information under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

(2) the State commission deems are relevant to costs incurred by such public utility company, and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978, and no books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as the Commission may prescribe for the protection of utility customers with respect to jurisdictional rates.

(12) the term ‘holding company’ means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, by such holding company; and

(13) the term ‘holding company system’ means a holding company, and each associate company thereof shall exempt a person or transaction from the requirements of section 5, if, upon application, the Commission finds that the books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as the Commission may prescribe for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission shall examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, and other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 6. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, with which the State commission has jurisdiction to regulate public utility or natural gas companies in a holding company system, to the extent that such information is relevant to utility rates.

(b) AFFILIATE COMPANIES.

(1) The Com-
SEC. 8. AFFILIATE TRANSACTIONS.

Nothing in this Act shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 9. APPLICABILITY.

No provision of this Act shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 10. EFFECT ON OTHER REGULATIONS.

Nothing in this Act precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 11. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 336 through 337 of the Federal Power Act (16 U.S.C. 825e–1 et seq.) to enforce the provisions of this Act.

SEC. 12. SAVINGS PROVISIONS.

(a) In General.—Nothing in this Act prohibits a State from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this Act.

(b) Effect on Other Commission Authority.—Nothing in this Act limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to the Natural Gas Act (15 U.S.C. 717 et seq.) to the extent of provisions that would not otherwise preclude the Commission from exercising its authority under those Acts.

SEC. 13. IMPLEMENTATION.

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

(1) promulgate such regulations as may be necessary or appropriate to implement this Act (other than section 6); and

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

SEC. 14. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this Act shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect 18 months after the date of enactment of this Act.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act.

SEC. 17. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. HUTCHINSON, Ms. MIKULSKI, Mr. BINGAMAN, and Mrs. MURRAY):

S. 208. A bill to reduce health care costs and promote improved health care by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, although we often think of cardiovascular disease as a men’s health issue, the American Heart Association estimates that nearly one in two women will die of heart disease or stroke, but because of its historically male stereotype, most women do not realize that they are at such high risk for cardiovascular disease even though cardiovascular diseases kill nearly 50,000 more women each year than men. Even more alarming is data reported by the Society for Women’s Health Research which revealed that not all physicians know that cardiovascular diseases are the leading cause of death among American women.

Each year, nearly half a million women lose their lives as a result of heart disease and stroke. Fortunately, men have experienced a decline in deaths due to cardiovascular diseases since 1984; but women have not, and many cardiovascular deaths could have been prevented had these women known they were at risk. For instance, they could have taken preventive measures by not smoking, lowering their cholesterol or blood pressure, or by eating more fruits and vegetables. Perhaps they could have avoided becoming a victim of heart disease or stroke. For many women, prevention is truly the only cure, since it has been reported that as many as two-thirds of women who die from heart attacks have no warning symptoms of any kind.

Cardiovascular diseases kill more American females each year than the next 14 causes of death combined, including all forms of cancers. Over half of all deaths each year are women, and in 1997 alone heart disease claimed the lives of more than half a million women. My own home state of Tennessee has the second highest death rate from heart disease, stroke, and other cardiovascular diseases in the nation and the 13th highest ranking state in women’s heart deaths. In 1997, 10,884 Tennessee women died from these two cardiovascular diseases alone. Moreover, the Centers for Disease Control and Prevention (CDC) reports that women in the rural South are more likely to die of heart disease than those in other parts of the country.

Fortunately, some preventive measures, such as physical activity and better nutrition, can be taken by women to reduce their risk for cardiovascular diseases, as well as other preventable diseases, such as osteoporosis—a disease that affects one out of every two women over 50 and threatens roughly 28 million Americans, 80 percent of whom are women.

To continue to draw greater awareness to health issues among American women, particularly cardiovascular diseases, I am very pleased to reintroduce legislation which I introduced last Congress, the “WISEWOMAN Expansion Act of 2001,” with Senator HARKIN. Our goal in expanding this program is to reduce the risk of cardiovascular diseases, and other preventable diseases, and to increase access to screening and other preventive measures for low-income and underserved women.

In addition to making cardiovascular diseases screening accessible to underserved women, the WISEWOMAN program would educate them about their risk for cardiovascular diseases and how to make lifestyle changes—thereby giving them the power to prevent these diseases.

The CDC’s National Breast and Cervical Cancer Early Detection Program (NBCCEDP) is an example of a successful program that has provided critical services to help prevent major diseases affecting American women. The NBCCEDP has done an outstanding job of reaching out to low-income underserved women. Women are generally too young for Medicare and unable to qualify for Medicaid or other state programs—and providing them with preventive screenings for breast and cervical cancers. These women would likely otherwise fall through the cracks in our health system.

Our bill provides for the expansion of the WISEWOMAN (Well-Integrated Screening and Evaluation for Women in Massachusetts, Arizona, and North Carolina) demonstration project, which is run by the CDC in conjunction with the NBCCEDP, to additional states. The WISEWOMAN program capitalizes on the highly successful infrastructure of the NBCCEDP to offer “one-stop shopping” screening and preventive services for uninsured and low-income women. In addition to being an important breast and cervical cancer screenings, WISEWOMAN screens for cardiovascular disease risk factors and provides health counseling and lifestyle interventions to help women reduce behavioral risks. The program addresses risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provides important additional intervention and educational services to women who would not otherwise have access to cardiovascular disease screening or prevention. This bill also adds flexibility to the program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases, such as osteoporosis, as more preventive technology is developed.

I would like to thank Judy Womack and Dr. Joy Cox of the Tennessee Department of Health for their counsel and assistance on this legislation and for their efforts in helping Tennessee women.

I ask unanimous consent that three letters supporting the WISEWOMAN Expansion Act of 2001 be printed in the RECORD.
There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
OFFICE OF PUBLIC ADVOCACY,
Hon. Bill Frist, M.D.,
Chairman, Senate Finance Committee,
Washington, D.C.

DEAR SENATORS FRIST AND HARKIN: Heart attack, stroke, and other cardiovascular diseases remain the leading cause of death of women in the United States. Heart disease, alone, is the number one killer of American women and stroke is the number three killer. In fact, low-income women are at an even higher risk of heart disease and stroke than other women, and they have a higher prevalence of risk factors contributing to these diseases. The American Heart Association is very grateful for the support you and other members of the United States Congress have given to the WISEWOMAN demonstration program which uses the National Breast and Cervical Cancer Early Detection Program network to provide heart disease and stroke screening services, as well as diet and physical activity interventions and appropriate referrals.

The American Heart Association applauds the WISEWOMAN program and we are anticipating even greater results in the battle against heart disease and stroke as the program expands to serve more women throughout the United States. The Frist-Harkin ‘WISEWOMAN Expansion Act of 2001’ will expand WISEWOMAN’s heart disease and stroke screenings beyond its current limit, which we believe will have a tremendous positive impact on the cardiovascular health of women who live in states served by the program.

The American Heart Association recommends increased funding and expansion of the WISEWOMAN program during fiscal year 2002. Also, because of the solid scientific evidence that cardiovascular screenings can help prevent heart disease and stroke in women, we believe cardiovascular screenings provided by WISEWOMAN should be expanded beyond heart disease and stroke to the cardiovascular health of women who live in states served by the program.

We thank you for your commitment to fighting heart disease and stroke, and look forward to your continued support in the future.

Sincerely,
Rose Marie Robertson, M.D.
President

SOCIETY FOR WOMEN’S HEALTH RESEARCH,
Hon. Bill Frist,
Chair, Subcommittee on Public Health, Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATORS FRIST AND HARKIN: On behalf of the Society for Women’s Health Research, we express our appreciation for your leadership on the introduction of the ‘WISEWOMAN Expansion Act of 2001.’ In addition to a strong national research program, early detection is vital to women’s health. Chronic diseases, such as heart disease, cancer, diabetes, and osteoporosis are among the most prevalent, costly, and preventable health problems.

As you know, women tend to live longer but not necessarily better than men. They have more chronic health conditions and are more economically insecure. Safety net programs often are the difference between life and death. The WISEWOMAN Expansion Act is building on a foundation that has provided positive feedback and will allow additional states to provide prevention services to those women in need. We applaud the flexibility of the legislation, as new technologies develop, as disease burdens shift, and as lifestyles change, the program can address women’s most critical health needs.

We thank you for your commitment to improving the nation’s health through prevention. By focusing them on WISEWOMAN, we know you ultimately will be improving the health of the nation’s families.

Sincerely,
Phyllis Greenberger, President and CEO
Roberta Biegle, Director of Government Relations

NATIONAL OSTEOPOROSIS FOUNDATION,
Hon. Tom Harkin,
Hon. Bill Frist,
U.S. Senate, Washington, D.C.

DEAR SENATORS HARKIN AND FRIST: On behalf of the National Osteoporosis Foundation (NOF), I commend you on the introduction of the bipartisan WISEWOMAN Expansion Act of 2001 that proposes to expand additional preventive health services, including osteoporosis screening, to low-income and uninsured women.

As you know, osteoporosis is a major health threat for more than 28 million American, 80 percent of whom are women. In the United States today, 10 million individuals already have the disease and 18 million more have low bone mass, placing them at increased risk for osteoporosis. Also, one out of every two women over 50 will have an osteoporosis-related fracture in their lifetime. It is estimated that the direct hospital and nursing home costs of osteoporosis are over $13.8 billion annually, with much of that attributed to the more than 1.5 million osteoporosis-related fractures that occur annually.

The health care services included in the WISEWOMAN program have provided positive results for many women who have participated and ultimately cost-savings for the states that have expanded the program. As the WISEWOMAN model to additional states and for additional preventive services, such as screening for osteoporosis, should enhance positive results for both the women and states participating in the program.

The National Osteoporosis Foundation is most appreciative of your efforts to promote improved both health and endorse the WISEWOMAN Expansion Act of 2001.

Sincerely,
Sandra C. Raymon, Executive Director

Mr. HARKIN. Mr. President, I am pleased to join Senator Frist today to introduce the ‘WISEWOMAN Expansion Act.’ This bill will help thousands of women have access to basic preventive health care they may otherwise not receive. The legislation builds on a successful demonstration program and expands the program to additional states and for additional preventive services, such as screening for osteoporosis, that can help assure both the women and states participating in the program.

Our bill would do the following: Expand the current WISEWOMAN demonstration project to additional states.

Add flexibility to program language that would allow screenings and other preventive measures for women in addition to cardiovascular diseases.

Allow flexibility for the WISEWOMAN program to grow and adapt with the changing needs of individual states and our better understanding of new preventive strategies; and

Cancer Early Detection Program, NBCCEDP, run through the Centers for Disease Control and Prevention. In Iowa alone, the program has successfully served close to 9000 women through 618 provider-based breast and cervical cancer screening sites.

The Centers for Disease Control and Prevention currently run the WISEWOMAN program through the NBCCEDP as a demonstration project. The program has successfully built upon the framework of the NBCCEDP to target other chronic diseases among women, including heart disease, the leading cause of death among women, and osteoporosis. The programs address risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provide important intervention services.

This demonstration project has been successful. It is now time to expand the program to additional states, and eventually make it nationwide. As the father of two sisters, one with breast cancer and the father of two daughters, I know first hand the importance of making women’s health initiatives a top priority. The first step to fighting a chronic disease like cancer, heart disease, and osteoporosis is early detection. All women deserve to benefit from the early detection and prevention made possible by the latest advances in medicine. This bill ensures a place for lower income women at the health care table.

The majority of Americans associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke in fact, cardiovascular diseases kills nearly 50,000 more women each year than men. In my own state of Iowa, cardiovascular disease accounts for 44 percent of all deaths in Iowa. Close to 7,000 women die annually in Iowa from cardiovascular disease. Each year, nearly half of those women die as a result of heart disease and stroke. Sadly, with appropriate screening and interventions, many of these deaths could have been prevented.

Osteoporosis is also a preventable disease and affects one out of every two women over the age of 50. Fortunately, some of the preventive measures women can take to reduce their risk for cardiovascular diseases, such as eating more nutritious foods and exercising, can also reduce their risk for osteoporosis.

Our bill would do the following: Expand the current WISEWOMAN demonstration project to additional states.

Add flexibility to program language that would allow screenings and other preventive measures for women in addition to cardiovascular diseases.

Allow flexibility for the WISEWOMAN program to grow and adapt with the changing needs of individual states and our better understanding of new preventive strategies; and
Ensure continued full collaboration of the WISEWOMAN program with the NBCCEDP; authorize the CDC to make competitive grants to states to carry out additional preventive health services to the breast and cervical cancer screenings at NBCCEDP programs, such as screenings for blood pressure, cholesterol, and osteoporosis; health education and counseling; lifestyle interventions to change behavioral risk factors such as smoking, lack of exercise, poor nutrition, and sedentary lifestyle; and appropriate referrals for medical treatment and follow-up services.

In order to be eligible for this program, states are required to already participate in the NBCCEDP and to agree to operate their WISEWOMAN program in collaboration with the NBCCEDP.

This bipartisan legislation has the support of the National Colorectal Cancer Education Foundation, the Heart Health Alliance, the American Cancer Society and the Komen Foundation, among others. I urge my colleagues to join us in supporting this critical legislation.

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

S. 210. A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased today by the Vice Chairman of the Committee on Indian Affairs Senator DANIEL K. INOUYE in introducing the Native American Alcohol and Substance Abuse Program Consolidation Act of 2001. This important legislation will authorize Indian Tribes to consolidate and integrate alcohol, substance abuse prevention and treatment and mental health programs to provide more comprehensive treatment and services to Native Americans across the country.

More often than not, individuals with alcohol and substance abuse problems are also hobbled with mental health problems, and this bill authorizes tribes to make mental health services available as well.

Native Americans have higher rates of alcohol and drug use than any other racial or ethnic group in the United States. Despite previous treatment and preventive efforts, alcoholism and substance abuse are the top three killers of Native youngsters—accidents, suicide, and homicide. Based on 1993 data, the rate of mortality due to alcoholism among Native youth ages 15 to 24 was 5.2 per 100,000, which is 17 times the rate for whites in the same age group.

In a 1994 school-based study, 39 percent of Native high school seniors reported having “gotten drunk” and 39 percent of Native kids admitted to using marijuana. Alcohol and substance abuse also contribute to other social problems including sexually transmitted diseases, child abuse, poor school achievement and dropout, unemployment, drunk-driving and vehicular deaths, mental health problems, hopelessness and suicide.

Alcohol, substance abuse, and mental health program funds are available to tribes from virtually every agency in the federal government including the Departments of Education, Health and Human Services, Housing and Urban Development, Interior, Justice, and Transportation.

To help Tribes slice through the bureaucracy, this bill authorizes Tribal governments and inter-Tribal organizations to: (1) consolidate programs through a single federal office in the Department of Health and Human Services; (2) use a single plan to reduce the administrative and bureaucratic processes, resulting in better services to Native Americans.

This bill tries to replicate the success of the widely-hailed “477 model” that Tribes have used to effectively coordinate employment training and related services through the Indian Employment Training and Related Services Demonstration Act of 1995, Pub. Law 102-477.

Under the “477 model,” and applicant Tribe files a single plan to draw and coordinate resources from the spectrum of federal agencies and administer them through one office. I am hopeful that armed with this creative tool, Tribes can begin to bring an end to the devastation of alcohol and drug abuse in their communities.

Mr. President, I ask unanimous consent that a copy 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. 210

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 “Native American Alcohol and Substance Abuse Program Consolidation Act of 2001”.

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

SEC. 3. DEFINITIONS.

(a) In General.—In this Act;

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) INDIAN.—The term “Indian” has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN TRIBE.—The terms “Indian tribe” and “tribe” have the meaning given the term “Indian tribe” in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) and shall include entities as provided for in subsection (b)(2).

(4) SECRETARY.—Except where otherwise provided, the term “Secretary” means the Secretary of Health and Human Services.

SUBSTANCE ABUSE.—The term “substance abuse” includes the illegal use or abuse of a drug, the abuse of an inhalant, or the abuse of tobacco or related products.

(b) INDIAN TRIBE.—

(1) IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities authorizing an Indian tribe except as otherwise provided in the authorizing legislation or in this Act.

(2) INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term “Indian tribe,” as defined in subsection (a)(2), shall include the additional authorized Indian tribe, inter-tribal consortium, or tribal organization.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation, as appropriate, shall, upon the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse and mental health programs and programs authorized by the programs involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under this Act are—

(1) any program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders; and

(2) any program under which an Indian tribe is eligible for receipt of funds through carrying out other programs for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems or disorders; or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders, if—

(3) the program has been carrying out activities consistent with the policy of self-determination.
(a) The Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the grant program in the plan it submits to the Secretary, and the Secretary has consented to the inclusion of the grant in the plan; or
(b) The Indian tribe has elected to include the grant program in its plan, and the administrative requirements contained in the plan are essentially the same as the administrative requirements under the grant program; and
(c) Any program under which an Indian tribe is eligible for receipt of funds under any other funding scheme for the purposes of prevention, diagnosis, or treatment of alcohol and substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders.

SEC. 6. PLAN REQUIREMENTS.
For a plan to be acceptable under section 4, the plan shall—

(a) Identify the programs to be integrated;
(b) be consistent with the purposes of this Act authorizing the services to be integrated into the project;
(c) describe a comprehensive strategy that identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe’s service area;
(d) describe the manner in which services are to be integrated and delivered and the results expected under the plan;
(e) identify the projected expenditures under the plan in a single budget;
(f) identify the agency or agencies in the tribe responsible for the delivery of the services integrated under the plan;
(g) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and
(h) be approved by the governing body of the tribe.

SEC. 7. PLAN REVIEW.
(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the head of each Federal department or agency to which the tribe has submitted the plan, and shall implement the plan, and with the tribe submitting the plan.

(b) IDENTIFICATION OF WAIVERS.—The parties concerned shall, in the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal department or agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with the purposes of this Act or with those provisions of the Act that authorize the program involved which are specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.
(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe’s plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary’s approval of the plan or, if the Secretary determines that any request for a waiver that is made as part of the plan.
(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend the plan or, if the tribe chooses not to amend the plan, to request a hearing before the Secretary to reconsider the disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.
(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.
(b) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(c) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(1) the development of a single reporting format related to the plan for the individual project which shall be used by a tribe to report on the activities carried out under the plan;
(2) the development of a single reporting format related to the projected expenditures for the individual plan which shall be used by a tribe to report on the projected expenditures for the individual plan;
(3) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;
(4) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe participating in the plan, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider;
(5) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that will carry out the Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of discussing with those Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officers of each agency specified in paragraph (1).

SEC. 10. NO REDUCTION IN AMOUNTS.
Nothing in this Act shall be construed to authorize education for Indians, Native Hawaiians, and Alaska Natives; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUE).

S. 211. A bill to amend the Education Amendments of 1981, and the Tribally Controlled Schools Act of 1988, to improve education for Indians, Native Hawaiians, and Alaskan Natives; to the Committee on Indian Affairs.
Mr. CAMPBELL. Mr. President, I am pleased today to be joined by the Vice Chairman of the Committee on Indian Affairs, Senator DANIEL K. INOUYE, in introducing legislation to improve the education delivery systems in Indian schools. The President’s goal that “no child be left behind” is as true for Native youngsters as for all Americans.

Grounded in the Constitution, treaties, federal statutes and court decisions, the United States has a unique role in ensuring adequate education for Native American children. This is especially true for the Bureau of Indian Affairs school system for schools on or near reservations built and designed by the federal government. The only other school system in which the federal role is so significant is with Department of Defense schools for the children of those serving our nation in the armed forces.

As a youngster from a troubled background and a former teacher myself, I firmly believe that more than ever a quality education holds the key to a brighter and more hopeful future. I also know that the life-blood of Native people and the best chance they have for improving the lives of all their members lies in a well-educated community. In short, I believe community development starts with individual development and education is the key.

Like President Bush, I believe that education reform stands at the top of our national agenda. Education reform in Indian country is critical if this nation’s Native people are to make the kind of advancement that is so clearly needed.

The geography of much of Indian country is difficult: from wintry Alaska, to the windswept Plains, to the searing heat of the Southwest, the terrain often makes it hard to get to school, let alone do well in school. I believe this reality must be acknowledged as we work to improve Native school systems.

Members of the Committee on Indian Affairs know all too well that the conditions in many, if not most, Indian schools is appalling: crumbling facilities, asbestos and PCBs, lead paint, lack of heat and other problems combine to make the schools nearly uninhabitable. Most members, indeed most Americans, would probably pull their children from school if they were subjected to these conditions.

We made a start at facilities replacement and repair with the Fiscal Year 2001 Interior appropriations bill which provided nearly $300 million in funds for these purposes. Nevertheless, the backlog in school construction crisis is still in the $800 to 900 million range.

I am very encouraged by President Bush’s plan to establish an Indian tribal school capital improvement fund of more than $500 million to rectify the facilities crisis.

The bill I am introducing today, the Native American Educational Improvement Act of 2001, will improve education for Native people in a variety of ways.

Title I of the bill will amend the Education Amendments of 1978 in several respects. This legislation was enacted to provide a comprehensive structure for the BIA funded schools system including grants, contract and BIA operated schools.

The bill addresses most aspects of the BIA school system including standards and accreditation, facilities and various funding. It also provides guidelines for how funding should be allocated by establishing a formula to effect a more equitable distribution of funds. The formula is based on weighted student units with extra weight given for such things as disabilities of gifted and talented abilities.

In keeping with the policy of Indian Self Determination, the bill carves out a key role for Indian Tribes by requiring that actions undertaken pursuant to the Act be done in consultation with the Tribes, for maximizing local involvement. I am pleased in the bill in several respects including the use of negotiated rulemaking in proposing and developing regulations to carry out the Act.

The bill may prove more successful than the contracting and compacting opportunities provided by the Indian Self Determination and Education Assistance Act of 1975, as amended.

In keeping with this pattern, the bill authorizes Tribal contractors to perform all functions that are not inherently federal.

The bill will unshackle local authorities from the constraints of centralized management by authorizing Tribes to waive BIA school standards and design and implement standards that will better meet the needs of that Tribe’s students.

Standards, flexibility and accreditation are central aspects of any good school system, but so is a sufficient pool of resources.

This bill will help evaluate whether funding levels for BIA schools are sufficient and seeks a review by the General Accounting Office to that effect. While the core purpose of the Act is to provide a blueprint for the BIA school system, the bill I introduce today incorporates Tribal departments of education as well as early childhood development programs that provide services to meet the needs of parents and children under age six.

Title II of the bill amends the Tribally Controlled Schools Act of 1988, TCSA, by expanding the opportunities for Tribal operation of schools that would otherwise be run by the BIA.

Passage of the TCSA in 1988 grew out of dissatisfaction with the method of contracting educational services under the Indian Self Determination and Education Assistance Act, P.L. 93-393, ISDEEA.

While many services were being successfully contracted by Tribes under ISDEEA, education continued to be plagued with problems and Tribes were looking for an alternative to contracts.

The bill I am introducing today is grounded in the concept of “lump-sum” financing to Indian Tribes. This approach is intended to address some of the problems faced by ISDEEA contractors. That is, if a Tribe wants to operate a school pursuant to contract, it would be forced to negotiate a separate contract for each of the various school functions. A separate contract was required for transportation, for programs, for finances and maintenance, and other functions. This bill will consolidate these and other functions into one contract.

The grant schools operated by Tribes are provided considerable latitude in managing their finances provided that four specific requirements are met: As long as a grant school 1, submits an annual program report; 2, submits an evaluation report; 3, is accredited; and 4, adheres to the federal Single Audit Act then that school may continue to enjoy the flexibility afforded it under P.L. 100-297.

Last, to ensure that Tribal initiative and creativity are not thwarted unnecessarily, this bill prohibits regulations from being established unless specifically authorized.

I have highlighted but a few of the major provisions included in this bill and urge my colleagues to join me in supporting this important initiative. 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. 211

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 “Native American Education Improvement Act of 2001”.

TITLE I—AMENDMENTS TO THE EDUCATION AMENDMENTS OF 1978

SEC. 101. AMENDMENTS TO THE EDUCATION AMENDMENTS OF 1978. Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

“PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

“SEC. 1120. FINDING AND POLICY.

“(a) FINDING.—Congress finds and recognizes that—

“(1) the Federal Government’s unique and controlling trust relationship with and responsibility to the Indian people includes the education of Indian children; and
The Federal Government has the responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that the Federal Government controls or has a strong influence over. This includes the Bureau of Indian Affairs and Indian trust lands throughout the Nation for Indian children.

It is the policy of the United States to work in full cooperation with tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded schools are responsive to the unique educational needs of Indian children, including meeting the unique educational and cultural needs of these children.

SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

(a) PURPOSE; DECLARATIONS OF PURPOSE.—

(1) PURPOSE.—The purpose of the standards established under this section shall be to ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States.

(2) DECLARATIONS OF PURPOSE.—

(A) Each local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with the appropriate tribal governing bodies and their respective Indian communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect the declarations may have on the motivation of students and faculties.

(B) CONTENTS.—A declaration of purpose for a community shall—

(i) represent the aspirations of the community for the kind of people the community would like the community’s children to become; and

(ii) contain an expression of the community’s desires that all students in the community shall—

(I) become accomplished in things and ways important to the community and respected by their parents and community; and

(II) shape worthwhile and satisfying lives for themselves;

(III) satisfy the best values of the community and humankind; and

(IV) become increasingly effective in shaping the character and quality of the world around them.

(3) STANDARDS.—The declarations of purpose shall influence the standards for accreditation to be accepted by the schools.

(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall—

(A) propose revisions to the minimum academic standards contained in part 36 of title 34, Code of Federal Regulations (on the date of enactment of the Native American Education Improvement Act of 2001) for the basic education of Indian children attending Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys carried out in consultation with the tribes.

(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, local Bureau funded schools, and other interested parties; and

(C) consistent with the provisions of this section and section 1130, take such actions as are necessary to coordinate standards implemented under this section with—

(i) the Comprehensive School Reform Plan developed by the Bureau; and

(ii) the standards of the State in which any Bureau funded school is located; or

(iii) in a case where schools operated by the Bureau are within the boundaries of the State in which the reservation is located within the boundaries of more than 1 State, the standards of the State selected by the tribe.

(2) FINAL STANDARDS.—Not later than 6 months after the comment period for comments described in paragraph (1)(B), the Secretary shall establish final standards under this subsection, distribute such standards to all tribes, and publish such standards in the Federal Register.

(3) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Secretary shall revise standards under this subsection periodically and, for making any revisions of such standards, the Secretary shall distribute proposed revisions of the standards to all the tribes, and publish such proposals in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

(4) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under this subsection shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as model standards for educational programs for Indian children in public schools.

(5) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising standards under this section, the Secretary shall take into account the unique needs of Indian students and support and reinforce the specific cultural heritage of each tribe.

(6) ALTERNATIVE OR MODIFIED STANDARDS.—With respect to a school that is located in a State or region with standards that are in conflict with the standards established under subsection (c), the Secretary shall provide alternative or modified standards in lieu of the standards established under the program of such school in compliance with the minimum accreditation standards required for such schools to the State or region where the school is located.

(7) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—

(A) WAIVER.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to establish standards in whole, or in part, for a waiver of standards established under subsection (c) and (d) if such standards are determined by such body or board to be inappropriate for the needs of Indian students attending such school, provided that the waiver is submitted to the Director a proposal for alternative standards that take into account the specific needs of the tribe’s children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause.

(B) ALTERNATIVE STANDARDS.—The tribal governing body or school board involved shall, not later than 60 days after providing a waiver, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe’s children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause.

(2) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—

(A) DEADLINE.—Not later than the second academic year after publication of final standards established under subsection (c) or (d) for the purpose of receiving comments from the tribes, local Bureau funded schools, and other interested parties; and

(B) CONTENTS.—In accordance with State accreditation standards for the State in which the school is located; or

(D) IN GENERAL.—Except as provided in subsection (e), the Secretary shall begin to implement the standards established under this section on the date of their establishment.

(2) PLAN.—On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to bring all Bureau funded schools up to the level required by the applicable standards established for that school. Such plans shall include detailed information on the status of each school’s educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school up to the level required by such standards.

(b) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

(1) IN GENERAL.—Except as specifically required by law, no Bureau funded school or dormitory operated on or after January 1, 1992, may be closed, consolidated, or transferred to another authority and no program of transfer of Bureau funded schools shall be upheld by the Secretary unless the Secretary determines in writing that such transfer of detection and transfer of control except in accordance with the requirements of this subsection.
“(2) EXCEPTIONS.—This subsection (other than this paragraph) shall not apply—

“(A) in those cases in which the tribal governing body for a school, or the local school board associated with any Bureau funded school that would increase the amount of funds received by the tribe or school board under section 1126.

“(B) LIMITATION ON CERTAIN ACTIONS.—

“(A) in those cases in which the tribal governing body for a school, or the local school board associated with any Bureau funded school that would increase the amount of funds received by the tribe or school board under section 1126.

“(B) LIMITATION.—With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable programs.

“(B) FACTORS.—With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

“(i) The adequacy of existing facilities to support the proposed program and services or the ability to obtain or provide adequate facilities.

“(ii) Geographic and demographic factors in the affected areas.

“(iii) The adequacy of the applicant’s program plans or, in the case of a Bureau funded school, of a projected needs analysis conducted either by the tribe or the Bureau.

“(iv) Geographic proximity of comparable public education.

“(v) The stated needs of all affected parties, including students, families, tribal governing bodies at both the central and local levels, and school organizations.

“(vi) Adequacy and comparability of programs and services already available.

“(vii) Whether the proposed program and services with tribal educational codes or standards.

“(viii) The history and success of these services, including education or related services from non-Federally funded programs, may apportion joint administration, transportation, and program costs between such programs and the funds shall be retained at the school.

“(k) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Department of Education or any other Federal agency for the purpose of providing education or related services, and other funds received for such education and related services from non-Federally funded programs, may apportion joint administrative, transportation, and program costs between such programs and the funds shall be retained at the school.

“(l) STUDY.—The Comptroller General of the United States shall conduct a study, in cooperation with tribal governing bodies, or any school board associated with any Bureau funded school to determine the adequacy of funding, and formulars used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, including isolation, limited English proficiency of Indian students, the educational needs of outlying students in isolated settings, and other factors that may disproportionately increase per-pupil...
costs, as well as expenditures for comparable purposes in public schools nationally.

(2) FINDINGS.—On completion of the study under paragraph (1), the Secretary shall take such action as may be necessary to ensure distribution of the findings of the study to the appropriate authorizing and appropriating committees of Congress, all affected tribes, state educational agencies, and local school boards.

SEC. 1122. NATIONAL STANDARDS FOR HOME-LIVING SITUATIONS.

(a) In General.—The Secretary, in accordance with section 1137, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, water, sanitation, food storage, recreation, adult-child ratio, and need for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau schools. Any subsequent revisions shall also be in accordance with such section 1137.

(b) Implementation.—The Secretary shall implement the revised standards established under this section immediately upon their issuance.

(c) Plan.—

(1) IN GENERAL.— Upon the submission of each annual budget request for Bureau educational services (as contained in the President’s budget request submitted under section 1105 of title 31, United States Code), the Secretary shall submit to the appropriate committees of Congress the plans, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that have dormitories or provide home-living (dormitory) situations into compliance with the standards established under this section.

(2) CONTENTS.—Each plan under paragraph (1) shall include—

(A) a statement of the relative needs of each of the home-living schools and projected future needs of each of the home-living schools;

(B) detailed information on the status of each of the schools in relation to the standards established under this section;

(C) specific cost estimates for meeting each standard for each such school;

(D) aggregate cost estimates for bringing all such schools into compliance with the standards established under this section; and

(E) methods for bringing such schools into compliance with such standards.

(d) WAIVER.—A tribal governing body or local school board may, in accordance with section 1137, waive the standards provided under this section for bringing such school into compliance with such standards.

(2) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student’s home or domicile is outside of the attendance area established under this section. No funding shall be made available for transportation to or from the school by the tribal governing body or local school board (if designated by the tribal governing body or local school board) to bring any student to or from the school. Any such boundary so established shall be accepted by the Secretary.

(b) BOUNDARIES.—The Secretary shall accept proposed alternative boundaries described in paragraph (1)(b) or revised boundaries submitted under paragraph (2) unless the Secretary finds, after consultation with the affected tribe, that such alternative or revised boundaries do not provide adequate stability to all of the affected programs. On accepting the boundaries, the Secretary shall publish information describing the boundaries in the Federal Register.

(c) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted to authorize the tribal governing body (if designated by the Secretary, on a continuing basis, to adopt a tribal resolution allowing parents a choice of the Bureau funded school their child may attend) to disregard of the geographical attendance area boundaries established under this section.

(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student’s home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available for transportation to or from the school by the tribal governing body or local school board (if designated by the tribal governing body or local school board) to bring any student to or from the school. Any such boundary so established shall be accepted by the Secretary.

(e) RESOLUTION BOUNDARY.—In any case in which there is only 1 Bureau funded school located on a reservation, the boundaries of the geographical attendance area for that school shall be the boundaries (as established by treaty, agreement, legislation, court decision, or executive decision) and as accepted by the tribal involved (of the reservation served, and those students residing near the reservation shall also receive services from such school.

SEC. 1123. SCHOOL BOUNDARIES.

(a) Establishment by Secretary.—Except as described in subsection (b), the Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

(b) Establishment by Tribal Body.—In any case in which there is more than 1 Bureau funded school located on a reservation of a tribe, the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the boundaries of the relevant geographical attendance areas for such schools, subject to the jurisdiction of the governing body. Any such boundaries so established shall be accepted by the Secretary.

SEC. 1124. FACILITIES CONSTRUCTION.

(a) National Survey of Facilities Conditions.

(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the General Accounting Office shall conduct a survey of all Bureau funded schools that are needed to prepare a national survey of the physical conditions of all Bureau funded school facilities.

(b) Data and Methodologies.—In preparing the national survey required under paragraph (1), the General Accounting Office shall use the following data and methodologies:

(1) Data related to conditions of Bureau funded schools that has previously been collected, or to some alternative source derived so long as the data is relevant, timely, and necessary to the survey.

(2) The methodologies of the American Institute of Architects, or other accepted and reputable architecture or engineering associations.

(c) Consultations.—In carrying out the survey required under paragraph (1), the General Accounting Office shall, to the maximum extent practicable, consult with (and if necessary, contract with) the appropriate representatives of tribal governing bodies and tribal Indian education organizations to ensure that a complete and accurate national survey is achieved.

(d) Requests for Information.—All Bureau funded schools shall comply with reasonable requests for information by the General Accounting Office and shall respond to such requests in a timely fashion.

(4) Submission to Congress.—Not later than 24 months after the date of enactment of the Native American Education Improvement Act of 2001, the General Accounting Office shall submit the results of the national survey conducted under paragraph (1) to the Committee on Indian Affairs and Committee on Appropriations of the Senate, and the Committee on Resources and Committee on Appropriations of the House.

(5) Negotiated Rulemaking Committee.—

(a) IN GENERAL.—Not later than 6 months after the date on which the submission is made under paragraph (4), the Secretary shall establish a negotiated rulemaking committee pursuant to section 1137(c). The negotiated rulemaking committee shall prepare and submit to the Secretary the following:

(1) A catalogue of the condition of school facilities at all Bureau funded schools that—

(i) satisfies such facility with respect to the rate of deterioration and useful life structures and major systems;

(ii) establishes a routine maintenance schedule for each facility; and

(iii) makes projections on the amount of funds needed to keep each school viable, consistent with the standards of this Act.

(b) A school replacement and new construction report that determines replacement and new construction needs, and a formula for the equitable distribution of funds to address such needs for Bureau funded schools.

(c) Such school replacement and new construction report shall utilize necessary factors in determining an equitable distribution of funds, including—

(i) the size of school;

(ii) school enrollment;

(iii) the age of the school;

(iv) the condition of the school;

(v) environmental factors at the school; and

(vi) school isolation.

(6) A renovation repair report that determines renovation repair needs, and a formula for the equitable distribution of funds to address such need, for Bureau
funded schools. Such report shall identify needed repairs or renovations with respect to a facility, or a part of a facility, or the grounds of the facility, to remedy a need based on health and safety or to prevent safety changes to a facility. The formula developed shall utilize necessary factors in determining an equitable distribution of funds, including the factors described in subparagraph (B).

(2) Not later than 24 months after the negotiated rulemaking committee is established under subparagraph (A), the reports described in clauses (i) and (iii) of subparagraph (A) shall be submitted to the committee of Congress referred to in paragraph (4), the national and regional Indian education organizations, and to all Indian tribes.

(6) FACILITIES INFORMATION SYSTEMS SUPPORT DATABASE.—The Secretary shall develop a Facilities Information Systems Support Database to maintain and update the information contained in the reports under clauses (i) and (iii) of paragraph (B) and the information contained in the survey conducted under paragraph (1). The system shall be updated every 3 years by the Bureau of Indian Affairs and monitored by General Accounting Office, and shall be made available to Indian tribes, Bureau funded schools, and Congress.

(b) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities covered under section 1121 to a health and safety standard, whichever provides greater protection except that the health and safety officer and the individual designated by the tribe involved under subparagraph (B), determine that such conditions exist at a facility of the Bureau funded school.

(4) USE OF FUNDS.—With respect to a Bureau funded school that is to be closed, consolidated, or curtailed, or upon the determination by the Secretary that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the appropriate committees of Congress a report that specifies:

(i) the reasons for such temporary action;
(ii) the actions the Secretary is taking to eliminate the conditions that constitute the hazards.

(iii) an estimated date by which the actions described in clause (ii) will be concluded;

(iv) a plan for providing alternate education services for students enrolled at the school that is to be closed.

(2) NONAPPLICATION OF CERTAIN STANDARDS FOR TEMPORARY HAZARD USE

(A) CLASSROOM ACTIVITIES.—The Secretary shall permit the local school board to temporarily utilize facilities adjacent to the school as satellite facilities if such facilities are suitable for conducting classroom activities. In permitting the use of facilities under the preceding sentence, the Secretary shall determine whether the provisions under section 1121 relating to such facilities (such as the required number of exit lights or configuration of restrooms) so long as such waivers do not result in the creation of an environment that constitutes an immediate and substantial threat to the health, safety, and the life of students and staff.

(B) ADMINISTRATIVE ACTIVITIES.—The provisions of subparagraph (A) shall apply with respect to administrative personnel if the facilities involved are suitable for activities performed by such personnel.

(C) TEMPORARY.—In this paragraph, the term ‘temporary’ means

(i) with respect to a school that is to be closed for not more than 1 year, 3 months or less; and

(ii) with respect to a school that is to be closed for not less than 1 year, a time period determined appropriate by the Secretary.

(D) USE OF FUNDS.—With respect to a Bureau funded school that is closed under this subsection, the tribal governing body, or the designated local school board of each Bureau funded school, involved may authorize the use of school operations funds, which have otherwise been allocated for such school, to alleviate the hazardous conditions without further action by Congress.

(2) FUNDING REQUIREMENT.—

(A) DISTRIBUTION OF FUNDS.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, all funds appropriated to the budget accounts for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from these accounts may be retained or segregated by the Bureau in the account, or for the costs of any facilities branch or office, at any level of the Bureau.

(B) REQUIREMENTS FOR CERTAIN USES.—The Secretary shall withhold funds that would be distributed under paragraph (1) to any grant or contract

such a determination under subparagraph (E) the facility involved shall be closed immediately.

(4) USE OF FUNDS.—With respect to a Bureau funded school that is temporarily closed or consolidated or the programs of a Bureau funded school are temporarily substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the appropriate committees of Congress, the affected tribe, the local school board, and to any Indian tribes, a report that specifies:

(i) the reasons for such temporary action;
(ii) the actions the Secretary is taking to eliminate the conditions that constitute the hazards.

(iii) an estimated date by which the actions described in clause (ii) will be concluded;

(iv) a plan for providing alternate education services for students enrolled at the school that is to be closed.

(2) NONAPPLICATION OF CERTAIN STANDARDS FOR TEMPORARY HAZARD USE

(A) CLASSROOM ACTIVITIES.—The Secretary shall permit the local school board to temporarily utilize facilities adjacent to the school as satellite facilities if such facilities are suitable for conducting classroom activities. In permitting the use of facilities under the preceding sentence, the Secretary shall determine whether the provisions under section 1121 relating to such facilities (such as the required number of exit lights or configuration of restrooms) so long as such waivers do not result in the creation of an environment that constitutes an immediate and substantial threat to the health, safety, and the life of students and staff.

(B) ADMINISTRATIVE ACTIVITIES.—The provisions of subparagraph (A) shall apply with respect to administrative personnel if the facilities involved are suitable for activities performed by such personnel.

(C) TEMPORARY.—In this paragraph, the term ‘temporary’ means

(i) with respect to a school that is to be closed for not more than 1 year, 3 months or less; and

(ii) with respect to a school that is to be closed for not less than 1 year, a time period determined appropriate by the Secretary.

(D) USE OF FUNDS.—With respect to a Bureau funded school that is closed under this subsection, the tribal governing body, or the designated local school board of each Bureau funded school, involved may authorize the use of school operations funds, which have otherwise been allocated for such school, to alleviate the hazardous conditions without further action by Congress.

(2) FUNDING REQUIREMENT.—

(A) DISTRIBUTION OF FUNDS.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, all funds appropriated to the budget accounts for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from these accounts may be retained or segregated by the Bureau in the account, or for the costs of any facilities branch or office, at any level of the Bureau.

(B) REQUIREMENTS FOR CERTAIN USES.—The Secretary shall withhold funds that would be distributed under paragraph (1) to any grant or contract

such a determination under subparagraph (E) the facility involved shall be closed immediately.

(4) USE OF FUNDS.—With respect to a Bureau funded school that is temporarily closed or consolidated or the programs of a Bureau funded school are temporarily substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the appropriate committees of Congress, the affected tribe, the local school board, and to any Indian tribes, a report that specifies:

(i) the reasons for such temporary action;
(ii) the actions the Secretary is taking to eliminate the conditions that constitute the hazards.

(iii) an estimated date by which the actions described in clause (ii) will be concluded;

(iv) a plan for providing alternate education services for students enrolled at the school that is to be closed.
school, in order to use the funds for maintenance or any other facilities or road-related purposes, unless such school—

(1) has consented to the withholding of such amount of the funds, the purpose for which the funds will be used, and the timeline for the services to be provided with the funds; and

(2) has requested by entering into an agreement that is—

(A) a modification to the contract; and

(B) in writing (in the case of a school that receives a grant).

(B) CANCELLATION.—The school may, at the end of any fiscal year, cancel an agreement entered into under this paragraph, on giving the Director at least 120 days notice of the intent of the school to cancel the agreement.

(g) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to allow a reduction in Federal funds because the school received funding for facilities improvement or construction from a State or any other source.

SEC. 1125. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE: SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Native American Education Improvement Act of 2001, the Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, and facilities management, contracting, procurement, and finance personnel.

(2) TRANSFERS.—The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to personnel for contracting, custodial, and maintenance operations of schools and other support functions to the Director.

(c) INHERENT FEDERAL FUNCTION.—For purposes of the Indian Affairs Act, the functions relating to education that are located at the Area or Agency level and performed by an education line officer shall be subject to contract under the Indian Self-Determination and Education Assistance Act, unless determined by the Secretary to be inherently Federal functions.

(d) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATION ASSISTANCE.—Education personnel shall, in accordance with the direction and supervision of the Director, evaluate the performance of programs and the effectiveness of the Bureau in the conduct of the operations referred to in clause (i)(IV), the Assistant Secretary shall carry out such functions through the Director.

(1) Formulation and establishment of policy and procedure—

(A) IN GENERAL.—The Assistant Secretary shall formulate and establish a program, including a procedure, for the distribution of funds appropriated under this part, for the operation and maintenance of education facilities. Such program shall include—

(i) a method of computing the amount necessary for the operation and maintenance of each education facility;

(ii) a requirement of similar treatment of all Bureau funded schools;

(iii) a notice of an allocation of the appropriated funds from the Director of the Office directly to the appropriate education line office of the appropriate official;

(iv) a method for determining the need for, and priority of, facilities improvement and repair projects, both major and minor; and

(V) a system for conducting routine preventive maintenance.

(i) MEETINGS.—In making the determination referred to in clause (i)(IV), the Assistant Secretary shall carry out a series of meetings to be conducted at the area and agency level with representatives of the Bureau and other appropriate officials, to receive comments on the projects described in clause (i)(IV) and prioritization of such projects.

(B) MAINTENANCE.—The appropriate education line officers shall make arrangements for the maintenance of the education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall ensure that the decisions made by the appropriate education line officers. No funds made available under this part may be authorized for expenditure unless an education facility unless the appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

(2) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of enactment of the Native American Education Improvement Act of 2001.

(3) ACCEPTANCE OF GIFTS AND BEQUESTS.— (A) IN GENERAL.—In this section, and any other provision of law, the Director of the Office shall promulgate guidelines for the establishment and administration of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, in appropriate cases, establishment and administration of trust funds.

(4) MONITORING AND REPORTS.—Except as provided in paragraph (3), in a case in which a Bureau funded education program is the beneficiary of such a gift or bequest, the Director shall—

(A) make provisions for monitoring use of the gifts or bequests;

(B) submit a report to the appropriate committees of Congress that describes the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such use.

(c) INHERENT FEDERAL FUNCTION.—The requirements of paragraph (2) shall apply in the case of a gift or bequest that is valued at $5,000 or less.

(d) ACCEPTANCE OF GIFTS AND BEQUESTS.—The Secretary shall establish, by regulation adopted in accordance with section 1127, a formula for determining the minimum annual amount of funds necessary to operate each Bureau funded school in establishing such formula, the Secretary shall consider (A) the number of eligible Indian students served by the school and the total student population of the school; (B) special cost factors, such as—

(i) the isolation of the school;

(ii) the need for special staffing, transportion, or educational programs; (iii) food and housing costs; (iv) maintenance and repair costs associated with the physical condition of the educational facilities; (v) special transportation and other costs of an isolated or small school; (vi) the costs of home-living (dormitory) arrangements, where determined necessary by the appropriate governing body or designated school board; (vii) costs associated with greater lengths of service by education personnel; (viii) the costs of therapeutic programs for students requiring such programs; and (ix) special costs for gifted and talented students.

(2) REVISION OF FORMULA.—On the establishment of the standards and criteria under subsections (a) and (c) of sections 1121 and 1122, the Secretary shall—

(A) revise the formula established under paragraph (1) to reflect the cost of complicating such standards; and

(B)(i) by not later than January 1, 2002, review the formula established under paragraph (1) and take such action as may be necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-schooling and other Bureau operated residential facilities and

(ii) concurrently with any actions taken under clause (1) to review the standards and criteria under subsection (a), and take such action as may be necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-schooling and other Bureau operated residential facilities.

(3) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

(A) IN GENERAL.—For fiscal year 2002, and each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) by—

(i) using a weighted factor of 1.2 for each eligible Indian student enrolled in the
and eighth grades of the school in considering the number of eligible Indian students served by the school;

‘‘(ii) consider a school with an enrollment of fewer than 9 months for the academic year involved;

‘‘(iii) take into account the provision of residential services on less than a 9-month basis at a school in which the school board and supervisor of the school determine that the school will provide the services for fewer than 9 months for the academic year involved;

‘‘(iv) take into account a weighted factor of 2.0 for each eligible Indian student that—

‘‘(I) is gifted and talented; and

‘‘(II) is enrolled in the school on a full-time basis.

in considering the number of eligible Indian students served by the school; and

‘‘(v) use a weighted factor of 0.25 for each eligible Indian student who is enrolled in a year long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

‘‘(B) Training.—The Secretary shall make the adjustment required under subparagraph (A)(iv) after—

‘‘(i) the school board of such school provides a certification of the Indian or Native language curriculum of the school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second academic year after the academic year for which the certification is made; and

‘‘(ii) the funds appropriated for allotments under this section are designated, in the appropriations Act appropriating such funds, as funds necessary to implement such adjustment at such school without reducing an allotment made under this section to any school by virtue of such adjustment.

‘‘(2) RESERVATION OF AMOUNT.—

‘‘(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school shall reserve an amount which does not exceed the greater of—

‘‘(i) $8,000; or

‘‘(ii) the lesser of—

‘‘(I) $15,000; or

‘‘(II) 1 percent of such allotted funds, for school board activities for such school, including any other operational provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

‘‘(B) TRAINING.—Each local school board, and any agency school board that serves as a local school board for any grant or contract school, shall reserve an amount that each individual who is a new member of the school board receives, within 12 months after the individual becomes a member of the school board, 40 hours of training relevant to that individual’s service on the board. Such training may include training concerning legal issues pertaining to Bureau funded schools, legal issues pertaining to school boards, ethics, and other topics determined to be appropriate by the school board.

‘‘(d) RESERVATION OF AMOUNT FOR EMERGENCY GRANTS.—

‘‘(1) IN GENERAL.—The Secretary shall reserve from the funds available for allotment for each fiscal year under this section an amount that equals 1 percent of the funds available for allotment for that fiscal year.

‘‘(2) USE OF FUNDS.—Amounts reserved under paragraph (1) shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies that effect the schools funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of education facilities, within the scope of the local school board’s premises and any agency school board that serves as a local school board for such school (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988).

‘‘(3) FUNDS REMAINING AVAILABLE.—Funds reserved under this section shall remain available without fiscal year limitation until expended. The aggregate amount of such funds, from all fiscal years, that is available for expenditure on an academic year does not exceed an amount equal to 1 percent of the funds available for allotment under this section for that fiscal year.

‘‘(4) REPORTS.—If the Secretary makes funds available under this subsection, the Secretary shall submit a report describing such action to the appropriate committees of the Congress as part of the President’s next annual budget request under section 1105 of title 31, United States Code.

‘‘(e) SUPPLEMENTAL APPROPRIATIONS.—Any funds provided in a supplemental appropriations Act to meet increased pay costs attributable to school level personnel of Bureau funded schools shall be allotted under this section.

‘‘(f) ELIGIBLE INDIAN STUDENT DEFINED.—In this section, ‘eligible Indian student’ means a student who—

‘‘(1) is a member of, or is at least 1⁄4 degree Indian blood descendant of a member of, a tribe that is eligible for the special programs and services provided by the United States for the Tribally Controlled Schools Act of 1988).

‘‘(2) resides near a reservation or meets the criteria for attendance at a Bureau off-reservation home-schooling; and

‘‘(3) is enrolled in a Bureau funded school.

‘‘(g) TUITION.—

‘‘(1) IN GENERAL.—A Bureau school or contract or grant school may not charge an eligible Indian student tuition for attendance in the Bureau school or contract or grant school, if the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

‘‘(ii) are either—

‘‘(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

‘‘(II) otherwise required of tribal self-determination program operators by law or prudent management practice.

‘‘(B) INCLUSIONS.—The term ‘administrative cost’ may include—

‘‘(i) contract or grant (or other agreement) administration;

‘‘(ii) executive, policy, and corporate leadership and decisionmaking;

‘‘(iii) program planning, development, and management;

‘‘(iv) fiscal, personnel, property, and procurement management;

‘‘(v) related office services and record keeping; and

‘‘(vi) costs of necessary insurance, auditing, legal, safety and security services.

‘‘(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term ‘Bureau elementary and secondary functions’ means—

‘‘(A) all functions funded at Bureau schools by the Office;

‘‘(B) all programs—

‘‘(i) for which are appropriated to other agencies of the Federal Government; and

‘‘(ii) which are administered for the benefit of Indians through Bureau schools; and

‘‘(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

‘‘(3) DIRECT COST BASE.—

‘‘(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

‘‘(i) the second fiscal year preceding such fiscal year; or
‘‘(i) if such programs have not been operated by the tribe or tribal organization during the two preceding fiscal years, the first fiscal year preceding such fiscal year.’’

(B) previously operated.—In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

(4) MAXIMUM BASE RATE.—The term ‘‘maximum base rate’’ means 50 percent.

(5) MINIMUM BASE RATE.—The term ‘‘minimum base rate’’ means 11 percent.

(6) DIRECT COST BASE.—The term ‘‘standard direct cost base’’ means $500,000.

(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term ‘‘tribal elementary or secondary educational programs’’ means all Bureau elementary and secondary functions, together with any Bureau programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for programs that are reimbursed contracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost function, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

‘‘(8) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

‘‘(1) GRANTS.—

‘‘(A) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide a grant to each tribe or tribal organization operating a contract or grant school, in an amount determined under this section, for the purpose of paying the administrative and indirect costs incurred in operating the contract or grant school, in order to—

‘‘(i) enable the tribe or tribal organization operating the school, without reducing direct program services to the beneficiaries of the program, to provide all related administrative and indirect services and operations necessary to meet the requirements of law and prudent management practice; and

‘‘(ii) operate other necessary support functions that would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

‘‘(B) AMOUNT.—No school operated as a stand-alone institution shall receive less than $20,000 per year under this paragraph.

‘‘(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided for under this paragraph shall not reduce the amounts appropriated for the program being administered by the contract or grant school.

‘‘(9) DETERMINATION OF GRANT AMOUNT.—

‘‘(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate determined under subsection (d) of the tribe or tribal organization to the aggregate cost of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate of a program is the ratio of the administrative costs for the program to the total costs of the program, and is calculated by excluding from total costs those costs which are specifically excluded in the provisions of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

‘‘(I) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988.

‘‘(II) receives funds under this section for programs at the school that share common administrative services with the program, to provide all related administrative and indirect costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988.

‘‘(III) receives funds under this section for programs at the school that are supported by Federal funds necessary to provide to Indian students in such schools the educational program set forth in this part.

‘‘(V) OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section that apply to contract or grant schools shall also apply to those schools that receive assistance under the Tribally Controlled Schools Act of 1988.

‘‘(V) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out this section.

‘‘(10) DIVISION OF BUDGET ANALYSIS.

SEC. 1128. DIVISION OF BUDGET ANALYSIS.

(a) ESTABLISHMENT.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (referred to in this section as the ‘‘Division‘‘). Such Division shall be under the direct supervision and control of the Director of the Office.

(b) FUNCTIONS.—In consultation with the tribal governing bodies and local school boards the Director of the Office, through the head of the Division, shall conduct studies, surveys, or other activities to gather de-
"(3) such other information as the Director of the Office considers to be appropriate.

(4) Use of reports.—The Director of the Office and the Assistant Secretary for Indian Affairs shall furnish such information contained in the annual report required by subsection (c) in preparing their annual budget requests.

Sec. 1129. Uniform direct funding and support.

(a) Establishment of system and forward funding.

(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1137, a system for the direct funding and support of Bureau schools. Such system shall allot funds in accordance with section 1126. All amounts appropriated for distribution in accordance with this section may be made available in accordance with paragraph (2).

(2) Timing for use of funds.—

(A) AVAILABILITY.—With regard to funds for affected schools under this part that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to such affected schools not later than December 1 of the fiscal year, except that operations and maintenance funds shall be forward funded and be available for obligation not later than July 1 and December 1 of each fiscal year, and shall remain available for obligation through the succeeding fiscal year.

(B) PUBLICATION.—The Secretary shall, on the basis of the amounts appropriated as described in this paragraph, publish, not later than July 1 of the fiscal year for which the amounts are appropriated, information indicating the amount of the allotments to be made to each affected school under section 1126, of 85 percent of such appropriated amounts; and

(ii) publish, not later than September 30 of such fiscal year, information indicating the amount of the allotments to be made under section 1126, from the remaining 15 percent of such appropriated amounts, adjusted to reflect the actual student attendance.

(3) LIMITATION.—

(A) EXPENDITURES.—Notwithstanding any other provision of law, funds received from other Federal sources, without contribution of maintenance funds, funds received from the equipment, operation services, maintenance section 1126 to acquire materials, supplies, equipment, and other necessities for school operation, shall not exceed $15,000; and

(B) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (commonly known as the ‘Johnson-O’Malley Act’; 48 Stat. 596, chapter 147) and this Act may be used to support services, including the provision of programs that might benefit Indian youth, regardless of the funding source or administrative entity of such programs.

(4) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—From funds allotted to a Bureau school under section 1126, the Secretary may approve applications for funds for affected schools under this part that become available for obligation on October 1 of the fiscal year.

(2) REQUIREMENT.—A local financial plan prepared under subparagraph (A) shall comply with all applicable Federal and tribal laws.

(C) PREPARATION AND REVIEW.—The financial plan for subparagraph (A) shall be prepared by the supervisor of the school in active consultation with the local school board for the school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan and, at the initiative of the local school board or in response to the supervisor of the school, to revise the financial plan to meet the needs not foreseen at the time of preparation of the financial plan.

(D) ROLE OF SUPERVISOR.—The supervisor of the school shall:

(i) put into effect the decisions of the school board relating to the financial plan under subparagraph (A); and

(ii) provide the appropriate local union representative of the education employees of the school with copies of proposed financial plans relating to the school and all modifications made to such financial plans, and at the same time submit such copies to the local school board.

(iii) shall provide the appropriate action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be taken.

A copy of statement under clause (ii) shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

(2) REQUIREMENT.—A Bureau school shall expend amounts received under an allotment under section 1126 in accordance with the local financial plan prepared under paragraph (1).

(c) T echnical assistance and program coordination.—

(1) IN GENERAL.—A financial plan prepared under this paragraph (b) for a school may include, at the discretion of the supervisor and the local school board, the services of a technical assistance and training provider. The Secretary shall, to the greatest extent possible, provide such assistance and training, and provide an appropriate provision in the budget of the Office for such assistance and training.

(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (commonly known as the ‘Johnson-O’Malley Act’; 48 Stat. 596, chapter 147) and this Act may be used to support services, including the provision of programs that might benefit Indian youth, regardless of the funding source or administrative entity of such programs.

(d) Technical assistance and training.—A local school board may, in the exercise of the authority of the school board under this section, request technical assistance and training from the Secretary. The Secretary shall, to the greatest extent possible, provide such assistance and training, and provide an appropriate provision in the budget of the Office for such assistance and training.

(e) Summer Program of Academic and Support Services.—

(1) IN GENERAL.—A financial plan prepared under subsection (b) for a school may include, at the discretion of the supervisor and the local school board, the services of a technical assistance and training provider. The Secretary shall, to the greatest extent possible, provide such assistance and training, and provide an appropriate provision in the budget of the Office for such assistance and training.

(f) Summer Program of Academic and Support Services.—

(1) IN GENERAL.—A financial plan prepared under subsection (b) for a school may include, at the discretion of the supervisor and the local school board, the services of a technical assistance and training provider. The Secretary shall, to the greatest extent possible, provide such assistance and training, and provide an appropriate provision in the budget of the Office for such assistance and training.

(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (commonly known as the ‘Johnson-O’Malley Act’; 48 Stat. 596, chapter 147) and this Act may be used to support services, including the provision of programs that might benefit Indian youth, regardless of the funding source or administrative entity of such programs.

(g) Equal benefit and burden.—

(1) IN GENERAL.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school community with the burden assumed by the school.

(2) LIMITATION.—Subparagraph (A) shall not be construed to mean the expenditure of Federal funds, or an exchange of similar services, by the Bureau school and schools in the school district.

(h) Product or result of student projects.—Notwithstanding any other provision of law, where there is agreement on
action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given the temporary status upon the completion of such project.

(b) MATCHING FUND REQUIREMENTS.—

(1) FEDERAL FUNDS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title for education-related activities (including funds for construction, maintenance and facilities, improvement or repair) shall not be considered to be Federal funds for the purposes of meeting a matching fund requirement under any Federal program.

(2) NONAPPLICATION OF REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, no requirement relating to the provision of matching funds or the provision of services or in-kind activity as a condition of participation in a program or project or receipt of a grant, shall apply to a Bureau funded school unless the provision of law authorizing such requirement specifies that such requirement applies to such a school.

(B) LIMITATION.—In considering an application from a Bureau funded school for participation in a program or project that has a requirement involving proposals regarding changes in education, the entity administering such program or project or receiving such grant shall not give positive or negative weight to such application based on or the provisions of this paragraph. Such an application shall be considered as if it fully met any matching requirement.

SEC. 1130. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the Secretary and the Bureau to facilitate the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

(b) TERM TIMES.—

(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes. The Bureau and tribes shall work in a Government-to-Government relationship to ensure quality education for all tribal members.

(2) REQUIREMENTS.—The consultation required in subsection (1) means involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and the tribes. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues and positions regarding matters in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines that it is necessary for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

SEC. 1131. INDIAN EDUCATION PERSONNEL

(a) DEFINITION OF EDUCATION PERSONNEL.—

(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

(ii) any activity (other than teaching) that promotes educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor’s degree in education from an accredited institution of higher education;

(iii) any activity in or related to the field of education, whether or not academic credits in education required for the conduct of such activity;

(iv) provision of support services at, or associated with, the site of the school; or

(v) are performed at the agency level of the Bureau and involve the implementation of education-related programs, other than the position of agency superintendent for education.

(2) EDUCATOR.—The term ‘educator’ means an individual whose services are required, or who is employed, in an education position.

(b) CIVIL SERVICE AUTHORITIES INAPPLICABLE.—Chapter 51, subchapter III of chapter 55, and chapters 83 and 89 of title 5, United States Code, relating to classification, pay, and leave, respectively, and the sections of such title relating to the appointment, promotion, removal, classification, pay, and leave of civil service employees, shall not apply to educators or to education positions.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall prescribe regulations to carry out this sub-section. Such regulations shall include provisions relating to:

(1) the establishment of education positions;

(2) the establishment of qualifications for educators and education personnel;

(3) the fixing of basic compensation for educators and education positions;

(4) the appointment of educators;

(5) the discharge of educators;

(6) the entitlement of educators to compensation;

(7) the payment of compensation to educators;

(8) the conditions of employment of educators;

(9) the leave system for educators;

(10) any annual leave applicable to education positions described in subsection (a)(1)(A); and

(11) such matters as may be appropriate.

(d) Quotas.—The quotas shall be based on:

(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require:­

(A) that lists of qualified and interviewed applicants for education positions be maintained in the appropriate agency or area office of the Bureau or, in the case of individuals applying at the national level, the Office;­

(B)(i) that a local school board have the authority to waive, on a case-by-case basis, any formal education or degree qualifications established by regulation, in order for a tribal member to be hired in an education position to teach courses on tribal culture and language; and

(ii) that a determination by a local school board that such a tribal member be hired shall be instituted by the supervisor of the school involved; and

(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level—­

(1) that such individual appear on a list maintained pursuant to subparagraph (A); or

(2) that such individual have applied at the national level for an education position.

(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize employment in the education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to authorize the employment would result in that position remaining vacant.

(e) HIRING OF EDUCATORS.—

(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require:

(A)(i) that each supervisor of a Bureau school shall be hired by the education line officer of the agency office of the Bureau for the jurisdiction in which the school is located; and

(ii) that each supervisor of a Bureau school shall be hired by the appropriate agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

(f) EMPLOYMENT OF EDUCATORS.—Any agency education line officer and educator employed in the office of the Director of the Office shall be hired by the Director:

(B)(i) that, before an individual is employed in an education position in a Bureau school by the supervisor of the school (or, with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted; and

(ii) that a determination by such school board, as evidenced by school board records, that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the superintendent for education of the agency office);

(2) that, before an individual is employed in an education position (as described in subsection (a)(1)(B)) in the office of the Director of the Office (other than the position of Director), the school boards representing all Bureau schools shall be consulted; and

(3) that all employment decisions or actions be in compliance with all applicable Federal, State and tribal laws.

(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—

(A) IN GENERAL.—Any individual who applies at the local level for an education position shall state on such individual’s application whether or not such individual has applied at the national level for an education position.

(B) EFFECT OF INACCURATE STATEMENT.—If an individual described in paragraph (A) is employed at the local level, such individual’s name shall be immediately forwarded to the Secretary by the local employer. The Secretary shall, as soon as practicable but in no event later than 30 days after the receipt of the name, ascertain the accuracy of the statement made by such individual pursuant
to subparagraph (A). Notwithstanding subsection (g), if the Secretary finds that the individual's statement was false, such individual, at the Secretary's discretion, may be disciplined or disqualified.

"(C) EFFECT OF APPLICATION AT NATIONAL LEVEL.—If an individual described in subparagraph (A) has applied at the level of the school at which the individual was employed, or not employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned, a copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board. The education line officer shall transmit the determination and Education Assistance Act.

"(D) APPEALS.—The supervisor of a school may appeal to the appropriate agency education line officer any determination by the local school board that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(E) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(1) procedures shall be established for the rapid and equitable resolution of grievances of educators;

"(2) that no educator may be discharged without cause, or for the discharge and an opportunity for a hearing under procedures that comport with the requirements of due process; and

"(3) that each educator employed in a Bureau school shall be notified 30 days prior to the end of an academic year whether the employment contract of the individual will be renewed for the following year.

"(F) PROCEDURES FOR DISCHARGE.—

"(1) DETERMINATIONS.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. On giving notice to an educator of such determination to discharge the educator, the supervisor shall immediately notify the local school board of the proposed discharge. A determination by the local school board of such educator shall not be discharged shall be followed by the supervisor.

"(2) APPEALS.—The supervisor shall have the right to appeal to the Director of the Office of Education and to recommend to the education line officer any determination by the local school board that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overlooked. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board.

"(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—

"(A) to recommend that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer any determination by the local school board that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board.

"(4) APPEALS.—The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(5) OTHER APPEALS.—The education line officer of the Office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(6) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(1) procedures shall be established for the rapid and equitable resolution of grievances of educators;

"(2) that no educator may be discharged without cause, or for the discharge and an opportunity for a hearing under procedures that comport with the requirements of due process; and

"(3) that each educator employed in a Bureau school shall be notified 30 days prior to the end of an academic year whether the employment contract of the individual will be renewed for the following year.

"(4) PROCEDURES FOR DISCHARGE.—

"(A) DETERMINATIONS.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. On giving notice to an educator of such determination to discharge the educator, the supervisor shall immediately notify the local school board of the proposed discharge. A determination by the local school board of such educator shall not be discharged shall be followed by the supervisor.

"(B) APPEALS.—The supervisor shall have the right to appeal to the Director of the Office of Education and to recommend to the education line officer any determination by the local school board that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any person on the list of essential personnel, to whom chapter 51 of title 5, United States Code, is applicable; or

"(2) APPEALS.—The supervisor may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in a position in such agency school board by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.
rate of compensation that was in effect for the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, the school board may make such rates at the next contract renewal so that either—

1. the entire increase occurs on 1 date; or

2. the increase takes effect in 3 equal installments.

(D) ESTABLISHED REGULATIONS, PROCEDURES, AND ARRANGEMENTS.

(i) PROMOTIONS AND ADVANCEMENTS. — The establishment of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations or procedures used by the Bureau prior to April 28, 1988, in making determinations and procedures used by the Bureau school may discontinue or decrease a post differential rate provided for under this section.

(ii) CONTINUED EMPLOYMENT OR COMPENSATION. — The establishment of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (o), as in effect on January 1, 1990.

(ii) CONTINUED EMPLOYMENT OR COMPENSATION. — The Secretary may pay a post differential rate not to exceed 25 percent of the rate of basic compensation, for educators or education positions, on the basis of conditions of environment or work that warrant additional pay, as a recruitment and retention incentive.

(ii) EXCEPT. — Except as provided in clause (i) on the request of the supervisor and the local school board of a Bureau school or the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differential rates under subparagraph (A).

(iii) EXCEPTION. — The Secretary shall disapprove, or approve with a modification, a request for authorization to provide a post differential rate if the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that the rate should be disapproved or decreased because the disparity of compensation between educators or positions in the Bureau school and the comparable educators or positions at the nearest public school.

4. (aa) at least 5 percent; or

5. (bb) less than 5 percent; and

6. (II) does not affect the recruitment or retention of employees at the school.

(iii) APPROVAL OF REQUESTS. — A request made under clause (i) shall be considered to be approved at the end of the 60th day after the request is received by the Central Office of the Bureau unless before that time the request is approved, approved with a modification, or disapproved by the Secretary.

(iv) TERMINATION. — The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential rate provided for under this paragraph at the beginning of an academic year if—

1. the local school board requests that such differential be discontinued or decreased; or

2. the Secretary or the supervisor, respectively, determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

(v) REPORTS. — On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and approvals of authorization made under this paragraph during the previous year and listing the positions receiving post differential rates in each Bureau school and the number of positions entered into under those authorizations.

(i) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION. — Upon termination of employment by the Bureau of an employee who did not make an election under subsection (a)(1)(A) who is employed at the end of an academic year over a 12-month period.

(ii) AGREEMENT. — The Secretary shall make such determination and shall make an election after November 1, 1979) and to the position in which such educator is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

(q) FURLough WITHOUT CONSENT. — (1) IN GENERAL. — An educator who was employed in an education position on October 31, 1979, who was not employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

(A) the supervisor, with the approval of the local school board (or of the education line officer on appeal under paragraph (2)), of the Bureau school at which such educator is employed, can change the election made under paragraph (1) once.

(ii) APPLIcATION. — This subsection applies to educators, whether employed under this section or title 5, United States Code.

(o) EXTRACurRICULAR ACTIVITIES. — (1) definition. — The term "extracurricular activity" means any activity of an educator who was employed in an education position under this section or title 5, United States Code, and who did not make the election under subsection (o), as in effect on January 1, 1990.

(q) COVERED INDIVIDUALS; ELECTION. — This section shall apply with respect to any educator hired after November 1, 1979 and to any educator who elected to be covered under this section on or before November 1, 1979, and to the position in which such educator is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

(r) FURLough WITHOUT CONSENT. — (1) IN GENERAL. — An educator who was employed in an education position on October 31, 1979, who was not employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

(A) the supervisor, with the approval of the local school board (or of the education line officer on appeal under paragraph (2)), of the Bureau school at which such educator is employed, can change the election made under paragraph (1) once.

(ii) APPLIcATION. — This subsection applies to educators, whether employed under this section or title 5, United States Code.
reasonably necessary and without discrimi-
nation as to supervisory, nonsupervisory, or
other status of the educators who apply.

(2) APPEALS.—The supervisor of a Bureau
school shall submit to the Office any
complaints from Bureau employees concern-
ing a Bureau employee as to supervisory, non-
supervisory, or nonsupervisory status; and the
Office shall act on such complaints as expedi-
tly as possible.

SEC. 1136. RIGHTS OF INDIAN STUDENTS.

(a) IN GENERAL.—The Secretary may issue
such regulations as are necessary to ensure
that students are treated as if they are indi-
ced students of a Bureau school.

(b) REGULAR SESSIONS.—The Secretary shall
ensure that students in Bureau schools shall
attend the regular sessions of such schools
as is required under Federal law.

(1) SUPREMACY OF PROVISIONS.—The provi-
sions of this section shall supersede any con-
flicting provisions of law (including any con-
flicting regulations) in effect on the day
before the date of enactment of this act, and
the Secretary shall promulgate any regulations
that is inconsistent with the provisions of this
part.

(2) MODIFICATIONS.—The Secretary shall
modify regulations promulgated under this
section or the Tribally Controlled Schools
Act of 1988, only in accordance with this
section.

SEC. 1138. EARLY CHILDHOOD DEVELOPMENT
PROGRAM.

(a) GRANTS.—The Secretary shall make
grants to tribes, tribal organizations, and con-
sortia of tribes or tribal organizations to fund
early childhood development programs
that are operated by such tribes, tribal orga-
izations, or consortia.

(b) AMOUNT OF GRANTS.—

(i) IN GENERAL.—The amount of the grant
made under subsection (a) to each eligible
tribal organization, tribal organization, or
consortium of tribes or tribal organizations for
each fiscal year shall be equal to the amount
that bears the same relationship to the total amount
appropriated under section (a) for such
fiscal year (other than amounts reserved
under subsection (f) as—

(A) the total number of children under age
6 who are members of—

(i) such tribe;

(ii) the tribe that authorized such tribal
organization; or

(iii) any tribe that—

(I) is a member of such consortium; or

(II) so authorizes any tribal organization that is a member of such consortium; bears to

(B) the total number of all children under
age 6 who are members of any tribe that—

(i) is eligible to receive funds under
subsection (a); or

(ii) is a member of a consortium that is
eligible to receive such funds; or

(iii) is authorized by any tribal organiza-
tion to receive such funds.

(2) LIMITATION.—No grant may be made
under subsection (a)—
SEC. 1139. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

(a) In general.—Subject to the availability of appropriations, the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe.

(b) Applications.—For a tribe to be eligible to receive a grant under this section, the governing body of the tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Priorities.—In making grants under this section, the Secretary shall give priority to any application that—

(1) includes—

(A) assurances that the applicant serves 3 or more separate Bureau funded schools; and

(B) assurances from the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools; and

(2) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by or through the tribal department of education, to ensure that the programs meet the requirements of law; and

(d) Requirement of programs funded.—Any education program that is funded through a grant or contract under this section or any contract or grant provided under this section shall provide, in its application for the grant under subsection (a), a description of the early childhood development program that the applicant desires to operate.

(e) Coordination of Family Literacy Programs.—An entity that operates a family literacy program under this section or another similar program funded by the Bureau shall coordinate the program involved with family literacy programs for Indian children carried out under part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2721 et seq.), and with any contracts or grants made under subsection (f) to include in each grant made under this section the following:

(1) technical assistance or the establishment of a tribal department or division of education; and

(2) a plan and schedule that—

(A) provides for—

(i) the development of a written plan and the submission of the plan to the Bureau for approval; and

(ii) the timely development of a written plan and the submission of the plan to the Bureau for approval;

(B) provides that the assumption shall cover the period specified in the plan; and

(C) provides that the assumption shall not be modified, reduced, or extended after the establishment of the assumption; and

(3) provides that the assumption shall not be modified, reduced, or extended after the initial year of the contract or grant.

(3) Time Period of Grant.—Subject to the availability of appropriated funds, grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the extent that the grant may be renewed for additional 3-year terms.

(4) Terms, Conditions, or Requirements.—A tribe that receives a grant under this section shall comply with regulations relating to grants made under section 103(a) of the Indian Self-Determination and Education Assistance Act that are in effect on the date that the tribal governing body submits the application for the grant under subsection (c). The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

SEC. 1140. DEFINITIONS.

In this part, unless otherwise specified:

(A) Agency school board.—The term ‘agency school board’ means a body, for which the members are appointed by all of the school boards of the schools located within an agency, including schools operated under contracts or grants.

(B) Indian organization.—The term ‘Indian organization’ means an organization, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

(C) inherently Federal functions.—The term ‘inherently Federal functions’ means functions and responsibilities which, under section 1125(c), are non-contractible, including—

(A) the allocation and obligation of Federal funds and determinations as to the amounts of expenditures;

(B) the administration of Federal personnel laws for Federal employees;

(C) the administration of Federal contracting and grant laws, including the monitoring and auditing of contracts and grants in order to maintain the continuing trust, programmatic, and fiscal responsibilities of the Secretary;

(D) the conducting of administrative hearings and deciding of administrative appeals;
the realization of self-government and have been denied an effective voice in the planning and implementation of programs for the benefit of Indians that are responsive to the true needs of Indian nations;

(5) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments and to create the diverse opportunities and personal satisfaction that education can and should provide;

(6) true self-determination in any society of people is dependent upon an educational process that will ensure the development of qualified people to fulfill meaningful leadership roles;

(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act. SEC. 5203. DECLARATION OF POLICY.

(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render the persons administering such services themselves more responsive to the needs and desires of Indian communities.

(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs.

(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children—

(1) to compete and excel in the life areas of their choice; and

(2) to achieve the measure of self-determination essential to their social and economic well-being.

(d) EDUCATIONAL NEEDS.—Congress affirms—

(i) the reality of the special and unique educational needs of Indian people, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities; and

(ii) that the needs may best be met through a grant program.

(e) FEDERAL RELATIONS.—Congress declares a commitment to the policies described in this section and support, to the extent of funds available, to the establishment of Federal bureaus, agencies, or commissions for Federal relations with the Indian nations.

(f) TERMINATION.—Congress repudiates and rejects House Concurrent Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

SEC. 5204. GRANTS AUTHORIZED.

(a) IN GENERAL.—

(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes and tribal organizations through a competitive process for the following purposes:

(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate such schools under title XI rather than continuing to operate such schools as contract schools under such title;

(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

(2) DEPOSIT OF FUNDS.—Funds made available under a grant provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

(3) USE OF FUNDS.—(A) Education related activities.—Except as otherwise provided in this paragraph, funds made available through a grant provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, expenditures for education related activities for which the grant may be used under the laws described in section 5206(a), or any similar activities, including expenditures for—

(i) building and equipment, educational, cultural, and administrative purposes; and

(ii) support services for the school, including transportation, educational, residential, guidance and counseling, and administrative purposes.

(B) OPERATIONS AND MAINTENANCE EXPENDITURES.—Funds made available through a grant provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school. Nothing in this section shall be construed to apply to—

(A) the employees of the school involved; and

(B) any entity that enters into a contract with a grantee under this section.

(d) LIMITATIONS.—

(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—No more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

(2) NONSECTARIAN USE.—Funds made available through any grant provided under this part may not be used in connection with religious worship or sectarian instruction.

(e) ADMINISTRATIVE COST LIMITATION.—Funds made available through any grant provided under this part may not be expended for administrative cost (as defined in section 1127(a) of the Education Amendments of 1978) in excess of the amount generated for such cost under section 1127 of such Act.

(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOL SITES.—

(1) IN GENERAL.—In the case of a recipient of a grant under this part that operates schools at more than 1 school site, the grant recipient may expend not more than the lesser of—

(A) 10 percent of the funds allocated for such school site, under section 1127 of the Education Amendments of 1978; or

(B) $400,000 of such funds, at any other school site.
"(2) DEFINITION OF SCHOOL SITE.—In this subsection, the term ‘school site’ means the physical location and the facilities of an elementary or secondary educational or residential facility operated by, or under contract with, the Bureau for which a discrete student count is identified under the funding formula established under section 1126 of the Self-Determination and Education Assistance Act for any other provision of law, other facilities accounts for school such fiscal year (including accounts for facilities referred to in section 1125(d) of the Education Amendments of 1978 or any other law); and

(3) the total amount of funds that are allocated to such school for such fiscal year under—

(A) title I of the Elementary and Secondary Education Act; and

(B) the Individuals with Disabilities Education Act; and

(C) any other Federal education law.

(2) To the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 1109 of the Indian Self-Determination and Education Assistance Act or any other provision of law, other facilities accounts for school such fiscal year (including accounts for facilities referred to in section 1125(d) of the Education Amendments of 1978 or any other law); and

(3) the total amount of funds that are allocated to such school for such fiscal year under—

(A) title I of the Elementary and Secondary Education Act; and

(B) the Individuals with Disabilities Education Act; and

(C) any other Federal education law.

(3) Special Rule.—

(1) IN GENERAL.—

(A) APPLICABLE PROVISIONS.—Funds allocated to a tribally controlled school by reason of paragraphs (1) or (2) of this subsection shall be subject to the provisions of this part and shall not be subject to any additional restrictions, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

(i) title I of the Elementary and Secondary Education Act; and

(ii) the Individuals with Disabilities Education Act; or

(iii) any other Federal education law other than title XI of the Education Amendments of 1978.

(B) OTHER BUREAU REQUIREMENTS.—Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (1), (ii) or (iii) of subparagraph (A).

(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1125(d), 1126, and 1127 of the Education Amendments of 1978.

(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools for the purposes of allocation of funds provided under—

(A) title I of the Elementary and Secondary Education Act of 1965; and

(B) the Individuals with Disabilities Education Act; and

(C) any other Federal education law, that are distributed to such schools.

(4) ACCOUNTS; USE OF CERTAIN FUNDS.—

(A) SEPARATE ACCOUNT.—Notwithstanding section 5209(a)(2), with respect to funds from facilities accounts for school improvement and renovation (major or minor), health and safety, or new construction accounts included in the grant provided under section 5209(a), the grant recipient shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grant recipient shall submit to the Secretary a separate accounting of the work done and the funds expended. Funds received from those accounts may only be used for the purpose for which the funds were appropriated for the work encompassed by the application or submission for which the funds were received.

(B) REQUIREMENTS FOR PROJECTS.—

(1) Requirements with respect to a grant to a tribally controlled school under this part for new construction or facilities improvements and repair in excess of $100,000, such grant shall be subject to the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in paragraph (2) of title 43, Code of Federal Regulations.

(ii) EXCEPTION.—Notwithstanding clause (i), grants described in such clause shall not be subject to section 1241 of title 43, Code of Federal Regulations. The Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed.

(iii) APPLICATIONS.—In considering applications for a grant described in clause (i), the Secretary shall consider whether the Indian tribe or tribal organization involved would be deficient in assuring that the construction projects under the proposed grant conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required under section 1124 of the Education Amendments of 1978 (25 U.S.C. 2005(a)) with respect to organizational and financial management capabilities.

(iv) DISPUTES.—Any disputes between the Secretary and any grantee concerning a grant described in clause (i) shall be subject to the dispute provisions contained in section 5209(e).

(C) NEW CONSTRUCTION.—Notwithstanding subsection (b)(2)(A) of such Act, a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal governing body or tribal organization that submits the application for the grant provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

(c) Transfer.—Whenever the appropriations measure under which the funds described in subparagraph (A) are made available or the application submitted for the funds does not state a period for the work covered by the funds, the Secretary and the grant recipient shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grant recipient.

(d) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—

(A) IN GENERAL.—If the Secretary fails to carry out a request filed by an Indian tribe or tribal organization to include in such tribe or organization’s grant under this part the funds described in subsection (a)(2) within 180 days after the filing of the request, the Secretary shall—

(i) be deemed to have approved such request; and

(ii) immediately upon the expiration of such 180-day period amend the grant accordingly.

(B) RIGHTS.—A tribe or organization described in subparagraph (A) may enforce its rights with respect to such paragraph, including rights relating to any denial or failure to act on such tribe’s or organization’s request, pursuant to the dispute resolution authority described in section 5209(e).

SEC. 5206. ELIGIBILITY FOR GRANTS.

(a) RULES.—

(i) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);
“(1) In General.—A school that is not a Bureau funded school under title XI of the Education Amendments of 1978 and that was permanently closed after the date on which the Secretary received the application, shall be determined to be eligible for assistance under this part if—

(A) the bureau or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2) Certain electing schools.—

(A) Determination.—By not later than 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

(B) Factors.—In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

(1) the adequacy of facilities or the potential to obtain adequate facilities;

(2) geographic and demographic factors in the affected areas;

(3) adequacy of the applicant’s program plans;

(4) geographic proximity of comparable public education; and

(V) the needs to be met by the school, as expressed by the electing parties, including, but not limited to, students, families, tribal governments at both the central and local levels, and school organizations.

(3) With respect to all education services already available—

(I) geographic and demographic factors in the affected areas;

(II) adequacy and comparability of programs already available;

(III) consistency of available programs with tribal education codes or tribal legislation on education; and

(IV) the history and success of those services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

(4) Exception regarding proximity. —The Secretary may not make a determination under subparagraph (A) that is primarily based upon the geographic proximity of comparable public education.

(5) Information on factors.—An application submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information on other factors described in subparagraph (B)(ii) as the applicant considers to be appropriate.

(6) Treatment of lack of determination. —If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application—

(I) the Secretary shall be deemed to have made a determination that the tribally controlled school is eligible for assistance under this part; and

(II) the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary’s discretion.

(7) Filing of applications and reports.—

(1) In general.—Each application or report submitted to the Secretary under this part, and any amendment to such application or report, shall be filed with the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which the filing occurs shall, for purposes of any provision of this part, be construed as the date on which the application, report, or amendment was submitted to the Secretary.

(2) Supporting documentation.—Any application that is submitted under this part shall be accompanied by a document indicating the action recommended by the appropriate tribal governing body concerning authorizing such application.

(3) Rule of construction.—Nothing in this section shall be construed as making a tribal governing body (or tribe) that takes any action described in subparagraph (A) a party to the grant (unless the tribal governing body or tribe is the grantee) or as making the tribal governing body or tribe financially or programmatically responsible for the actions of the grantee.

(4) Clarification.—The provisions of paragraphs (2) and (3) shall be construed as a clarification of policy that was in effect on the date of enactment of the Native American Education Improvement Act of 2001 with respect to grants under this part and shall not be construed as altering such policy or as a new policy.

(5) Effective date for approved applications.—Except as provided in subsection (c)(2)(E), a grant provided under this part shall be made, and any transfer of the operation of a Bureau school made under subsection (b) shall become effective, beginning on the first day of the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or on an earlier date determined by the Secretary.

(6) Denial of applications.—

(I) In general.—If the Secretary disapproves a grant under this part, disapproves the transfer of operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

(a) state the objections in writing to the tribe or tribal organization involved within the allotted time;

(b) provide assistance to the tribe or tribal organization to cure all stated objections; and

(II) at the request of the tribe or tribal organization, provide to the tribe or tribal organization a hearing on the record regarding the denial or determination under the same rules and regulations as apply under the Indian Self-Determination and Education Assistance Act.

(7) Rights of the Secretary.—

(A) Authority to issue grants.—If the Secretary disapproves a grant under this part and transfers the operation of a Bureau school to another tribe or tribal organization, the Secretary shall—

(i) provide assistance to the tribe or tribal organization to cure all stated objections; and

(ii) at the request of the tribe or tribal organization, provide to the tribe or tribal organization a hearing on the record regarding the denial or determination under the same rules and regulations as apply under the Indian Self-Determination and Education Assistance Act.

(B) Grant shall remain in effect.—If a grant provided under this part is amended, the grant shall remain in effect as amended unless the tribe involved, through the official action of the tribal governing body, requests the Secretary to terminate the grant.

(C) Right of reconsideration.—The Secretary shall administer the requirement of subparagraph (A) in a manner so as to ensure that the tribe involved, through the official action of the tribal governing body, has approved of the application for the grant.

(8) Rule of construction.—Nothing in this section shall be construed as altering any policy or as a new policy.

(9) Effective date.—This section shall take effect upon its enactment.
all applications received, and actions taken
(including the costs associated with such ac-
tions), under this section on the same date as
the date on which the President is re-
quired pursuant to any continuing resolution of
the United States Government under section 1165
of title 31, United States Code.

SEC. 5207. DURATION OF ELIGIBILITY DETER-
MINATION.

(a) IN GENERAL.—If the Secretary deter-
mines that a tribally controlled school is eli-
gible for assistance under this part, the eligi-
bility determination shall remain in effect
until the determination is revoked by the Secre-
tary, and the requirements of subsection
section 5206, if applicable, shall be considered to have been met with re-
spect to such school until the eligibility de-
termination is revoked by the Secretary.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Each recipient of a grant
provided under this part for a school shall pre-
pare an annual report concerning the
school involved, the contents of which shall be
limited to—

(A) an annual financial statement report-
ing revenue and expenditures as defined by
the cost accounting standards established by
the grant recipient;

(B) a biannual financial audit conducted pursuant
to paragraph (3)(B) of section 1140 of title 31, United States Code;

(C) a biannual compliance audit of the
procurement of personal property during the
period for which the report is being
prepared that shall be in compliance with written pro-
curement standards that are developed by the
local school boards;

(D) an annual submission to the Secre-
tary containing information on the num-
ber of students served and a brief description of
programs offered through the grant; and

(E) an evaluation conducted by an
impartial evaluation review team, to be
based on the standards established for pur-
poses of subsection (c)(1)(A)(ii).

(2) EVALUATION REVIEW TEAMS.—In appro-
priate cases, representatives of other tribally
controlled schools and representatives of
tribally controlled community colleges shall be
members of the evaluation review teams.

(3) EVALUATIONS.—In the case of a school
that is accredited, the evaluations required
under this subsection shall be conducted at
intervals under the terms of the accredita-
tion.

(4) SUBMISSION OF REPORT.—

(A) FUNDING BODY.—Upon comple-
tion of the annual report required under
paragraph (1), the recipient of the grant
shall send (via first class mail, return receipt requested) a copy of such annual re-
port to the tribal governing body.

(B) TO SECRETARY.—Not later than 30
days after receiving written confirmation that
the tribal governing body has received the
report sent pursuant to subparagraph
(A), the recipient of the grant shall send a
copy of the report to the Secretary.

(1) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—

(A) NONREVOCATION CONDITIONS.—The Secre-
tary shall not revoke a determination that
a school is eligible for assistance under this part if—

(i) the Indian tribe or tribal organization
submits the reports required under subsec-
tion (b) to the Secretary;

(ii) at least 1 of the following conditions
applies with respect to the school:

(1) the school is certified or accredited by a
State office or regional accredited association,
the association or is a candidate in good stand-
ging for such certification or accreditation
under the rules of the State certification or
regional accreditation association, showing
that credits achieved by the students within
the education programs of the school are, or
will be, accepted at grade level by a State
certified or regionally accredited institution.

(2) the Secretary determines that there is
a reasonable expectation that the certifi-
ation or accreditation is provided to a
tribally controlled school by the
Secretary, and the requirements of sub-
section (b) of section 5206, if applicable,
shall be considered to have been met with re-
spect to such school until the eligibility de-
termination is revoked by the Secretary.

(3) the school is accredited by a tribal
department of education if such accredita-
tion is accepted by a generally recognized
State certification or regional accrediting
agency.

(4) the school accepts the standards issued under
subsection (c) of title 71 of United States Code;

(B) REVOCATION CONDITIONS.—The
Secretary shall revoke a determination that
a school is eligible for assistance under this part
if the Secretary determines that
the tribal governing body has failed to
meet the following conditions:

(i) the specific deficiencies that led to the
revocation or reassertion determination;

(ii) the actions that are needed to remedy
such deficiencies; and

(B) affords such school and governing body an
opportunity to carry out the reme-
dial actions; or

(2) TECHNICAL ASSISTANCE.—The Secretary
shall provide such technical assistance to en-
able the school and governing body to carry
out such remedial actions.

(3) HEARING AND APPEAL.—In addition to
notice and technical assistance under this
subsection, the Secretary shall provide to
the tribal governing body the right to
(a) at the request of the school or govern-
ning body, a hearing on the record regard-
ing the revocation or reassertion deter-
mation under such conditions as the
rules and regulations described in section
5206(d)(1)(C); and

(b) an opportunity to appeal the decision
resulting from the hearing.

(4) APPLICABILITY OF SECTION PURSUANT TO
ELECTION UNDER SECTION 5209(b).—With
respect to an election made under section
5209(b) the Secretary shall make payments to
grant recipients under this part in 2 payments of
which—

(I) the first payment shall be made not later
than 30 days after the election is made;

(II) the second payment shall be made not
later than July 15 of each year in an amount
equal to 80 percent of the amount that
the grant recipient was entitled to receive dur-
ing the preceding academic year; and

(III) the second payment, consisting of the
remainder to which the grant recipient
was entitled for the academic year, shall be
made no later than December 31 of the
academic year.

(5) RESTRICTIONS.—Payments made under
this subsection shall not be reduced under this
part or the Secretary shall not make eligi-
bility for assistance under this part except in
conformance with subsection (c).

SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OR
STATE PAYMENTS TO SCHOOLS.

(a) PAYMENTS.—

(1) MANNER OF PAYMENTS.—The Secretary shall
make payments to grant recipients under this part
in 2 payments of which—

(I) the first payment shall be made not later
than July 15 of each year in an amount
equal to 80 percent of the amount that
the grant recipient was entitled to receive dur-
ing the preceding academic year; and

(II) the second payment, consisting of the
remainder to which the grant recipient
was entitled for the academic year, shall be
made no later than December 31 of the
academic year.

(2) LAPE FUNDING.—With regard to funds for
grant recipients under this part that be-
come available for obligation on October 1 of
the fiscal year for which such funds are ap-
plicable, the Secretary shall pay the
amounts computed for the school for the first
academic year of eligibility under this part
shall be made not later than December 1 of
the academic year.

(3) RESTRICTIONS.—Payments made under
paragraphs (1), (2), and (3) shall be subject to
any restriction on amounts of payments under
this part that is imposed by a continu-
ing resolution or other Act appro-
priating the funds involved.

(b) INVESTMENT OF FUNDS.—

(1) TREATMENT OF INTEREST AND INVEST-
MENT INCOME.—Notwithstanding any other
provision of law, any interest or investment
income that accrues on or is derived from
any funds provided under this part for a
tribally controlled school shall be paid to
the Secretary and shall be, accepted at grade
level by a State certification or regionally
accredited institution.

(2) INVESTMENT OF FUNDS.—The provisions of
chapter 39 of title 31, United States Code, shall apply to
the payments required to be made under para-
graphs (1), (2), and (3).

(3) APPlicABILITY OF CERTAIN TITLE 31 PRO-
VISIONS. — The provisions of section 1140 of title
31, United States Code, apply to the payments to
grant recipients not later than the last day of the
fiscal year in which the payments are made for the
academic year for which such funds were appro-
priated.

(4) RESTRICTIONS.—Payments made under
paragraphs (1), (2), and (3) shall be subject to
any restriction on amounts of payments
under this part that is imposed by a con-
tinuing resolution or other Act appro-
priating the funds involved.

(c) USE AND EXPENDITURE.—

(1) PROHIBITION OF USE.—Any use or expendi-
ture of funds provided under this part
shall be consistent with section 1121(e)
of the Education Amendments of 1978.

(2) NONREVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—

(A) NONREVOCATION CONDITIONS.—The Secre-
tary shall not revoke a deter-
moment that a school is eligible for as-
sistance under this part, or reissue control
of the school to a different grant recipient, prior to
the date of approval of an application submitted
under section 5206(b)(1)(A), until the Secretary—

(i) the specific deficiencies that led to the
revocation or reassertion determination;

(ii) the actions that are needed to remedy
such deficiencies; and

(B) affords such school and governing body
an opportunity to carry out the reme-
dial actions; or

(2) TECHNICAL ASSISTANCE.—The Secretary
shall provide such technical assistance to en-
able the school and governing body to carry
out such remedial actions.

(3) HEARING AND APPEAL.—In addition to
notice and technical assistance under this
subsection, the Secretary shall provide to
the tribal governing body the right to

(A) at the request of the school or govern-
ning body, a hearing on the record regard-
ing the revocation or reassertion deter-
mation under such conditions as the
rules and regulations described in section
5206(d)(1)(C); and

(B) an opportunity to appeal the decision
resulting from the hearing.

(4) APPLICABILITY OF SECTION PURSUANT TO
ELECTION UNDER SECTION 5209(b).—With
respect to an election made under section
5209(b) the Secretary shall make payments to
grant recipients under this part in 2 payments of
which—

(I) the first payment shall be made not later
than July 15 of each year in an amount
equal to 80 percent of the amount that
the grant recipient was entitled to receive dur-
ing the preceding academic year; and

(II) the second payment, consisting of the
remainder to which the grant recipient
was entitled for the academic year, shall be
made no later than December 31 of the
academic year.
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“(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by an Indian tribe or tribal organization, as approved by the grantee, before such funds are expended in accordance with the objectives of this part if such funds are—

(A) invested by the Indian tribe or tribal organization only—

(i) in obligations or securities that are guaranteed or insured by the United States; or

(ii) in obligations of the United States; or

(B) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully supported by collateral to ensure protection of the funds, even in the event of a bank failure.

(c) RECOVERIES.—Funds received under this part shall not be taken into consideration by any Federal agency for the purposes of making underrecovery and overrecovery determinations for any other funds, from whatsover source derived.

(d) PAYMENTS BY STATES.—

(A) IN GENERAL.—With respect to a school that receives assistance under this part, a State shall not—

(i) take into account the amount of such assistance in determining the amount of funds that such school is eligible to receive under applicable State law because of the assistance received by the school under this part.

(ii) reduce any State payments that such school is eligible to receive under applicable State law because of the assistance received by the school under this part.

(B) VIOLATIONS.—

(A) IN GENERAL.—Upon receipt of any information from any source that a State is in violation of subparagraph (1), the Secretary shall immediately, but in no case later than 90 days after the receipt of such information, conduct an investigation and make a determination of whether such violation has occurred.

(B) DETERMINATION.—If the Secretary makes a determination under subparagraph (A) that a State has violated paragraph (1), the Secretary shall inform the Secretary of Education of such determination and the basis for the determination. The Secretary of Education may, in an expedient manner, pursue penalties under paragraph (3) with respect to the State.

(3) PENALTIES.—A State determined to have violated paragraph (1) shall be subject to penalties similar to the penalties described in section 8809(e) of the Elementary and Secondary Education Act of 1965 for a violation of title VIII of such Act.

SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) CONGRESS TO THE DIRECTOR TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part and the schools funded under such grants:

(1) Section 5(f) (relating to single agency auditor and auditor).

(2) Section 6 (relating to criminal activities; penalties).

(3) Section 7 (relating to wage and labor standards).

(4) Section 104 (relating to retention of Federal employee coverage).

(5) Section 105(f) (relating to Federal property).

(6) Section 105(k) (relating to access to Federal sources of supply).

(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

(8) Section 106(e) (relating to limitation on reckless contracts or transfers).

(9) Section 106(l) (relating to sole use of funds for matching or cost participation requirements).

(10) Section 106(l) (relating to allowable uses of funds).

(11) The portions of section 106(c) that consist of model agreements provisions 106(b)(5) (relating to limitations of costs), 106(b)(7) (relating to records and monitoring), 106(b)(8) (relating to property), and 106(b)(9) (relating to availability of funds).

(12) Section 109 (relating to reappropriation).

(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.

(1) IN GENERAL.—A contractor that carries out an activity to which this part applies and who has entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect on the date of enactment of the Native American Indian Self-Determination and Education Assistance Act shall, in an expedient manner, pursuant to the Indian Self-Determination and Education Assistance Act and to the transfer or renumbering thereof, shall apply to grants provided under this part and the schools funded under such grants:

(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the first day of July immediately following the date of such election.

(3) EXCEPTION.—In any case in which the first day of July immediately following the date of an election under paragraph (1) is less than 90 days prior to the first day of July of year following the year in which the election is made.

(c) NO DUE DATE.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

(d) TRANSFERS AND CAREHOUSING.

(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—

(A) a Bureau school with assistance under this part, shall be entitled to the transfer or use of buildings, equipment, supplies, and materials that were used in the operation of the school to the same extent as if the tribe or tribal organization were contracting under the Indian Self-Determination and Education Assistance Act; or

(B) a contract school with assistance under this part shall be entitled to funding for improvements, alterations, replacement, and code compliance in facilities where programs approved under this part were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act and to the transfer or use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if the tribe or tribal organization were contracting under such Act.

(2) FUNDING.—A tribe or tribal organization that assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization that elects to assume operation of a Bureau school under this part rather than to continue to operate the school as a contract school shall be entitled to any funds that would remain available from such school if such school remained a Bureau school or was operated as a contract school, respectively.
Regional Corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

(7) TRIBAL GOVERNING BODY.—The term ‘tribal governing body’ means, with respect to any school that receives assistance under this Act, the recognized governing body of the Indian tribe involved.

(8) TRIBAL ORGANIZATION.—

(A) IN GENERAL.—The term ‘tribal organization’ means—

(i) the recognized governing body of any Indian tribe; or

(ii) any legally established organization of Indians that—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

(II) includes the maximum participation of Indians in all phases of the organization’s activities.

(B) AUTHORIZATION.—In any case in which a grant is provided under this part to an organization to provide services through a tribally controlled school benefitting more than 1 Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of the students attending the tribally controlled school shall be considered sufficient tribal authorization for such grant.

(9) TRIBALLY CONTROLLED SCHOOL.—The term ‘tribally controlled school’ means a school that—

(A) is operated by an Indian tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a preschool;

(B) is not a local educational agency; and

(C) is not directly administered by the Bureau of Indian Affairs.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. MCCAIN): S. 212 would amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be joined today by the Vice Chairman of the Committee on Indian Affairs, Senator DANIEL K. INOUYE, and former Chairman, Senator JOHN MCCAİN in introducing important legislation to reauthorize the Indian Health Care Improvement Act of 1976, the ‘IHCIA’ or the ‘Act’.

The United States first provided health services to Indians in 1824 as part of the War Department’s handling of Indian affairs. In 1849 this responsi-
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Indian Health Care Improvement Act Reauthorization of 2001.”
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title.
TITLES I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT
Sec. 101. Amendment to the Indian Health Care Improvement Act.
TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT
Sec. 211. Indian Health Service externship program.
Sec. 212. Prevention, control, and elimination of communicable diseases.
Sec. 213. Indian Health Service programs.
Sec. 214. Health professions recruitment program for Indians.
Sec. 215. Environmental and nuclear health disasters.
Sec. 216. Arizona as a contract health service delivery area.
Sec. 216A. North Dakota as a contract health service delivery area.
Sec. 216B. South Dakota as a contract health service delivery area.
Sec. 217. California contract health services demonstration program.
Sec. 218. California as a contract health delivery area.
Sec. 219. Contract health services for the Trenton service area.
Sec. 220. Programs operated by Indian tribes and tribal organizations.
Sec. 221. Licensing.
Sec. 222. Authorization for emergency contract health services.
Sec. 223. Preemption action on payment of claims.
Sec. 224. Liability for payment.
Sec. 225. Authorization of appropriations.
TITLES III—FACILITIES
Sec. 301. Consultation, construction, and renovation of facilities; reports.
Sec. 302. Safe water and sanitary waste disposal facilities.
Sec. 303. Preference to Indians and Indian firms.
Sec. 304. Tribal health administration.
Sec. 305. Expenditure of nonservice funds for renovation.
Sec. 306. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
Sec. 307. Indian health care delivery demonstration project.
Sec. 308. Land transfer.
Sec. 309. Leases.
Sec. 310. Loan guarantees and loan repayment.
Sec. 311. Tribal leasing.
Sec. 312. Indian Health Service/tribal facilities joint venture program.
Sec. 313. Location of facilities.
Sec. 314. Maintenance and improvement of health care facilities.
Sec. 315. Tribal management of Federally-owed quarters.
Sec. 316. Application of buy American requirement.
Sec. 317. Other funding for facilities.
Sec. 318. Authorization of appropriations.
TITLES IV—ACCESS TO HEALTH SERVICES
Sec. 401. Treatment of payments under medicare program.
Sec. 402. Treatment payments under medicaid program.
Sec. 403. Report.
Sec. 404. Grants to and funding agreements with the service, Indian tribes or tribal organizations, and urban Indian organizations.
Sec. 405. Direct billing and reimbursement of medicare, medicaid, and other third party payors.
Sec. 406. Reimbursement from certain third parties of costs of health services.
Sec. 407. Crediting of reimbursements.
Sec. 408. Purchasing health care coverage.
Sec. 409. Indian Health Service, Department of Veteran’s Affairs, and other Federal agency health facilities and services sharing.
Sec. 410. Payor of last resort.
Sec. 411. Right to recover from Federal health care programs.
Sec. 412. Public or Tribal demonstration project.
Sec. 413. Access to Federal insurance.
Sec. 414. Consultation and rulemaking.
Sec. 415. Limitations on charges.
Sec. 416. Limitation on Secretary’s waiver authority.
Sec. 417. Waiver of medicare and medicaid sanctions.
Sec. 418. Meaning of ‘remuneration’ for purposes of safe harbor provisions; anti-trust immunity.
Sec. 419. Co-insurance, co-payments, deductibles and premiums.
Sec. 420. Inclusion of income and resources for purposes of medically needy medicaid eligibility.
Sec. 421. Estate recovery provisions.
Sec. 422. Medical child support.
Sec. 423. Provisions relating to managed care.
Sec. 424. Navajo Nation medicaid agency.
Sec. 425. Indian advisory committees.
Sec. 426. Authorization of appropriations.
TITLES V—HEALTH SERVICES FOR URBAN INDIANS
Sec. 501. Purpose.
Sec. 502. Contracts with, and grants to, urban Indian organizations.
Sec. 503. Contracts and grants for the provision of health care and related services.
Sec. 504. Contracts and grants for the determination of unmet health care needs.
Sec. 505. Evaluations; renewals.
Sec. 506. Other contract and grant requirements.
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"Sec. 507. Reports and records.
"Sec. 508. Limitation on contract authority.
"Sec. 509. Facilities.
"Sec. 510. Offices of Urban Indian Health.
"Sec. 511. Grants for alcohol and substance abuse related services.
"Sec. 512. Treatment of certain dem-
"Sec. 513. Urban NIAAA transferred pro-
"Sec. 514. Consultation with urban In-
"Sec. 515. Federal Tort Claims Act cov-
"Sec. 516. Urban youth treatment center admin-
"Sec. 517. Use of Federal government fa-
"Sec. 518. Grants for diabetes preven-
"Sec. 519. Community health representa-
"Sec. 520. Regulations.
"Sec. 521. Authorization of appropri-

"TITLE VII—ORGANIZATIONAL IMPROVEMENTS
"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriate-
"Sec. 604. Authorization of maintain-
"Sec. 605. Authorization of management.

"TITLE VIII—BEHAVIORAL HEALTH PROGRAMS
"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memorandum of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.
"Sec. 704. Mental health technician program.
"Sec. 705. Licensing requirement for mental health care workers.
"Sec. 706. Indian women treatment pro-
"Sec. 707. Indian youth program.
"Sec. 708. Inpatient and community-based mental health facilities design, construction and staffing assessment.
"Sec. 709. Training and community edu-
"Sec. 710. Behavioral health program.
"Sec. 711. Fetal alcohol disorder fund-

"Sec. 712. Child sexual abuse and prevention treatment programs.
"Sec. 713. Behavioral mental health re-
"Sec. 714. Definitions.
"Sec. 715. Authorization of appropriate-

"TITLE VIII—MISCELLANEOUS
"Sec. 801. Reports.
"Sec. 802. Regulations.
"Sec. 803. Plan of implementation.
"Sec. 804. Availability of funds.
"Sec. 805. Limitation on use of funds ap-
"Sec. 806. Eligibility of California Indi-
"Sec. 807. Health services for ineligible persons.
"Sec. 808. Reallocation of base re-
"Sec. 809. Results of demonstration projects.
"Sec. 810. Provision of services in Mont-

"Sec. 811. Moratorium.
"Sec. 812. Tribal employment.
"Sec. 813. Prime vendor.
"Sec. 814. Indian Health Service Partisan Commission on Indian Health Care Ent-
"Sec. 815. Appropriations; availability.
"Sec. 816. Authorization of appropri-

"SEC. 2. FINDINGS.
"Congress makes the following findings:
"(1) Federal delivery of health services and funding of tribal and urban Indian health programs to maintain and improve the health of the community with which it is required by the Federal Government's his-
torical and unique legal relationship with the American Indian people, as reflected in the Constitution, Federal laws, and the course of dealings of the United States with Indian Tribes, and the United States' resulting government to government and trust responsibility and obligations to the American Indian people.
"(2) From the time of European occupation and colonization through the 20th century, the policies and practices of the United States caused or contributed to the severe health conditions of Indians.
"(3) Indian Tribes have, through the cession of over 600 million acres of land to the United States in exchange for promises, often reflected in treaties, of health care se-
"(4) The population growth of the Indian people that began in the last part of the 20th century increases the need for Federal health care services.
"(5) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians, regardless of where they live, to be raised to the highest possible level, a level that is not less than that of the general population, and to provide for the maximum participation of Indian Tribes, tribal organizations, and urban Indian organ-

"(6) Federal health services to Indians have resulted in a specific and pervasive prevalence and incidence of illnesses among, and unnecessary and premature deaths of, Indi-
"(7) Despite such services, the unmet health needs of the American Indian people remain alarmingly severe, and even continue to increase, and the health status of the In-
"(8) The disparity in health status that is to be addressed is formidable. In death rates for example, the death rate for diabetes mellitus that is 219 percent higher than the death rate for all races in the United States, a pneumonia and influ-

"(9) Federal health services to Indians have resulted in a specific and pervasive prevalence and incidence of illnesses among, and unnecessary and premature deaths of, Indians.

"(10) The disparity in health status that is to be addressed is formidable. In death rates for example, the death rate for diabetes mellitus that is 219 percent higher than the death rate for all races in the United States, a pneumonia and influ-
enza death rate that is 71 percent higher, an tuberculosis death rate that is 533 percent higher, and a death rate from alcoholism that is 627 percent higher.

"SEC. 3. DEPARTMENT OF HEALTH OBJECTIVES. "Congress hereby declares that it is the policy of the United States, in fulfillment of its special trust responsibilities and legal ob-
gations to the Indian people:
"(1) to assure the highest possible health status for Indians and to provide all re-
sources necessary to effect that policy;
"(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2010, or any successor standards thereto;
"(3) in order to raise the health status of Indian people to at least the levels set forth in the goals contained within the Healthy People 2010, or any successor standards thereto, to permit Indian Tribes and tribal organiza-
tions to set their own health care priorities and establish goals that reflect their unmet needs;
"(4) to increase the proportion of all de-
grees in the health professions and allied and associated health professions awarded to In-
dians so that the proportion of Indian health professionals in each geographic service area is raised to at least the level of that of the general population;
"(5) to require meaningful, active con-
sultation with Indian Tribes, Indian organi-
izations, and urban Indian organizations to implement this Act as a national policy of Indian self-determination; and
"(6) that funds for health care programs and facilities operated by Tribes and tribal organizations be provided in amounts that are not less than the funds that are provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.
"In this Act:
"(1) ACCREDITED AND ACCESSIBLE—The term ‘accredited and accessible’, with re-
spect to an entity, means a community col-
er or other appropriate entity that is on or near a reservation and accredited by a na-
tional or regional organization with accred-
iting authority.

"(2) AREA OFFICE.—The term ‘area office’ mean an administrative entity including a program office, which services and funds are provided to the service units within a defined geographic area.
"(3) ASSISTANT SECRETARY.—The term ‘As-
sistant Secretary’ means the Assistant Sec-
retary of the Indian Health as established under section 601.

"(4) CONTRACT HEALTH SERVICE.—The term ‘contract health service’ means a health service that is provided at the expense of the Service, Indian Tribe, or tribal organization by a public or private medical provider or hospital, other than a service funded under the Indian Self-Determination and Edu-

"(5) DEPARTMENT.—The term ‘Department’, unless specifically provided otherwise, means the Department of Health and Human Services.

"(6) FUND.—The terms ‘fund’ or ‘funding’ means any transfer of funds from the De-
partment to any eligible entity or individual under this Act by any legal means, including funding agreements, contracts, memoranda of understanding, Buy Indian Act contracts, or otherwise.

"(7) FUNDING AGREEMENT.—The term ‘funding agreement’ means any agreement to transfer funds for the planning, conduct, and administration of programs, functions, serv-
cices and activities to Tribes and tribal organ-
izations from the Secretary under the au-
tority of the Indian Self-Determination and Education Assistance Act.

"(8) HEALTH PROMOTION; DISEASE PREVEN-
TION.—The terms ‘health promotion’ means allopathic medicine, fam-
ily medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynec-
ology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, oste-
opathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, envi-
ronmental health and engineering, and allied health professions, or any other health pro-

"(9) HEALTH PROMOTION; DISEASE PREVEN-
TION.—The terms ‘health promotion’ and ‘disease prevention’ meanings given such terms in paragraphs (1) and (2) of section 203(c).

"(10) H EALTH PROMOTION; DISEASE PREVEN-
TION.—The terms ‘health promotion’ and ‘disease prevention’ meanings given such terms in paragraphs (1) and (2) of section 203(c).

"(11) INDIAN—The term ‘Indian’ means an American Indian or Alaska Native, or any individual who identifies himself or herself as such.

"(12) INDIAN HEALTH PROJECT.—The term ‘Indian health project’ means an entity-

"(13) INDIAN ORGANIZATION.—The term ‘Indian organization’ means a tribe, tribal council, or tribal self-govern-
ment entity.

"(14) INDIANS.—The term ‘Indians’ means American Indians and Alaska Natives.

"(15) INDIAN SELF-DETERMINATION.—The term ‘Indian self-determination’ means the inherent right of all Indian people to determine their own political, economic, social, and cultural development and the exercise of such rights.

"(16) INDIAN TRIBE.—The term ‘Indian Tribe’ means a tribe, or tribes, as de-

"(17) PRIME VENDOR.—The term ‘prime vendor’ means any entity that may be selected for the purpose of providing goods or services to an Indian Tribe.

"(18) PS OLI TY.—The term ‘Public Health Service’ means the Department of Health and Human Services.

"(19) REGULATIONS.—The term ‘regulations’ means any rules, orders, or decrees issued by the Secretary of the Department of Health and Human Services.

"(20) REPORTS.—The term ‘reports’ means any reports, records, or data which are required or made available to the Department under this Act.

"(21) TRIBAL.—The term ‘tribal’ means a tribe, tribal council, or tribal self-govern-
ment entity.

"(22) TRIBAL VENDOR.—The term ‘tribal vendor’ means any entity that is a tribe, or tribes, as defined in section 203(c).

"(23) TRIBAL ORGANIZATION.—The term ‘tribal organization’ means a tribal council, or tribal self-govern-
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(10) Indian.—The term 'Indian' and 'Indians' shall have meanings given such terms for purposes of the Indian Self-Determination and Education Assistance Act.

(11) Indian Program.—The term 'Indian health program' shall have the meaning given such term in section 110(a)(2)(A).

(12) Indian Tribe.—The term 'Indian tribe' shall have the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act.

(13) Reservation.—The term 'reservation' means a territory owned or occupied by the United States or an Indian tribe, Pueblo or colonia, including former reservations in Oklahoma, Alaska Native Lands, and lands reserved pursuant to the Native American Graves Protection and Repatriation Act. The term does not include the Native Hawaiian Homelands.

(14) Secretary.—The term ‘Secretary’, unless qualified or otherwise provided, means the Secretary of Health and Human Services.

(15) Service.—The term 'Service' means the Indian Health Service.

(16) Service Area.—The term 'service area' means the geographical area served by each area office.

(17) Service Unit.—The term 'service unit' means—

(A) an administrative entity within the Indian Health Service; or

(B) a tribe or tribal organization operating providing health care services or facilities with the funds from the Service under the Indian Self Determination and Education Assistance Act, through which services are provided directly or by contract, to the eligible Indian population within a defined geographic area.

(18) Traditional Health Care Practices.—The term 'traditional health care practices' means the application by Native healing practitioners of the Native healing sciences (including those incorporated into Western healing sciences) that embodies the influences or forces of innate tribal discovery, history, description, explanation and knowledge of the states of wellness and illness and which calls upon these influences or forces, including physical, mental, and spiritual forces in the promotion, restoration, preservation and maintenance of health, well-being, and life's harmony.

(19) Tribal Organization.—The term 'tribal organization' shall have the meaning given such term in section 4(d) of the Indian Self Determination and Education Assistance Act.

(20) Tribally Controlled Community College.—The term 'tribally controlled community college' shall have the meaning given such term in section 126(g)(2).

(21) Urban Indian.—The term 'urban Indian' means any individual who resides in an urban center and who—

(A) is an Indian; and

(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

(C) to qualify them to enroll in any such course of study; or

(D) establishing other programs which the area office determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).
“(d) LIMITATIONS.—Scholarship assistance to an eligible applicant under this section shall not be denied solely on the basis of—
“(1) the applicant’s scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; or
“(2) the applicant’s eligibility for assistance or benefits under any other Federal program.

“(SEC. 105. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

“(a) SCHOLARSHIPS.—

“(1) IN GENERAL.—In order to meet the needs of Indians, Indian tribes, tribal organizations, and urban Indian organizations for health professionals, the Secretary, acting through the Service and in accordance with this section, shall provide scholarships to individuals to enroll full or part time in accredited schools and pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall, except as provided in subsection (b), be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 254l).

“(2) NO DELEGATION.—The Director of the Service shall administer this section and shall not delegate any administrative functions under a funding agreement pursuant to the 25 percent determination and Education Assistance Act.

“(b) ELIGIBILITY.—

“(1) ENROLLMENT.—An Indian shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full or part time in a course of study referred to in subsection (a)(1).

“(2) SCHOLARSHIP.—

“(A) PUBLIC HEALTH SERVICE ACT.—The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an Indian has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice on an equivalent year for year obligation, by service—

“(i) in the Indian Health Service;

“(ii) in a program conducted under a funding agreement entered into under the Indian Self-Determination and Education Assistance Act;

“(iii) in a program assisted under title V; or

“(iv) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(B) DEFERRING ACTIVE SERVICE.—At the request of any Indian who has entered into a contract referred to in subparagraph (A) and who resides in medicine or dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for or consistent with that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

“(i) 180 days after the expiration of any obligation that such individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

“(ii) The active duty service obligation shall be in the health profession of the individual, and consistent with the provisions of clauses (i) through (iv) of subparagraph (A).

“(C) NEW SCHOLARSHIP RECIPIENTS.—A recipient of an Indian Health Scholarship that meets the active duty service obligation described in subparagraph (A) may receive any additional obligations for that active duty service obligation that may be determined by the Secretary to meet the active duty service obligation under such scholarship by providing service within the service area from which the scholarship was awarded. In placing the recipient for active duty the area office shall give priority to the program that funded the recipient, except that in cases of special circumstances, the area office may allow the recipient to serve in a different service area pursuant to an agreement between the areas or programs involved.

“(D) PRIORITY IN ASSIGNMENT.—Subject to subparagraph (C), the area office, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in subparagraph (A), shall give priority to assigning individuals to service in those programs specified in subparagraph (A) that have a need for health professionals and that services would be provided as a result of individuals having breached contracts entered into under this section.

“(B) PART-TIME ENROLLMENT.—In the case of an Indian who is enrolled part time in an approved course of study under this section who is enrolled part time in an approved course of study—

“(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the appropriate area office;

“(B) the period of obligated service described in subparagraph (A) shall be equal to the greater of—

“(i) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the area office); or

“(ii) two years; and

“(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254l) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled;

“(D) BREAK OF CONTRACT.—

“(A) IN GENERAL.—An Indian who has, on or after the date of the enactment of this section, entered into a written contract with the area office pursuant to a scholarship under this section and who—

“(i) fails to maintain an acceptable level of academic standing in the academic institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) is dismissed from such educational institution by disciplinary reasons;

“(iii) voluntarily terminates the training in such an educational institution for which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(iv) fails to comply with the terms of such contract; or

“(v) fails to meet any other condition specified in the contract;

“(B) WAIVER.—If any individual becomes unable to meet any obligation of service or payment of a contract referred to in subparagraph (A) and in the opinion of the area office, the enforcement of the requirement to meet that obligation or make that payment would result in undue hardship to the individual, the Secretary, after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable,

“(C) CANCELLATION.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period ending on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“(F) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period ending on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“(C) TAKING OF FUNDING FOR SCHOLARSHIP PROGRAMS.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall make funds available, through area offices, to Indian Tribes and tribal organizations for the purpose of assisting such Tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

“(B) LIMITATION.—The Secretary shall ensure that the amounts available under paragraph (A) for any fiscal year shall not exceed an amount equal to 5 percent of the amount available for each fiscal year for Indian Health Scholarships under this section.

“(D) SMOKING.—An Indian Tribe or tribal organization receiving funds under paragraph (1) shall agree to provide scholarships to Indians in accordance with the requirements of this subsection.

“(E) MISMATCH REQUIREMENT.—With respect to the costs of providing any scholarship pursuant to paragraph (A), 80 percent of the costs of the scholarship shall be paid from the funds provided under paragraph (1) to the Indian Tribe or tribal organization; and

“(F) DEATH.—If the death of an Indian results from injuries sustained during service under this section, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (i) of section 338A of the Public Health Service Act (42 U.S.C. 254l).
in one of the health professions described in this Act.

(4) CONTRACTS.—In providing scholarships under paragraph (1), the Secretary and the Indian organization providing such scholarship shall enter into a written contract with each recipient of such scholarship. Such contract shall—

(A) obligate such recipient to provide service in an Indian health program (as defined in section 110(a)(2)(A)) in the same service area where the Indian Tribe or tribal organization providing the scholarship is located, for—

(i) a number of years equal to the number of years for which the scholarship is provided (or the equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

(ii) such greater period of time as the recipient and the Indian Tribe or tribal organization may agree;

(B) provide that the scholarship—

(i) may only be expended for—

(1) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

(2) travel expenses incurred in connection with attendance at and return to the educational institution in accordance with regulations issued pursuant to this Act; and

(ii) may not exceed, for any year of attendance at which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to the health profession involved.

(5) TERMINATION OF CONTRACT.—

(A) IN GENERAL.—An individual who has entered into a written contract with the Secretary and an Indian Tribe or tribal organization described in paragraph (1) shall—

(i) fail to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary); and

(ii) be dismissed from such educational institution for disciplinary reasons;

(iii) voluntarily terminate the training in such an educational institution for which he or she has been provided a scholarship under such contract before the completion of such training; or

(iv) fail to accept payment, or instructs the educational institution in which he or she is enrolled to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract;

shall be liable to the United States for the full amount of the amount which has been paid to him or her, or on his or her behalf, under the contract.

(B) FAILURE TO PERFORM SERVICE OBLIGATION.—If for any reason not specified in sub-paragraph (A), an individual breaches his or her written contract by failing to either begin such individual’s service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the indi-

vidual an amount determined in accordance with the formula specified in subsection (1) of section 110 in the manner provided for in such subsection.

(C) IN LIEU OF ANY SERVICE OBLIGATION.—The Secretary may carry out this subsection on the basis of information received from Indian Tribes or tribal organizations involved, or on the basis of other reliable information as to such noncompliance with such terms as the Secretary deems appropriate.

(6) REQUIRED AGREEMENTS.—The recipient of a scholarship under paragraph (1) shall agree, in providing medical assistance pursuant to paragraphs (c) and (d), to—

(A) not to discriminate against an individual seeking care on the basis of the ability of that individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX of such Act; and

(B) to accept assignment under section 1822(b)(3)(B)(i)(II) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX of such Act to provide service to individuals entitled to medical assistance under the plan.

(7) PAYMENTS.—The Secretary, through the area office, shall make payments under this subsection to an Indian Tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary or area office determines that, for the immediately preceding fiscal year, the Indian Tribe or tribal organization has not complied with the requirements of this subsection.

SEC. 106. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

(a) IN GENERAL.—Notwithstanding section 102, the Secretary shall provide funds to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology career training programs as a means of encouraging Indians to enter the mental health field. These programs shall be located at various colleges and universities in such part of the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

(b) QUANTUM MECHANICS AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.—The Secretary shall provide funds under subsection (a) to develop and maintain a program at the University of Wisconsin, Madison, known as the ‘Quentin N. Burdick American Indians Into Psychology Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115, the Quentin N. Burdick Indians Into Health Program authorized under section 117, and educational psychology research and communications networks.

(c) REQUIREMENTS.—

(1) REGULATIONS.—The Secretary shall promulgate regulations pursuant to this Act for the competitive awarding of funds under this section.

(2) PROGRAM.—Applicants for funds under this section shall agree to provide a program which, at a minimum—

(A) provides outreach and recruitment for health professions to Indian communities in-cluding the Mobilization of health professionals and accredited and accessible community colleges that will be served by the program;

(B) incorporates a program advisory board to address needs from the Tribes and communities that will be served by the program;

(C) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experiential activities;

(D) provides stipends for undergraduate and graduate students to pursue a career in psychology;

(E) develops affiliation agreements with tribal, community colleges, universities, university affiliated programs, and other appro- priate accredited and accessible entities to enhance the education of Indian students;

(F) provides stipends for undergraduate and existing university tutoring, counsel-
ing and student support services; and

(G) employs, to the maximum extent feasible, existing university tutoring, counseling, and student support services.

(4) ACTIVE DUTY OBLIGATION.—The active duty service obligation prescribed under section (c)(2)(A) of the Public Law (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (c)(2)(C) that is funded under this section.

Such obligation shall be met by service—

(1) in the Indian Health Service;

(2) in a program conducted under a fund- ing agreement contracted for or entered into under the Indian Self-Determination and Educa-
tion Assistance Act;

(3) in a program assisted under title V, or an organization providing the private practice of psychology if, as determined by the Secretary, in accord-
cance with guidelines promulgated by the Secretary, such practice is situated in a phys-
cian shortage area or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

(a) IN GENERAL.—Any individual who re-

ceives a scholarship pursuant to section 105 shall be entitled to employment in the Serv-
c of the Secretary as a medical or mental health profes-
sional, including for purposes of this section, community health representatives and
emergency medical technicians, to join or continue in the Service or in any program of an Indian tribe, tribal organization, or urban Indian organization and to provide their services in lieu of, and remote and when a significant portion of the Indian people reside, the Secretary, acting through the area offices, may provide allowances to health professionals employed in the Service or such a program to enable such professionals to take leave of their duty stations for a period of time each year (as prescribed by regulations of the Secretary) for professional consultation and refresher training courses.

SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

(a) In General.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall maintain a Community Health Representative Program under which the Service, Indian tribes and tribal organizations—

(1) provide for the training of Indians as community health representatives; and

(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities served through the Service.

(b) Activities.—The Secretary, acting through the Community Health Representative Program, shall—

(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program;

(2) in order to provide such training, develop a training curriculum that—

(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

(B) includes instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and maintain programs that meet the needs for such education;

(4) maintain a system that provides close supervision of community health representatives;

(5) maintain a system under which the work of community health representatives is reviewed and evaluated; and

(6) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

(a) Establishment.—

(1) In General.—The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (referred to in this Act as the ‘‘Loan Repayment Program’’) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

(2) Definitions.—In this section:

(A) Indian health program.—The term ‘‘Indian health program’’ means any health program provided, in whole or in part, by the Service for the benefit of Indians and administered—

(i) directly by the Service;

(ii) by any Indian tribe or tribal or urban Indian organization pursuant to a funding agreement under section 405(c) of title V of the Indian Self-Determination and Educational Assistance Act; or

(iii) by an urban Indian organization pursuant to title V.

(B) State.—The term ‘‘State’’ has the same meaning given such term in section 331(i) of the Public Health Service Act.

(c) Eligibility.—To be eligible to participate in the Loan Repayment Program, an individual must—

(1) be enrolled—

(A) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

(B) in an approved graduate training program in a health profession; or

(2) have—

(A) a degree in a health profession; and

(B) a license to practice a health profession in a State.

(d) Activities.—The Secretary, acting through the Loan Repayment Program, shall—

(1) subject to paragraph (3), the Secretary agrees to—

(A) subject to paragraph (3), the Secretary agrees to—

(i) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program;

(ii) in order to provide such training, develop a training curriculum that—

(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

(B) includes instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

(iii) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and maintain programs that meet the needs for such education;

(iv) maintain a system that provides close supervision of community health representatives;

(v) maintain a system under which the work of community health representatives is reviewed and evaluated; and

(vi) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

(2) Availability.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

(3) Priority.—

(A) Review of Applications.—The Secretary shall, acting through the Service in accordance with subsection (k), shall annually—

(1) identify the positions in each Indian health program for which there is a need or a vacancy; and

(2) rank those positions in order of priority.

(4) Priority in Approval.—Notwithstanding the priority determined under paragraph (3), the Secretary determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

(i) give first priority to applications made by individuals Indians; and

(ii) after making determinations on all applications submitted by individuals Indians and other individuals based on the priority rankings under paragraph (1).

(5) Contract.—

(A) In General.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

(B) Notice.—Not later than 21 days after considering an individual for participation in the Loan Repayment Program under paragraph (1), the Secretary shall provide written notice to the individual of—

(i) the Secretary’s approval of the individual’s participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service excess of 4 years;

(ii) the Secretary’s disapproving an individual’s participation in such Program.

(6) Written Contract.—The written contract referred to in this section between the Secretary and an individual shall contain—

(A) an agreement under which—

(i) the contract is to pay the individual loan payments on behalf of the individual;

(ii) the case of an individual described in subsection (b)(1)(A) until the individual completes the course of study or training; and

(ii) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

(iv) to serve for a time period (referred to in this section as the ‘‘period of obligated service’’) equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual’s profession in an Indian health program to which the individual may be assigned by the Secretary;

(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iii); and

(C) a provision that all financial obligations of the United States arising out of a contract entered into under this section and any obligation of the individual which is related thereto are satisfied upon funds being appropriated for loan repayments under this section;
“(a) a statement of the damages to which the United States is entitled under subsection (i) for the individual’s breach of the contract; and

“(b) any other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

“(g) LOAN REPAYMENTS.—(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), of an amount computed by the Secretary in accordance with the formula:

\[ A = \frac{3Z(t-s)}{t} \]

in which—

(A) ‘A’ is the amount the United States is entitled to recover from such individual under the Loan Repayment Program;

(B) ‘Z’ is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were loaned, the loan-bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

(C) ‘t’ is the total number of months in the individual’s period of obligated service in accordance with subsection (f); and

(D) ‘s’ is the number of months of such period served by such individual in accordance with this section.

Amounts not paid within such period shall be subject to collection through deductions in medicare payments pursuant to section 1821 of the Social Security Act.

“(3) DAMAGES.—(A) TIME FOR PAYMENT.—Any amount of damages described in paragraph (1) are debts entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach of contract. Any amount of damages described in paragraph (1) that are not paid within 3 months, the Secretary shall, for the purpose of recovering such damages—

“(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

“(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

“(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that any contractor not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

“(m) CANCELLATION, WAIVER OR RELEASE.—(1) CANCELLATION.—Any obligation of an individual under the Loan Repayment Program for recovery of damages shall be canceled upon the death of the individual.

“(2) WAIVER OF SERVICE OBLIGATION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program for reasons of extreme hardship or other good cause shown, as determined by the Secretary.

“(4) RELEASE.—Any obligation of an individual under the Loan Repayment Program for recovery of damages incurred by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that non-discharge of the obligation would be unconscionable.

“(5) RECOVERY.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

“(i) the health professional positions maintained by the Service or by tribes, tribal organizations, or urban Indian organizations for which recruitment or retention is difficult;

“(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

“(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

“(4) the amount of loan payments made under this section, in total and by health profession;

“(5) the number of scholarship grants that are provided under section 1885 with respect to each health profession;

“(6) the number of scholarship grants provided under section 105, in total and by health profession;

“(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the 3 fiscal years beginning after the date the report is filed; and

“(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes, tribal organizations, or urban Indian organizations for which recruitment or retention is difficult.
'SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.'

"(a) ESTABLISHMENT.—Notwithstanding section 102, there is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (referred to in this section as the ‘LRRF’). The LRRF fund shall consist of—

"(1) such amounts as may be collected from individuals under subparagraphs (A) and (B) of section 105(b)(4) and section 110(1) for breach of contract;

"(2) such funds as may be appropriated to the LRRF;

"(3) such interest earned on amounts in the LRRF; and

"(4) such additional amounts as may be collected, appropriated, or earned relative to the LRRF.

Amounts appropriated to the LRRF shall remain available until expended.

"(b) USE OF LRRF.—

"(1) IN GENERAL.—Amounts in the LRRF may be expended by the Secretary, subject to section 102, acting through the Service, to make payments to the Service or to an Indian tribe or tribal organization administering a loan repayment program pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

"(2) SCHOLARSHIPS AND RECRUITING.—An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or to recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTING OF FUND.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest-bearing obligations of the United States. For such purposes, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) ELIGIBILITY.—An individual designated eligible by the Secretary may be granted funds by the Secretary to pursue study for which the Secretary determines a need exists.

"(d) SERVICE OBLIGATION.—

"(1) IN GENERAL.—Any individual who participates in the program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least the period of time during which the individual participates in such project.

"(2) FAILURE TO COMPLETE SERVICE.—In the event that an individual fails to complete a period of obligated service under paragraph (1), the individual shall be liable to the Service for the cost of his or her study for which the Secretary determines a need exists.

"SEC. 112. RECRUITMENT ACTIVITIES.

"(a) REMUNERATION OF EXPENSES.—The Secretary may reimburse health professionals seeking positions in the Service, Indian tribes, tribal organizations, or urban Indian organizations for unpaid travel, subsistence, and for expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) ASSIGNMENT OF PERSONNEL.—The Secretary, acting through the Service, shall assign one individual in each area office to be responsible for full-time basis for recruitment activities.

"SEC. 113. TRIBAL RECRUITMENT AND RETENTION PROGRAM.

"(a) FUNDING FOR PROGRAMS.—The Secretary, acting through the Service, shall fund innovative projects for a period not to exceed 3 years to enable Indian tribes, tribal organizations, and urban Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs (as defined in section 110(a)(2)(A)).

"(b) ELIGIBILITY.—Any Indian tribe, tribal organization, or urban Indian organization may submit a proposal requesting a funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) DEMONSTRATION PROJECT.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian health program (as defined in section 110) for a substantial period of time to pursue advanced training or research in areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—

"(1) IN GENERAL.—Any individual who participates in the project under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least the period of time during which the individual participates in such project.

"(2) FAILURE TO COMPLETE SERVICE.—In the event that an individual fails to complete a period of obligated service under paragraph (1), the individual shall be liable to the Service for the cost of his or her study for which the Secretary determines a need exists.

"SEC. 115. NURSING PROGRAMS; QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) GRANTS.—Notwithstanding section 102, the Secretary, acting through the Service, shall provide funds to—

"(1) public or private schools of nursing;

"(2) tribal, intertribal, or community colleges and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397(2)); and

"(3) nurse midwife programs, and advance practice nurse programs, that are provided by any tribal college accredited nursing program, or in the absence of such, any other public or private institution, for the purpose of increasing the number of nurse practitioners who deliver health care services to Indians.

"(b) USE OF GRANTS.—Funds provided under subsection (a) may be used to—

"(1) recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses;

"(2) provide for any Indian individual enrolled in such programs that may be used to pay the tuition charged for such program and for other expenses incurred in connection with such programs, including books, fees, room and board, and stipends for living expenses;

"(3) provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians;

"(4) provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses; or

"(5) provide any program that is designed to achieve the purpose described in subsection (a).

"(c) APPLICATIONS.—Each application for funds under subsection (a) shall include such information as the Secretary may require to establish the connection between the proposed program and the health care facility that primarily serves Indians.

"(d) PREFERENCES.—In providing funds under subsection (a), the Secretary shall extend a preference to—

"(1) programs that provide a preference to Indians;

"(2) programs that train nurse midwives or advanced practice nurses;

"(3) programs that are interdisciplinary; and

"(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 532(a)(1) of the Indian Education Act of 1988.

"(e) QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.—The Secretary shall ensure that a portion of the funds authorized under subsection (a) are available to establish and maintain a program at the University of North Dakota to be known as the Quentin N. Burdick American Indians Into Nursing Program. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick American Indian Health Programs established under section 117(b).

"SEC. 116. TRIBAL CULTURE AND HISTORY.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian tribes in each service area receive educational instruction in the culture and history of such tribes and their relationship to the Service.

"(b) REQUIREMENTS.—To the extent feasible, educational training in the culture and history of such tribes shall be provided.

"(c) INCLUSION OF TRIBAL DESIGNS.—The Secretary shall provide for the inclusion of tribal designs in the training provided under this section.

"SEC. 117. QUANTUM N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) GRANTS.—The Secretary shall provide grants to—

"(1) the Indian Health Service;

"(2) a program conducted under a contract entered into under the Indian Self-Determination and Education Assistance Act;

"(3) a program assisted under title V; or

"(4) in the private practice of nursing if, as determined by the Secretary in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"SEC. 118. TRIBAL HEALTH PROGRAMS.

"(a) IN GENERAL.—The Secretary shall establish a demonstration project to enable health professionals who have worked in an Indian health program for a period of obligated service prescribed under section 110(a)(2)(A).

"(b) ELIGIBILITY.—Any Indian tribe, tribal organization, or urban Indian organization may submit a proposal requesting a funding of a project pursuant to this section.

"(c) APPLICATIONS.—Each application for funds under subsection (a) shall include such information as the Secretary may require to establish the connection between the proposed program and the health care facility that primarily serves Indians.

"(d) PREFERENCES.—In providing funds under subsection (a), the Secretary shall extend a preference to—

"(1) programs that provide a preference to Indians;

"(2) programs that train nurse midwives or advanced practice nurses;

"(3) programs that are interdisciplinary; and

"(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 532(a)(1) of the Indian Education Act of 1988.
purpose of maintaining and expanding the Native American health careers recruitment program known as the ‘Indians into Medicine Program’ (referred to in this section as ‘INMED’). The Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

(c) Requirements.—

(1) In general.—The Secretary shall develop regulations to govern grants under this section.

(2) Program requirements.—Applicants for grants provided under this section shall agree with the Secretary that the program that they propose to carry out:

(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations which will be served by the program;

(B) incorporates a program advisory board comprised of representatives from the tribes and communities which will be served by the program;

(C) provides summer preparatory programs for Indian students who need enrichment, preparation and support in order to pursue training in the health professions;

(D) provides tutoring, counseling and support to students who are enrolled in a health career program of study at the respective college or university; and

(E) to the maximum extent feasible, employs qualified Indians in the program.

SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

(a) Establishment grants.—

(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such colleges in providing programs to Indian personnel which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice as health providers on an Indian reservation, in the Service, or in a tribal health program.

(2) Amount.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $100,000.

(b) Eligibility.—

(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

(2) Eligibility.—Grants may only be made under this subsection to a community college that—

(A) is accredited;

(B) has a hospital partnership with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

(1) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs which train health professionals; and

(2) establish an articulation agreement necessary to approve internships and field placement opportunities at health programs of the Service or at tribal health programs;

(D) has the staff which has the appropriate certifications;

(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

(F) agrees to provide for Indian preference for applicants for programs under this section.

(c) Service personnel and technical assistance.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs, and

(2) providing technical assistance and support to such colleges.

(d) Required courses of study.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which include a training for any health professional who—

(1) has already received a degree or diploma in such health profession; and

(2) provides services on an Indian reservation, at a Service facility, or at a tribal clinic.

Such courses of study may be offered in conjunction with a program of education with which the community college has entered into the agreement required under subsection (b)(2).

(e) Priority.—Priority shall be provided under this section to tribally controlled colleges in service areas that meet the requirements of subsection (b).

(f) Definitions.—In this section:

(1) COMMUNITY COLLEGE.—The term ‘community college’ means—

(A) a tribally controlled community college; or

(B) a junior or community college.

(2) JUNIOR OR COMMUNITY COLLEGE.—The term ‘junior or community college’ has the meaning given such term by section 312(e) of title 34, United States Code.

(3) TRIBALLY CONTROLLED COLLEGE.—The term ‘tribally controlled college’ has the meaning given the term ‘tribally controlled community college’ by section 3(4) of the Tribally Controlled Community College Assistance Act of 1978.

SEC. 119. RETENTION BONUS.

(a) In general.—The Secretary may pay a retention bonus to any health professional employed by an organization providing health care services to Indians pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act if such health professional is serving in a position in which the Secretary determines is—

(1) a position for which recruitment or retention is difficult; and

(2) necessary for providing health care services to Indians.

(b) Establishment.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian tribe, tribal organization, or urban organization to apply for a higher annual rate for multiyear agreements than for single year agreements (referred to in subsection (a)(4), but no event shall be at a rate more than $25,000 per annum.

(c) Failure to complete term of service.—Any health professional failing to complete the term of employment or service except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the term of the agreement, plus interest as determined by the Secretary in accordance with section 110(a)(2)(B).

(d) Funding agreement.—The Secretary may pay a retention bonus to any health professional employed by an organization providing health care services to Indians pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act if such health professional is serving in a position in which the Secretary determines is—

(1) a position for which recruitment or retention is difficult; and

(2) necessary for providing health care services to Indians.

SEC. 120. NURSING RESIDENCY PROGRAM.

(a) Establishment.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian tribe, tribal organization, or urban organization to apply for a higher annual rate for multiyear agreements than for single year agreements (referred to in subsection (a)(4), but no event shall be at a rate more than $25,000 per annum.

(b) Requirement.—The program established under subsection (a) shall include a combination of education and work study in an Indian health program as defined in section 110(a)(2)(A)) leading to an associate or bachelor’s degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor’s degree (in the case of a registered nurse) in advanced degrees in nursing and public health.

(c) Service obligation.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to the amount of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 114 in the manner provided for in such subsection.

SEC. 121. COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA.

(a) In general.—Under the authority of the Act of November 2, 1921 (23 U.S.C. 13, commonly known as the Snyder Act), the Secretary shall maintain and operate the Community Health Aide Program in Alaska under which the Service—

(1) provides for the training of Alaska Natives as health aides or community health practitioners;

(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska;
¨(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners;¨

¨(b) ACTIVITIES.—The Secretary, acting through the Community Health Aide Program under subsection (a), shall—¨

¨(1) underwrite the certification by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;¨

¨(2) in order to provide such training, develop a curriculum that—¨

¨(A) combines education in the theory of health care with supervised practical experience in the provision of health care;¨

¨(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and¨

¨(C) promotes the achievement of the health status objective specified in section 3(b);¨

¨(3) establish and maintain a Community Health Aides Certification Board to certify as community health aides and community health practitioners individuals who have successfully completed the training described in paragraph (2)(A) or who can demonstrate equivalent experience;¨

¨(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;¨

¨(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and¨

¨(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.¨

§122. TRIBAL HEALTH PROGRAM ADMINISTRATION.¨

¨Subject to Section 102, the Secretary, acting through the Service, shall, through a funding arrangement provided by the Service, provide training for Indians in the administration and planning of tribal health programs.¨

§123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROJECT.¨

¨(a) PILOT PROGRAMS.—The Secretary may, through area offices, fund pilot programs for tribes and tribal organizations to address chronic shortages of health professionals.¨

¨(b) PURPOSE.—It is the purpose of the health professions demonstration project under this section to—¨

¨(1) in order to provide to health professions students and residents from medical schools;¨

¨(2) improve the quality of health care for Indians by assuring access to qualified health care professionals; and¨

¨(3) provide academic and scholarly opportunities for health professionals serving Indian people by identifying and utilizing all academic and scholarly resources of the region.¨

¨(c) ADVISORY BOARD.—A pilot program established under subsection (a) shall incorporate a program advisory board that shall be composed of representatives from the tribes and communities in the service area that will be served by the program.¨

§124. SCHOLARSHIPS.¨

¨Scholarships and loans reimbursable payments provided to individuals pursuant to this title shall be treated as ‘qualified scholarships’ for purposes of section 117 of the Internal Revenue Code.¨

§125. NATIONAL HEALTH SERVICE CORPS.¨

¨(a) LIMITATIONS.—The Secretary shall not—¨

¨(1) remove a member of the National Health Service Corps from a health program operated by Indian Health Service or by a tribe or tribal organization under a funding agreement with the Service under the Indian Self-Determination and Education Assistance Act, or by urban Indian organizations; or¨

¨(2) withdraw the funding used to support such a member; unless the Secretary, acting through the Service, tribes or tribal organization, has ensured that the Indians receiving services from such member will experience no reduction in services.¨

¨(b) DESIGNATION OF SERVICE AREAS AS HEALTH PROFESSIONAL SHORTAGE AREAS.—¨

¨(1) services specified in paragraph (1)(A) or (B) of section 330 of the Public Health Service Act (42 U.S.C. 294a–31 et seq.) shall be for a period of 1 year. Such contract entered into or a grant provided under this section shall be used only for developing educational curricula for substance abuse counseling.¨

¨(2) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including pairing and salaries for instructors). Such curricula may be provided through satellite campus programs.¨

¨(c) EXAMINATION.—The appropriate Secretary shall, after consultation with Indian tribes and administrators of accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accredited community colleges, shall develop and issue criteria for the review and approval of applications for funding (including appropriate terms of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of such entities to educate substance abuse counselors.¨

¨(d) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.¨

¨(e) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted under section 801 for the fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.¨

§126. HEALTH PROFESSIONAL EDUCATION.¨

¨(a) STUDY AND LIST.—¨

¨(1) IN GENERAL.—The Secretary shall, through the designation of professional shortage areas, establish and maintain a list of the types of staff positions specified in subsection (b) whose qualifications include or should include, training in the identification, prevention, education, referral or treatment of mental illness, dysfunctional or self-destructive behavior.¨

¨(2) POSITIONS.—Each position referred to in paragraph (1) is—¨

¨(A) a position within the Bureau of Indian Affairs, including existing positions, in the fields of—¨

¨(i) elementary and secondary education;¨

¨(ii) social services, family and child welfare;¨

¨(iii) law enforcement and judicial services; and¨

¨(iv) alcohol and substance abuse;¨

¨(B) staff positions within the Service; and¨

¨(C) staff positions similar to those specified in subsection (b) and established and maintained by Indian tribes, tribal organizations, and urban Indian organizations, including positions established pursuant to funding agreements under the Indian Self-Determination and Education Assistance Act, and this Act.¨

¨(3) TRAINING CRITERIA.—¨

¨(A) IN GENERAL.—The appropriate Secretary shall provide technical assistance appropriate to each type of position specified in subsection (b)(1) and ensure that appropriate training has been or will be provided to any individual in such position.¨

¨(B) TRAINING.—With respect to any such individual in a position specified pursuant to subsection (b)(3), the respective Secretaries shall make available to appropriate tribal or non-tribal organizations, or urban Indian organization for the training of appropriate individuals. In the case of a funding agreement, the appropriate Secretary shall ensure that such training costs are included in the funding agreement, if necessary.¨

¨(C) CULTURAL RELEVANCE.—Position specific training criteria shall be culturally relevant to Indians and Indian tribes and shall
ensure that appropriate information regarding traditional health care practices is provided.

(5) COMMUNITY EDUCATION. 

(A) Definition. — The Service shall develop and implement, or on request of an Indian tribe or tribal organization, assist an Indian tribe or tribal organization, in developing a program of community education on mental illness.

(B) Technical Assistance. — In carrying out this paragraph, the Service shall, upon the request of an Indian tribe or tribal organization, provide technical assistance to the Indian tribe or tribal organization to obtain and develop community educational materials suitable for distribution, prevention, referral and treatment of mental illness, dysfunctional and self-destructive behavior.

(6) Staffing. — 

(1) In General. — Not later than 90 days after the date of enactment of the Act, the Director of the Service shall develop a plan under which the Service will increase the number of health care staff that are providing mental health services by at least 500 positions within 5 years after such date of enactment, with at least 200 of such positions devoted to child, adolescent, and family services. The allocation of such positions shall be subject to the provisions of section 192(a).

(2) Implementation. — The plan developed under paragraph (1) shall be implemented under the Act of November 2, 1921 (25 U.S.C. 15) (often referred to as the 'Snyder Act').

SEC. 128. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for purposes of

(1) eliminating the deficiencies in the health status and resources of all Indian tribes; 

(2) eliminating backlogs in the provision of health care services to Indians; 

(3) meeting the health needs of Indians in an equitable manner; 

(4) eliminating inequities in funding for both direct care and contract health service programs; and 

(5) authorizing the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status and resource deficiencies:

(A) clinical care, including inpatient care, outpatient care (including audiology, clinical eye and vision care), primary care, secondary and tertiary care, and long term care; 

(B) preventive health, including mammography and other cancer screening in accordance with section 207; 

(C) dental care; 

(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners; 

(E) emergency hospital medical services; 

(F) treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome); 

(G) accident prevention programs; 

(H) home health care; 

(I) community health representatives; 

(J) maintenance and repair; and 

(K) traditional health care practices.

(2) USE OF FUNDS. — Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act, (section 143(c)(1) of the Indian Self-Determination Act, 25 U.S.C. 1902 (commonly known as the 'Snyder Act'), or any other provision of law.

(3) ALLOCATION. — Funds appropriated under the authority of this section shall be allocated to service units or Indian tribes or tribal organizations. The funds allocated to each service unit or area office under this subparagraph shall be used to improve the health status and reduce the resource deficiency of each tribe served by such service unit, tribe or tribal organization. Such allocation shall weigh the amounts appropriated in favor of those service areas where the health status of Indians within the area, as measured by life expectancy based upon the most recent data available, is significantly lower than the average health status for Indians in all service units, and are located in a such area where such a weighted allocation formula shall not be less than the amounts allocated to each such area in the previous fiscal year.

(4) APPORTIONMENT. — The apportionment of funds allocated to a service unit, tribe or tribal organization, under paragraph (2) shall be determined by the Service in consultation with the Indian tribes and tribal organizations which are contract health service providers. Such apportionment shall be based upon a formula to be developed by the Service in consultation with the Indian tribes and tribal organizations which are contract health service providers, based upon the waiting lists and number of Indians turned away for services due to lack of resources, the extent of the health status and resource deficiencies, as well as the most recent data available, of the needs of Indian tribes and tribal organizations.

(5) NOT SUBJECT TO CONTRACT OR GRANT. — Funds appropriated under the authority of this section shall not be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act.

(6) ELIGIBILITY. — Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs administered directly by the Service.

(7) REVIEW OF DETERMINATION. — The Secretary shall establish procedures which allow an Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such tribe or tribal organization.

(8) ELIGIBILITY. — Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs administered directly by the Service.

(9) REPORT. — Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Congress the current health status and resource deficiency report of the Service for each Indian tribe or service unit, including newly recognized or acknowledged tribes. Such report shall set out—

(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service; and

(3) an estimate of—

(A) the number of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service, for the purpose of determining appropriations under this section for each service unit, Indian tribe, or comparable entity; 

(B) the number of Indians eligible for health services in each service unit or Indian tribe or tribal organization; and

(C) the number of Indians using the Service resources made available to each service unit or Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

(10) BUDGETARY RULE. — Funds appropriated under the authority of this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

(a) In General. — The Secretary may expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act, that are appropriated under the authority of this section, for the purposes of—

(1) eliminating the deficiencies in the health status and resources of all Indian tribes; 

(2) eliminating backlogs in the provision of health care services to Indians; 

(3) meeting the health needs of Indians in an equitable manner; 

(4) eliminating inequities in funding for both direct care and contract health service programs; and 

(5) authorizing the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status and resource deficiencies:

(A) clinical care, including inpatient care, outpatient care (including audiology, clinical eye and vision care), primary care, secondary and tertiary care, and long term care; 

(B) preventive health, including mammography and other cancer screening in accordance with section 207; 

(C) dental care; 

(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners; 

(E) emergency hospital medical services; 

(F) treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome); 

(G) accident prevention programs; 

(H) home health care; 

(I) community health representatives; 

(J) maintenance and repair; and 

(K) traditional health care practices.

(2) Allocation. — Funds appropriated under the authority of this section shall be allocated to service units or Indian tribes or tribal organizations. The funds allocated to each service unit or area office under this subparagraph shall be used to improve the health status and reduce the resource deficiency of each tribe served by such service unit, tribe or tribal organization.

(3) Apportionment. — The apportionment of funds allocated to a service unit, tribe or tribal organization, under this subparagraph shall be determined by the Secretary in consultation with the Indian tribes and tribal organizations which are contract health service providers. Such apportionment shall be based upon a formula to be developed by the Service in consultation with the Indian tribes and tribal organizations which are contract health service providers, based upon the waiting lists and number of Indians turned away for services due to lack of resources, the extent of the health status and resource deficiencies, as well as the most recent data available, of the needs of Indian tribes and tribal organizations.

(4) Eligibility. — Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs administered directly by the Service.

(5) Review of Determination. — The Secretary shall establish procedures which allow an Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such tribe or tribal organization.

(6) Eligibility. — Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs administered directly by the Service.

(7) Report. — Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Congress the current health status and resource deficiency report of the Service for each Indian tribe or service unit, including newly recognized or acknowledged tribes. Such report shall set out—

(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service; and

(3) an estimate of—

(A) the number of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service, for the purpose of determining appropriations under this section for each service unit, Indian tribe, or comparable entity; 

(B) the number of Indians eligible for health services in each service unit or Indian tribe or tribal organization; and

(C) the number of Indians using the Service resources made available to each service unit or Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

(8) Budgetary Rule. — Funds appropriated under the authority of this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

(a) Establishment. —

(1) In General. — There is hereby established an Indian Catastrophic Health Emergency Fund (referred to in this section as the 'CHEF') consisting of—

(A) the amounts deposited under subsection (d); and

(B) any amounts appropriated to the CHEF under this Act.

(2) Administration. — The CHEF shall be administered by the Secretary solely for the purpose of meeting the extraordinary medical needs of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

(3) Equitable Allocation. — The CHEF shall be equitably allocated, apportioned or delegated on a service unit or area office basis, based upon a formula to be developed by the Secretary in consultation with the Indian tribes and tribal organizations through negotiated rulemaking under title VIII.

(4) Not Subject to Contract or Grant. — No part of the CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act.

(5) Administration. — Amounts provided from the CHEF shall be administered by the area offices based upon priorities determined by the Indian tribes and tribal organizations within each service area, including a consideration of the needs of Indian tribes and tribal organizations which are contract health service-dependant.
(b) REQUIREMENTS.—The Secretary shall, through the negotiated rulemaking process under title VIII, promulgate regulations consistent with the provisions of this section—

(1) develop a definition of eligible catastrophic illnesses for which the cost of treatment provided under contract would qualify for payment from the CHEF;

(2) establish at each service unit, Indian tribe, or tribal organization shall be eligible for reimbursement for the cost of treatment from the CHEF until its cost of treatment for any victim of such a catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

(A) for 1999, not less than $19,000; and

(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

(3) establish a procedure for the reimbursement of the portion of the costs incurred by—

(A) service units, Indian tribes, or tribal organizations, or facilities of the Service; or

(B) non-Service facilities or providers whenever otherwise authorized by the Secretary;

(4) establish a procedure for payment from the CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service and that a service unit, Indian tribe, or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section.

(b) P R O V I S I O N OF SERVICES.—


(a) FINDINGS.—Congress finds that health promotion and disease prevention activities will—

(1) improve the health and well-being of Indians;

(2) reduce the expenses for health care of Indians.

(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and through Indian tribes and tribal organizations, shall provide health promotion and disease prevention services to Indians so as to achieve the health status objective set forth in section 3(b). (c) D I S E A S E P R E V E N T I O N AND H E A L T H P R O M O T I O N.—In this section:

(1) Disease prevention.—The term ‘disease prevention’ means the reduction, limitation, and prevention of disease and its complications, and the reduction in the consequences of such diseases, including—

(A) controlling—

(i) diabetes;
between the Service and the tribal facility shall be allocated proportionately between the Service and the tribe or tribal organization; and

“(3) may authorize such tribe or tribal organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to the facility).

“(c) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(d) USE OF EXISTING FACILITIES.—The Secretary shall encourage the use for long-term care or similar facilities that are under-utilized or allow the use of swing beds for such purposes.

**SEC. 206. HEALTH SERVICES RESEARCH.**

“(a) FUNDING.—The Secretary shall make funding available for research to further the performance of the health service responsibilities of the Service, Indian tribes, and tribal organizations and shall coordinate the activities of other Agencies within the Department to address these research needs.

“(b) ALLOCATION.—Funding under subsection (a) shall be allocated equitably among the area offices. Each area office shall award such funds competitively within that area.

“(c) ELIGIBILITY FOR FUNDS.—Indian tribes and tribal organizations receiving funding from the Service under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to compete for, and receive, research funds under this section.

“(d) ELIGIBILITY FOR FUNDS.—Indian tribes and tribal organizations receiving funding from the Service under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to compete for, and receive, research funds under this section.

**SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.**

“The Secretary, through the Service or through Indian tribes or tribal organizations, shall provide for the following screening:

“(1) Mammography (as defined in section 1861(s)(1) of the Social Security Act) for Indian women at a frequency appropriate to such women under national standards, and under such procedures as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.

“(2) Other cancer screening meeting national standards.

**SEC. 208. PATIENT TRAVEL COSTS.**

“The Secretary, acting through the Service, Indian tribes and tribal organizations shall provide funds for the following patient travel costs, including appropriate and necessary qualified escorts, associated with receiving services provided either through direct contract or through funding agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act under this Act:

“(1) Emergency air transportation and nonemergency air transportation where ground transportation is infeasible.

“(2) Transportation by private vehicle, specially equipped vehicle and ambulance.

“(3) Transportation by other means as may be available and required when air or motor vehicle transportation is not available.

**SEC. 209. EPIDEMIOLOGY CENTERS.**

“(a) ESTABLISHMENT.—

“(1) In general.—The Secretary, acting through the Service, is authorized to establish and fund an epidemiology center in each service area which does not have such a center to carry out the functions described in paragraph (2) of this section.

“(2) Functions.—In consultation with and upon the request of Indian tribes, tribal organizations and urban Indian organizations, each area epidemiology center established under this subsection shall, with respect to such area—

“(A) collect data related to the health status, subject to objectives described in section 3(b), and monitor the progress that the Service, Indian tribes, tribal organizations, and urban Indian organizations have made in meeting such health status objectives;

“(B) evaluate health care delivery systems, data systems, and other systems that impact the improvement of Indian health;

“(C) assist Indian tribes, tribal organizations, and urban Indian organizations in identifying their highest priority health status topics and the services needed to achieve such objectives, based on epidemiological data;

“(D) make recommendations for the targeting of services needed by tribal, urban, and Indian communities;

“(E) evaluate existing delivery systems, data systems, and other systems that can improve health care delivery systems for Indians and urban Indians;

“(F) provide requested technical assistance to Indian tribes and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

“(G) provide disease surveillance and assist Indian tribes, tribal organizations, and urban Indian organizations to promote public health.

“(3) TECHNICAL ASSISTANCE.—The director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers to carry out the requirements of this subsection.

“(b) FUNDING.—Funds awarded under this section may be used by Indian tribes, tribal organizations, and Indian tribes or tribal organizations to conduct epidemiological studies of Indian communities.

**SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.**

“(a) IN GENERAL.—The Secretary, acting through the Service, shall provide funding to Indian tribes, tribal organizations, and urban Indian organizations to develop comprehensive school health education programs for Indian and urban Indian children.

“(b) USE OF FUNDS.—Funds awarded under this section may be used to—

“(1) develop and implement health education curricula both for regular school programs and afterschool programs;

“(2) train teachers in comprehensive school health education curricula;

“(3) integrate school-based, community-based, and faith-based public and private health promotion efforts;

“(4) encourage healthy, tobacco-free school environments;

“(5) develop school-based health programs with existing services and programs available in the community;

“(6) develop school programs on nutrition education, personal health, oral health, and fitness;

“(7) develop mental health wellness programs;

“(8) develop chronic disease prevention programs;

“(9) develop substance abuse prevention programs;

“(10) develop injury prevention and safety education programs;

“(11) develop activities for the prevention and control of communicable diseases;

“(12) develop community and environmental health education programs that include traditional health care practitioners; and

“(13) carry out activities relating to such other health issues as are appropriate.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in the development of comprehensive health education plans, and the dissemination of comprehensive health education materials and implementation on existing health programs and resources.

“(d) CRITERIA.—The Secretary, in consultation with affected Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications for funding under this section.

“(e) COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.—

“(1) DEVELOPMENT.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary and affected Indian tribes and tribal organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 for use in schools operated by the Bureau of Indian Affairs.

“(2) REQUIREMENTS.—The program developed under paragraph (1) shall include—

“(A) school programs on nutrition education, personal health, oral health, and fitness;

“(B) mental health wellness programs;

“(C) chronic disease prevention programs;

“(D) substance abuse prevention programs;

“(E) injury prevention and safety education programs; and

“(F) activities for the prevention and control of communicable diseases.

“(3) TRAINING AND COORDINATION.—The Secretary of the Interior shall—

“(A) provide training to teachers in comprehensive school health education curricula;

“(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

“(C) encourage healthy, tobacco-free school environments.

**SEC. 211. INDIAN YOUTH PROGRAM.**

“(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to provide funding to Indian tribes, tribal organizations, and urban Indian organizations to develop comprehensive health education programs for Indian and urban Indian preadolescent and adolescent youth.

“(b) USE OF FUNDS.—Funds made available under this section may be used to—

“(1) develop and implement health education curricula both for regular school programs and afterschool programs;

“(2) integrate school-based, community-based, faith-based public and private health promotion efforts;

“(3) develop school-based health programs with existing services and programs available in the community; and

“(4) develop and provide community training and education.
(2) LIMITATION.—Funds made available under this section may not be used to provide services described in section 707(c).

(c) REQUIREMENTS.—The Secretary shall—

(1) require projects of the Indian tribes, tribally organized and urban Indian organizations, and urban Indian organizations information regarding models for the delivery of comprehensive health care services to Indian and Alaska Native women, including—

(2) encourage the implementation of such models; and

(3) at the request of an Indian tribe, tribal organization or urban Indian organization, provide technical assistance in the implementation of such models.

(d) Reporting.—The Secretary, in consultation with Indian tribes, tribal organization, and urban Indian organizations, shall establish criteria for the review and approval of applications under this section.

SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

(a) IN GENERAL.—The Secretary, acting through the Service after consultation with Indian tribes, tribal organizations, urban Indian organizations, and the Centers for Disease Control and Prevention, shall establish criteria for the review and approval of funding available to Indian tribes and tribal organizations for—

(1) projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncitial virus, hanta virus, sexually transmitted diseases, and H. pylori, which may include surveillance, testing and treatment for HCV and other infectious and communicable diseases;

(2) public information and education programs for the prevention, control, and elimination of communicable and infectious diseases;

(3) education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals; and

(4) a demonstration project that studies the seroprevalence of the Hepatitis C virus among a random sample of American Indian and Alaskan Native populations and identifies prevalence rates among a variety of tribes and geographic regions.

(b)(1) APPLICATION.—The Secretary may provide funds under subsection (a) only if an application or proposal for such funds is submitted.

(c) REPORT.—

(1) In carrying out this section, the Secretary—

(2) and (3) shall prepare and submit, biennially, a report to the Congress concerning the study conducted under subsection (a).

SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.

(a) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, may provide funding under this Act to meet the objective set forth in section 2 of the Act, in order to provide—

(1) hospice care and assisted living;

(2) long-term health care;

(3) home and community-based services;

(4) public health functions; and

(5) traditional health care practices.

(b) AVAILABILITY OF SERVICES FOR CERTAIN POPULATIONS.—The Secretary, acting through the Service, Indian tribe, or tribal organization, services hospice care, home health care (under section 201), home- and community-based care, assisted living, and long-term care may be provided (on a cost basis) to individuals otherwise ineligible for the health care services provided, and the Secretary may not be limited to the specific categories and requirements listed in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of the purposes of this Act.

(c) DEFINITIONS.—The term ‘public health functions’ means public health related programs, functions, and services including assessments, assurances, and policy development that Indian tribes and tribal organizations are authorized and encouraged, in those circumstances where it meets their needs, to carry out by forming collaborative relationships with all levels of local, State, and Federal governments.

SEC. 214. INDIAN WOMEN’S HEALTH CARE.

(a) STUDY AND MONITORING PROGRAMS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall provide funding to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

(b) HEALTH CARE PLAN REPORT.—

(1) HEALTH CARE PLAN REPORT.—(A) SUBMISSION.—The Secretary, acting through the Service, shall submit to the Congress, not later than 18 months after the date of enactment of this Act, a report concerning the health care plan developed under subsection (a).

(B) CONTENT OF REPORT.—The report submitted under paragraph (1) shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address the health problems involved.

(2) TASK FORCE.—(A) ESTABLISHED.—There is hereby established an Interagency Task Force (referred to in this section as the ‘task force’) that shall be composed of the following individuals (or their designees) identified in the report submitted under paragraph (1) to monitor the implementation of the health care plan:

(A) The Secretary of Health and Human Services;

(B) The Administrator of the Environmental Protection Agency;

(C) The Director of the Bureau of Mines; and

(D) The Assistant Secretary for Occupational Safety and Health.

(b) DUTIES.—The Task Force shall identify existing and potential operational risks related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians and other individuals who have or may have been exposed to excessive amounts of radiation, or affected by other activities that have had or could have a serious impact upon the health of such individuals; and develop a program for education for individuals who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

(c) SUBMISSION TO CONGRESS.—

(1) GENERAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Service shall submit to the Congress a report concerning the health care system developed under subsection (a).

(2) REPORT TO CONGRESS.—(A) SUBMISSION.—The Secretary, acting through the Service, shall submit to Congress, not later than 18 months after the date of enactment of this Act, a report concerning the health care system developed under subsection (a), which the report submitted under paragraph (1) is submitted to the Congress, and the Service shall submit to the Secretary of Health and Human Services and the Environmental Protection Agency, and through the Service, to the Congress a report concerning the health care system developed under subsection (a).

(B) CONTENT OF REPORT.—The report submitted under paragraph (1) shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address the health problems involved.

(d) TASK FORCE.—(A) ESTABLISHED.—There is hereby established an Intergovernmental Task Force (referred to in this section as the ‘task force’) that shall be composed of the following individuals (or their designees) identified in the report submitted under paragraph (1) to monitor the implementation of the health care plan:

(A) The Secretary of Energy;

(B) The Administrator of the Environmental Protection Agency;

(C) The Director of the Bureau of Mines; and

(D) The Assistant Secretary for Occupational Safety and Health.

(b) DUTIES.—The Task Force shall identify existing and potential operational risks related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians and other individuals who have or may have been exposed to excessive amounts of radiation, or affected by other activities that have had or could have a serious impact upon the health of such individuals; and develop a program for education for individuals who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.
"(3) ADMINISTRATIVE PROVISIONS.—The Secretary shall serve as the chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall be entitled to receive necessary assistance to the Task Force; and

"(e) PROVISION OF APPROPRIATE MEDICAL CARE.—In the case of any Indian who—

"(1) has a property and income near a uranium mine or mill or near any other environmental hazard, suffers from a work related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from a Service facility; and

"(3) by reason of such Indian's employment, is entitled to receive care at the expense of such mine or mill operator or entity responsible for the environmental hazard; the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the employer for such illness or condition.

"SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) In General.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2013, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes residing on Federal reservations in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 216A. NORTH DAKOTA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) In General.—For fiscal years beginning with the fiscal year ending September 30, 2001, and ending with the fiscal year ending September 30, 2013, the State of North Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes residing on Federal reservations in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 216B. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"(a) In General.—The Secretary, acting through the Service, shall provide contract health services to the member of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of Montana and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"The Service shall provide funds for health care programs and facilities operated by Indian Tribes and tribal organizations pursuant to the Indian Self-Determination and Education Assistance Act on the same basis as such funds are provided to programs and facilities operated directly by the Service.

"SEC. 221. LICENSING.

"Health care professionals employed by Indian Tribes and tribal organizations to carry out agreements under the Indian Self-Determination and Education Assistance Act, shall, if licensed in any State, be exempt from the licensing requirements of the State in which the agreement is performed.

"SEC. 222. AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES.

"With respect to an elderly Indian or an Indian with a disability receiving emergency care, the Service may enter into an agreement with a non-Federal facility or a non-Federal provider or in a non-Services facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

"(a) Requirement.—The Service shall respond to a notification of a claim by a provider of a contract service with either an individual purchase order or a denial of coverage within 30 working days after the receipt of such notification.

"(b) Failure To Respond.—If the Service fails to respond to a notification of a claim in accordance with this subsection, the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) Payment.—The Service shall pay a valid contract care claim within 30 days after the completion of the claim.

"SEC. 224. LIABILITY FOR PAYMENT.

"(a) No Liability.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2013 to carry out this title.

"TITLE III—FACILITIES

"SEC. 301. CONSULTATION, CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

"(a) CONSULTATION.—Prior to the expenditure of, or the making of any firm commitment to expend, any funds awarded for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure would be made; and

"(2) ensure, whenever practicable, that such facility meets the construction standards of any nationally recognized accrediting institution.

"(b) REPORTS.—The Service shall, not later than December 31, the date on which the construction or renovation of such facility is completed.
‘‘B) CLOSURE OF FACILITIES.—

‘‘(1) IN GENERAL.—Notwithstanding any provision of law other than this subsection, no Service hospital or outpatient health care facilities or special care facility operated by the Service, may be closed if the Congress has not submitted to the President a report required under section 102 of the Indian Self-Determination and Education Assistance Act.

‘‘(2) TEMPORARY CLOSURE.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or safety reasons.

‘‘(c) PRIORITY SYSTEM.—

‘‘(1) ESTABLISHMENT.—The Secretary shall establish a health care facility priority system that shall—

‘‘(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

‘‘(B) give the needs of Indian tribes and tribal organizations for construction, design, construction and renovation needs of health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities;

‘‘(2) REPORT.—Beginning in 2002, the Secretary shall annually submit to the President a report that includes the lists required under paragraph (2)a and the methodology required in paragraph (2)b, except that the Secretary shall establish a health care facility priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority projects in the Indian Health Service budget justifications for fiscal year 2001, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

‘‘(2) REPORT.—The Secretary shall annually submit to the President a report that includes—

‘‘(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

‘‘(B) health care facility lists, including—

‘‘(i) the total health care facility planning, design, and construction and renovation needs for Indian hospitals as reviewed by the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations;

‘‘(2) CONSTRUCTION OF LIST.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall consult with Indian tribes and tribal organizations on taking place thereunder if the project was identified as one of the top 10 priority projects in the Indian Health Service budget justifications for fiscal year 2001, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

‘‘(1) CLOSURE OF FACILITIES.—(A) propose to close any facility or any portion of a facility by all eligible Indians, and with urban Indian organizations.

‘‘(2) CLOSURE OF FACILITIES.—(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

‘‘(B) give the needs of Indian tribes and tribal organizations for construction, design, construction and renovation needs of health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities;

‘‘(3) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

‘‘(4) CRITERIA.—The Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

‘‘(4) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

‘‘(d) REVIEW OF NEED FOR FACILITIES.—

‘‘(1) REPORT.—Beginning in 2002, the Secretary shall annually submit to the President, for inclusion in the report required by this subsection, the Secretary's report that includes—

‘‘(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

‘‘(B) health care facility lists, including—

‘‘(i) the total health care facility planning, design, construction and renovation needs for Indian hospitals as reviewed by the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations;

‘‘(2) CONSTRUCTION OF LIST.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall—

‘‘(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

‘‘(B) give the needs of Indian tribes and tribal organizations for construction, design, construction and renovation needs of health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities;

‘‘(3) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

‘‘(4) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

‘‘(b) CLOSURE OF FACILITIES.—

‘‘(1) IN GENERAL.—Notwithstanding any provision of law other than this subsection, no Service hospital or outpatient health care facilities or special care facility operated by the Service, may be closed if the Congress has not submitted to the President a report required under section 102 of the Indian Self-Determination and Education Assistance Act.

‘‘(2) TEMPORARY CLOSURE.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or safety reasons.

‘‘(c) PRIORITY SYSTEM.—

‘‘(1) ESTABLISHMENT.—The Secretary shall establish a health care facility priority system that shall—

‘‘(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

‘‘(B) give the needs of Indian tribes the highest priority, with additional priority being given to those service areas where the health status of Indians within the area, as measured by life expectancy based upon the most recent data available, is significantly lower than the average health status for Indians in all service areas; and

‘‘(C) at a minimum, include the lists required in paragraph (2)a and the methodology required in paragraph (2)b, except that the Secretary shall establish a health care facility priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority projects in the Indian Health Service budget justifications for fiscal year 2001, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

‘‘(2) REPORT.—The Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to the Congress under this subsection, the report that includes—

‘‘(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

‘‘(B) health care facility lists, including—

‘‘(i) the total health care facility planning, design, construction and renovation needs for Indian hospitals as reviewed by the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations;

‘‘(2) CONSTRUCTION OF LIST.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall—

‘‘(A) be developed with Indian tribes and tribal organizations through negotiated rulemaking under section 802;

‘‘(B) give the needs of Indian tribes the highest priority, with additional priority being given to those service areas where the health status of Indians within the area, as measured by life expectancy based upon the most recent data available, is significantly lower than the average health status for Indians in all service areas; and

‘‘(C) at a minimum, include the lists required in paragraph (2)a and the methodology required in paragraph (2)b, except that the Secretary shall establish a health care facility priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority projects in the Indian Health Service budget justifications for fiscal year 2001, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

‘‘(2) REPORT.—The Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to the Congress under this subsection, the report that includes—

‘‘(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

‘‘(B) health care facility lists, including—

‘‘(i) the total health care facility planning, design, construction and renovation needs for Indian hospitals as reviewed by the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations;

‘‘(2) CONSTRUCTION OF LIST.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall consult with Indian tribes and tribal organizations on taking place thereunder if the project was identified as one of the top 10 priority projects in the Indian Health Service budget justifications for fiscal year 2001, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

‘‘(2) REPORT.—The Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to the Congress under this subsection, the report that includes—

‘‘(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

‘‘(B) health care facility lists, including—

‘‘(i) the total health care facility planning, design, construction and renovation needs for Indian hospitals as reviewed by the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations;
Act of 1996 to the Secretary of Health and Human Services;

"(b) the Secretary of Health and Human Services is authorized to accept and use such funds to provide or construct eligible sanitation facilities to serve existing Indian homes and communities, and to new and renovated Indian homes and communities, and to supplement federal funds for such purposes under section 106 of the Act of June 25, 1910 (40 U.S.C. 276a-1) and the Act of August 18, 1978 (42 U.S.C. 284a); and

"(c) unless specifically authorized when funds are appropriated, the Secretary of Health and Human Services shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(D) if the Secretary of Health and Human Services is authorized to accept all Federal funds that are available for the purpose of providing sanitation facilities and related services and place those funds into funding agreements, authorized under the Indian Self-Determination and Education Assistance Act, between the Secretary and Indian tribes and tribal organizations;

"(E) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to provide water, sewage disposal, and solid waste facilities serving existing Indian homes; and

"(F) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities to serve Indian homes;

"(G) the methodology used to determine whether Indian and Indian community facilities have a deficiency or are below a certain standard shall be developed and applied to the implementation of such projects;

"(H) the Secretary of Health and Human Services shall enter into inter-agency agreements with the Bureau of Indian Affairs, the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection Agency and other appropriate Federal departments and agencies for the purpose of providing financial assistance for safe water supply and sanitary sewage and solid waste facilities to existing Indian homes and communities, and to new and renovated Indian homes and communities, and to supplement Federal funds for such purposes under section 106 of the Act of June 25, 1910 (40 U.S.C. 276a-1) and the Act of August 18, 1978 (42 U.S.C. 284a); and

"(I) the Secretary of Health and Human Services shall, by regulation developed through rulemaking under section 802, establish standards applicable to the planning, design and construction of water supply and sanitary sewage and solid waste disposal facilities serving existing Indian homes and communities, and to new and renovated Indian homes and communities;

"(d) CAPABILITY OF TRIBE OR COMMUNITY.—The financial and technical capability of an Indian tribe or community to safely construct and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary;

"(e) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to Indian tribes, tribal organizations and communities for the operation, management, and maintenance of their sanitation facilities.

"(f) RESPONSIBILITY FOR FEES FOR OPERATION AND MAINTENANCE.—The Indian family, community or tribe involved shall have the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating and maintaining sanitation facilities. If a finding is made that an Indian tribe or community is not capable of maintaining the sanitation facility, the area served by the sanitation facility, or in the case of the Secretary in the assistance of the tribe in the rescission of the problem on a short term basis through cooperation with the emergency coordinator or by providing operation and maintenance service.

"(g) ELIGIBILITY OF CERTAIN TRIBES OR ORGANIZATIONS.—Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for:

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing water supply, sewage disposal, or solid waste facilities; on an equal basis with programs that are administered directly by the Service.

"(h) REPORT.—

"(1) IN GENERAL.—The Secretary shall submit to the President, for inclusion in each budget report required by the Congress under section 801, a report which sets forth:

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies;

"(C) the level of initial and final sanitation deficiency for each sanitation facility for each project of each Indian tribe or community; and

"(D) the amount of funds necessary to reduce the identified sanitation deficiency levels of all Indian tribes and communities to a level I sanitation deficiency as described in paragraph (2)

"(2) CONSULTATION.—In preparing each report required under paragraph (1), the Secretary shall consult with Indian tribes and tribal organizations (including those tribes or tribal organizations operating health care programs or facilities under any funding agreements entered into with the Service under section 801) to determine the sanitation needs of each tribe and in developing the criteria on which the needs will be evaluated. Such determination shall be made in consultation with the Department of Health and Human Services.

"(3) METHODOLOGY.—The methodology used by the Secretary in determining, preparing and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian tribes and communities.

"(4) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual or community sanitation facility serving Indian homes are as follows:

"(A) A level I deficiency is a sanitation facility serving individual or community—

"(1) which complies with all applicable water supply, pollution control and solid waste disposal laws; and

"(2) in which the deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency is a sanitation facility serving individual or community—

"(1) which substantially or recently complied with all applicable water supply, pollution control and solid waste laws, in which the deficiencies relate to small or minor capital improvements needed to bring the facility back into compliance;

"(2) in which the deficiencies relate to capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(III) in which the deficiencies relate to the replacement or upgrade of equipment in an Indian Tribe or community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency is an individual or community facility where there is no water service in the home, piped services or a haul system with holding tanks and interior plumbing, or where major significant inter-

"(2) any funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004) to

"(g) ELIGIBILITY OF CERTAIN TRIBES OR ORGANIZATIONS.—Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for:

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing water supply, sewage disposal, or solid waste facilities; on an equal basis with programs that are administered directly by the Service.

"(h) REPORT.—

"(1) IN GENERAL.—The Secretary shall submit to the President, for inclusion in each budget report required by the Congress under section 801, a report which sets forth:

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies;

"(C) the level of initial and final sanitation deficiency for each type sanitation facility for each project of each Indian tribe or community; and

"(D) the amount of funds necessary to reduce the identified sanitation deficiency levels of all Indian tribes and communities to a level I sanitation deficiency as described in paragraph (2)

"(2) CONSULTATION.—In preparing each report required under paragraph (1), the Secretary shall consult with Indian tribes and tribal organizations (including those tribes or tribal organizations operating health care programs or facilities under any funding agreements entered into with the Service under section 801) to determine the sanitation needs of each tribe and in developing the criteria on which the needs will be evaluated. Such determination shall be made in consultation with the Department of Health and Human Services.

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"(A) A level I deficiency is a sanitation facility serving individual or community—

"(1) which complies with all applicable water supply, pollution control and solid waste disposal laws; and

"(2) in which the deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency is a sanitation facility serving individual or community—

"(1) which substantially or recently complied with all applicable water supply, pollution control and solid waste laws, in which the deficiencies relate to small or minor capital improvements needed to bring the facility back into compliance;

"(2) in which the deficiencies relate to capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(III) in which the deficiencies relate to the replacement or upgrade of equipment in an Indian Tribe or community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency is an individual or community facility where there is no water service in the home, piped services or a haul system with holding tanks and interior plumbing, or where major significant inter-
The list of priority facilities will be revised for the need for increased operating expenses, maintained a separate priority list to address pended; under any Federal law were lawfully ex-
ernization for which funds appropriated sistance Act, including funding agreement entered into under the In-
authorized to accept any major expansion, ren-
tained pursuant to paragraph (2).
(1) I N GENERAL.—The President, for inclusion in each report under section 801, the priority list main-
tained pursuant to paragraph (2).
(A) any plans or designs for such expan-
...to the Secretary, acting through the Service, to allocate or redesign thereunder.
(F) The Secretary shall submit the President, for inclusion in each report required to be transmitted to the Congress under section 802, the priority list maintained pursuant to paragraph (2).
(b) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation or modernization if—
(A) the tribe or tribal organization—
(i) have a total capacity appropriate to its projected service population;
(ii) provide annually not less than 500 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B); and
(iii) provide ambulatory care in a service area (specified in the funding agreement entered into under the Indian Self-Determination and Education Assistance Act) for a population of at least 500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1).
(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project to test alternative means of delivering health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.
(b) No INCLUSION IN REPORT.—Funding provided to Indian tribes and tribal organizations under this section shall be non-re-
curring and shall not be available for inclusion in any individual report for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care services provided to Indians, including hospice, tradi-
tional Indian health and child care facilities, to Indians.
(1) A PPLICATION.—The Secretary, acting through the Service, in ap-
(b) USE OF FUNDS.—The Secretary, in ap-
(C) the application submitted under this section includes the planning and design of such construction, expansion, or modernization of an ambulatory care facility—
(A) has a total capacity appropriate to its projected service population; and
(B) includes the planning and design of such construction, expansion, or modernization of an ambulatory care facility.
(1) I N GENERAL.—Funds provided under this section may be used only for the construction, expansion, or modernization of an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian tribe or tribal organization) pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.
(2) REQUIREMENT.—Funding under para-
graph (1) may only be made available to an Indian tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian tribe or tribal organization), to a health care delivery demonstration project to test alternative means of delivering health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.
(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project to test alternative means of delivering health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.
(F) The Secretary shall submit the President, for inclusion in each report required to be transmitted to the Congress under section 802, the priority list maintained pursuant to paragraph (2).
(b) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation or modernization if—
(A) the tribe or tribal organization—
(i) have a total capacity appropriate to its projected service population;
(ii) provide annually not less than 500 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B); and
(iii) provide ambulatory care in a service area (specified in the funding agreement entered into under the Indian Self-Determination and Education Assistance Act) for a population of at least 500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1).
(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project that benefits the service population described in clauses (ii) and (iii) of paragraph (1)(C). The requirements of such clauses (ii) and (iii) shall not apply to a tribe or tribal organization applying for funding under this section whose principal office for health care administration is located on an island or where such office is not located on an island but funding will result in direct access to an inpatient hospital where care is available to the service population.
(1) I N GENERAL.—The Secretary shall de-
velop and publish regulations through rule-
making under section 802 for the review and approval of applications submitted under this section. The Secretary may enter into a contract, funding agreement or award a grant under this section for projects which meet the following criteria:
(1) I N GENERAL.—The Secretary shall de-
velop and publish regulations through rule-
making under section 802 for the review and approval of applications submitted under this section. The Secretary may enter into a contract, funding agreement or award a grant under this section for projects which meet the following criteria:
(A) have a total capacity appropriate to its projected service population; and
(B) include the planning and design of such construction, expansion, or modernization of an ambulatory care facility.
(1) I N GENERAL.—The President, for inclusion in each report under section 801, the priority list main-
tained pursuant to paragraph (2).
(A) any plans or designs for such expan-
...to the Secretary, acting through the Service, to allocate or redesign thereunder.
"(D) The project has the potential to deliver services in an efficient and effective manner.

(E) The project is economically viable.

(F) The project is consistent with the overall planning, design, financing, site land development, construction, renovation of existing facilities, equipment and furnishing, other facility related costs, and capital purchase (but excluding staffing).

(G) The project is consistent with the overall planning, design, financing, site land development, construction, renovation of existing facilities, equipment and furnishing, other facility related costs, and capital purchase (but excluding staffing).

(H) The Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe or tribal organization.

(I) Ft. Yuma, California.

(J) Winnebago, Nebraska.

(K) Owyhee, Nevada.

(2) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and to advise the Secretary regarding such applications using the criteria specified (or analogous) to paragraphs (1) and (a).

(3) PRIORITY.—The Secretary shall give priority to applications for demonstration projects under this section in each of the following service units to the extent that such applications are filed in a timely manner and otherwise meet the criteria specified in paragraph (1):

(A) Yakima, Washington.

(B) Clinton, Oklahoma.

(C) Harlem, Montana.

(D) Mescalero, New Mexico.

(E) Fort Sill, Oklahoma.

(F) Parker, Arizona.

(G) Schurz, Nevada.

(H) Winnebago, Nebraska.

(1) TECHNICAL ASSISTANCE.—The Secretary shall provide technical and other assistance to any organization which may be necessary to enable applicants to comply with the provisions of this section.

(e) SERVICE TO INELIGIBLE PERSONS.—The authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Self-Determination health care practitioners as provided in this subpart may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

(f) EQUITABLE TREATMENT.—For purposes of subsection (c)(1)(A), the Secretary shall, in evaluating facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, treat, in a fully and equitably integrated manner, the implementation of the health care delivery demonstration projects under this section.

(2) LAND TRANSFER.—(a) GENERAL AUTHORITY FOR TRANSFERS.—Notwithstanding any other provision of law, the Secretary is authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

(b) CHEMAWA INDIAN SCHOOL.—(1) The Bureau of Indian Affairs is authorized to transfer, at no cost, land and improvements at the Chemawa Indian School, Salem, Oregon, to the Service for the provision of health care services. The land authorized to be transferred by this section is subject to the jurisdiction of the Service and occupied by the Chemawa Indian Health Center.

(2) SEC. 309. LEASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized, in carrying out the purposes of this Act, to make or guarantee loans to Indian tribes and tribal organizations for periods not in excess of 20 years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstrued or renovated by the Secretary pursuant to an agreement with such Indian tribe or tribal organization.

(2) SEC. 310. LOANS, LOAN GUARANTEES AND LOAN REPAYMENT.

(4) The Secretary may make or guarantee loans, or loan guarantees, for the construction and renovation of Indian tribes or tribal organizations which hold facilities used for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes, provided that the costs be considered as operating leases for the purposes of scoring under the Budget Enforcement Act, notwithstanding any other provision of law. Such cost recovery or, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable pursuant to regulations under section 1851(g) of the Indian Self-Determination and Education Assistance Act.

(3) SEC. 311. TRIBAL LEASING.

(a) AUTHORITY.—
(1) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian tribes and tribal organizations to establish joint venture demonstration projects under which an Indian tribe or tribal organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of the health facility.

(2) USE OF RESOURCES.—A tribe or tribal organization may utilize tribal funds, private sector, or other available resources, including loans, to fulfill its commitment under this subsection.

(3) ELIGIBILITY OF CERTAIN ENTITIES.—A tribe that has begun and substantially completed the process of acquisition or construction of a health facility shall be eligible to establish a joint venture project with the Service using such health facility.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement under subsection (a) with an Indian tribe or tribal organization consisting of—

(A) the Secretary first determines that the Indian tribe or tribal organization has the administrative and financial capabilities necessary to undertake, including planning, acquisition or construction of the health facility described in subsection (a)(1); and

(B) the Indian tribe or tribal organization meets the needs criteria that shall be developed through the negotiated rulemaking process provided for under section 802.

(2) CONTINUED OPERATION OF FACILITY.—The Secretary may enter into an agreement with the Indian tribe or tribal organization regarding the continued operation of a facility under this section at the end of the initial term period.

(3) BREACH OR TERMINATION OF AGREEMENT.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid by the United States for the construction or paid to a third party on the tribe’s or tribal organization’s behalf, under the agreement. The Secretary may use such funds for the acquisition of tangible property (including supplies), operating equipment, and capital and maintenance expenses, and any funds expended for operations and maintenance under this section. The preceding sentence shall not apply to funds expended for the delivery of health care services, or for personnel or staffing.

(d) RECOVERY FOR NON-USE.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section shall be entitled to recover from the United States an amount that is proportional to the value of such facility at any time within 10 years the Service ceases to use the facility or otherwise breaches the agreement.

(e) DEFINITION.—In this section, the terms ‘health facility’ or ‘health facilities’ include staff quarters needed to provide housing for the staff and health professionals.

SEC. 312. LOCATION OF FACILITIES.

(a) PRIORITY.—The Bureau of Indian Affairs and the Service shall, in all matters involving the reorganization or development of Service facilities, or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, give priority to locating such facilities on Indian lands that are requested by the Indian owner and the Indian tribe with jurisdiction over such lands or other lands owned or leased by the Indian tribe or tribal organization so long as priority is given to Indian land owned by an Indian tribe or tribes.

(b) DEFINITION.—In this section, the term ‘Indian lands’ means—

(1) all lands within the exterior boundaries of any Indian reservation; and

(2) any lands title to which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual subject to reversion to the United States or subject to restriction by the United States of any Indian reservation;

(c) USE OF INDIAN TRIBE’S OR TRIBAL ORGANIZATION’S FACILITIES.—An Indian tribe or tribal organization that exercises the authority provided under this subsection shall provide occupants with not less than 60 days notice of any change in rental rates.

(d) COLLECTION OF RENTS.—An Indian tribe or tribal organization that exercises the authority provided under this subsection shall provide occupants with not less than 60 days notice of any change in rental rates.

SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report that identifies the backlog of maintenance and repair work required at both Service and tribal facilities, including newly opened facilities in operation in the fiscal year after the year for which the report is being prepared. The report shall identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—

(1) IN GENERAL.—The Secretary may expend maintenance and improvement funds to support the maintenance of newly constructed space only if such space falls within the approved space allocation for the Indian tribe or tribal organization.

(2) DEFINITION.—For purposes of paragraph (1), the term ‘supportable space allocation’ shall be defined through the negotiated rulemaking process provided for under section 802.

(c) CONSTRUCTION OF REPLACEMENT FACILITIES.—

(1) IN GENERAL.—In addition to using maintenance and improvement funds for the maintenance of facilities under subsection (b), an Indian tribe or tribal organization may use such funds for the construction of a replacement facility if the costs of the renovation of such facility would exceed a maximum renovation cost threshold.

(2) DEFINITION.—For purposes of paragraph (1), the term ‘maximum renovation cost threshold’ shall be defined through the negotiated rulemaking process provided for under section 802.

SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

(a) ESTABLISHMENT OF RENTAL RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe or tribal organization which operates a hospital or other provision of law, an Indian tribe or tribal organization, pursuant to authority granted in subsection (a), establishes rental rates for Federally-owned quarters, such retrocession shall become effective on the earlier of—

(A) the first day of the month that begins not less than 180 days after the Indian tribe or tribal organization notifies the Secretary of its desire to retrocede; or

(B) such other date as may be mutually agreed upon by the Secretary and the Indian tribe or tribal organization.

(2) RATES.—To the extent that an Indian tribe or tribal organization, pursuant to authority granted in subsection (a), establishes rental rates for Federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

SEC. 315. APPLICABILITY OF BUY AMERICAN REQUISITION.

(a) IN GENERAL.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with the proceeds provided pursuant to the authorization contained in section 318, except that Indian tribes and tribal organizations shall be allowed the same exceptions as other Federal agencies.

(b) FALSE OR MISLEADING LABELING.—If it has been finally determined by a court or
Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped from the States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act to an Indian tribe or tribal organization pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(c) Definition.—In this section, the term ‘Buy American Act’ means title III of the Act entitled ‘An Act making appropriations for the Postal Service and Federal Offices, for the fiscal year ending June 30, 1934, and for other purposes’, approved March 3, 1933 (4 U.S.C. 450 et seq.).

SEC. 317. OTHER FUNDING FOR FACILITIES.

‘‘Notwithstanding any other provision of law—

‘‘(1) the Secretary may accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design and construct health care facilities for Indians and to place such funds into funding agreements authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) between the Secretary and an Indian tribe or tribal organization, except that the receipt of such funds shall not have an effect on the priorities established pursuant to section 309.

‘‘(2) the Secretary may enter into interagency agreements with other Federal or State agencies and other entities and accept funds from such Federal or State agencies or other entities to provide for the planning, design and construction of health care facilities to be administered by the Service or by the Indian tribe or tribal organization under the Indian Self-Determination and Education Assistance Act in order to carry out the purposes of this Act, together with the purposes for which such funds are appropriated to such other Federal or State agency or for which the funds were otherwise provided.

‘‘(3) any Federal agency to which funds for the construction of health care facilities are appropriated are authorized to transfer such funds or portions thereof to the Secretary for the construction and operation of health care facilities to carry out the purposes of this Act as well as the purposes for which such funds are appropriated to such other Federal agency and

‘‘(4) the Secretary, acting through the Service, shall establish standards under regulations developed through rulemaking under section 802, for the planning, design and construction of health care facilities serving Indians under this Act.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for fiscal year through fiscal year 2013 to carry out this title.

TITLE IV—ACCESS TO HEALTH SERVICES

SEC. 401. TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM.

(a) In General.—Any payments received by the Service, by an Indian tribe or tribal organization in pursuance of this title under the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization pursuant to title V of this Act are payments to an Indian tribe or tribal organization for the purpose of making any improvements in the facilities of such Indian tribe or tribal organization which provides services for which payment is available under title XIX, or XXI of the Social Security Act, and for the purpose of making any improvements in the facilities of such Indian tribe or tribal organization which any facility of the Service is entitled to receive and that are in excess of the amount necessary to achieve or maintain compliance with the applicable conditions and requirements of this title and of title XVIII of the Social Security Act. Any funds to be reimbursed which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes.

(b) Treatment.—Nothing in this Act authorizes the Secretary to provide serv-
or contract entered into with an urban Indian organization under title V of this Act. Notwithstanding any other provision of law, such agreements shall provide for reimbursement of the costs of outreach, education, including self-care, related to the prevention and management of diabetes, and the training when such services are provided. The reimbursement provided under any contract shall be on a fee-for-service basis as appropriate for the provider. When necessary to carry out the terms of this section, the Secretary, acting through the Health Care Financing Administration or the Service, may enter into agreements with a State (or political subdivision thereof) to facilitate the operation of such programs. In such agreements, the Service, an Indian tribe or tribal organization, or an urban Indian organization.

"(d) IN GENERAL.-(1) The Secretary shall make grants or enter into contracts with urban Indian organizations to assist such organizations in establishing and administering programs to assist individual urban Indians to—

"(A) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

"(B) pay premiums on behalf of such individuals for coverage under title XVIII of such Act; and

"(C) pay for medical assistance provided under title XIX of such Act and for child health assistance under title XXI of such Act.

"(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or entered into under paragraph (1) requirements that are—

"(A) consistent with the conditions imposed by the Secretary under subsection (b);

"(B) appropriate to urban Indian organizations and urban Indians; and

"(C) necessary to carry out the purposes of this section.

"SEC. 405. DIRECT BILLING AND REIMBURSEMENT OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

"(a) ESTABLISHMENT OF DIRECT BILLING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Indian Health Service, the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, medically necessary services in such hospitals or clinics for which payment is made under the medicare program established under title XVII of the Social Security Act (42 U.S.C. 1396 et seq.), under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or from any other third party payor.

"(2) USE OF FUNDS.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under titles XVII and XIX of the Social Security Act for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395(q)(c)) and sections 402(a) and 407(b) of the Social Security Act, except that such portion of the reasonable charges as the Secretary determines to be necessary to achieve the purposes of this section, including the conditions and requirements applicable generally to facilities of such type under title XVIII or XIX of the Social Security Act. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

"(A) solely for improving the health resources deficiency level of the Indian tribe; and

"(B) in accordance with the regulations of the Service established by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450 et seq.).

"(2) APPROVAL.—In determining the amount paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered by the Service and to facilities participating in the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act.

"(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

"(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding the provisions of the Social Security Act (42 U.S.C. 1395(q)(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

"(5) REQUIREMENTS FOR PARTICIPATION.—

"(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

"(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

"(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395 et seq.);

"(C) the facility meets the requirements that apply to programs operated directly by the Service; and

"(D) the facility—

"(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

"(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

"(2) APPROVAL.—

"(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that the criteria set forth in paragraph (1) are not met.

"(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 2000 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

"(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a qualified application under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

"(4) EXAMINATION AND IMPLEMENTATION OF CONTROLS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis the operation of the program established under this section, in order to determine any agreements with States that may be necessary to provide for direct billing under title XIX of the Social Security Act; and

"(2) DISQUALIFICATION OF PROGRAM.—If the Secretary determines that any of the criteria described in subsection (a)(5)(D) are not met, the Secretary shall disapprove the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

"(5) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required by the Secretary for the operation of programs administered directly by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 2000. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

"(6) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Service under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary’s acceptance of the withdrawal of participation in this program.

"SEC. 406. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

"(a) RIGHT OF RECOVERY.—Except as provided in subsections (b) and (c), an Indian tribe or tribal organization shall have the right to recover the reasonable charges billed or expenses incurred by the Secretary or a contractor in providing health services, through the Service or an Indian tribe or tribal organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if—

"(1) such services have been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such expenses.

"(b) URBAN INDIAN ORGANIZATIONS.—Except as provided in subsection (g), an urban Indian organization that contracts or compacts for the operation of a hospital or clinic shall have the right to recover the reasonable charges billed or expenses incurred by the Secretary or a contractor in providing health services, through the Service or an Indian tribe or tribal organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if—

"(1) such services have been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such expenses.

"(c) LIMITATIONS ON RECOVERIES FROM CERTAIN THIRD PARTIES.

"(1) IN GENERAL.—The Secretary, acting through the Service, shall determine the right of recovery against any State, only if the injury, illness, or disability for
which health services were provided is covered under—

"(1) workers’ compensation laws; or

"(2) a no-fault automobile accident insurance plan provided to participants.

"(d) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract or other agreement renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery provided under subsection (a), or any urban Indian organization under subsection (a), or an urban Indian organization under subsection (b).

"(e) METHODS OF ENFORCEMENT.—

"(1) IN GENERAL.—The United States or an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (a), or any urban Indian organization may enforce the right of recovery provided under subsection (b), by—

"(A) intervening or joining in any civil action

"(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

"(ii) by any representative or heirs of such

"(B) instituting a civil action.

"(2) All reasonable efforts shall be made to provide notice of an action instituted in accordance with paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendancy of such action.

"(f) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice to the Secretary), the Secretary, the Service, an urban Indian organization, or an Indian tribe may not use any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

"(g) NO OFFSET OF FUNDS.—The Service shall not be entitled to any Federal, State, or local, or other provision of law, including the Anti-Deficiency Act, to deduct moneys obligated to any Indian tribe or tribal organization to provide health care services to Indians.

"(h) COSTS AND ATTORNEYS FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded reasonable attorneys fees and costs of litigation.

"(i) RIGHT OF ACTION AGAINST INSURERS AND EMPLOYEE BENEFIT PLANS.—

"(1) IN GENERAL.—Where an insurance company or employee benefit plan fails or refuses to pay the amount due under subsection (a) for services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the United States or an Indian tribe or tribal organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal, State or tribal law.

"(2) URBAN INDIAN ORGANIZATIONS.—Where an insurance company or employee benefit plan fails or refuses to pay the amount due under subsection (b) for health services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the United States or any urban Indian organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal or State law.

"(j) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—Notwithstanding any other provision in law, the Service, an Indian tribe or tribal organization, or an urban Indian organization shall have a right of recovery for any otherwise reimbursable claim filed on a current HCFA-1500 or UB-92 form, or the current NSF electronic form, or theirsuccessors. No health plan shall deny payment because a claim has not been submitted in a unique format that differs from such forms.

"SEC. 407. CREDITS OF REIMBURSEMENTS.

"(a) REFERENCE OF FUNDS.—Except as provided in section 232(d), this title, and section 807, all reimbursements received or recovered under this Act, Public Law 87-693, or any other provision of law, by reason of the provision of health services by the Service or by an Indian tribe or tribal organization pursuant to the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization, or any urban Indian organization funded under title V, shall be retained by the Service or that tribe or tribal organization and shall be available for the facilities, and to carry out the programs, the Secretary, or that tribe or tribal organization to provide health care services to Indians.

"(b) NO OFFSET OF FUNDS.—The Service may not offset or limit the amount of funds obligated to any service unit or entity receiving funds from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 408. PURCHASING HEALTH CARE COVERAGE.

"An Indian tribe or tribal organization, and an urban Indian organization may utilize funding from the Secretary under this Act to purchase managed care coverage for its employees, and any dependent family members of such employees, for all benefits eligible under the Secretary’s determinations with other Federal agencies to assist in creating any right of a veteran to obtain health services from the Service.

"SEC. 410. PAYOR OF LAST RESORT.

"The Service, and programs operated by Indian tribes or tribal organizations, or urban Indian organizations shall be the payor of last resort for services provided to Indians eligible to receive health services through the Service and such programs, notwithstanding any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

"SEC. 411. RIGHT TO RECOVER FROM FEDERAL HEALTH CARE PROGRAMS.

"Notwithstanding any other provision of law, the Service, Indian tribes or tribal organizations, and urban Indian organizations (notwithstanding limitations on who is eligible to receive services from such entities) shall be entitled to any Federal, State or local, or other provision of law, including the Anti-Deficiency Act, to collect funds obligated to any Federal, State, or local, or any other provision of law, including the Anti-Deficiency Act, to collect funds obligated to any Indian tribe to be served in such service demonstration project authorized under this Act, or to any Federal, State, or local law to the contrary, unless such law explicitly provides otherwise.

"SEC. 412. TUBA CITY DEMONSTRATION PROJECT.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Service, for services from the Service and for medical assistance under title XIX of the Social Security Act in return for payment on a capitated basis from the State of Arizona; and

"(2) purchase insurance to limit the financial risks under the project.

"(b) EXTENSION OF PROJECT.—The demonstration project authorized under subsection (a) may be extended to other service units in Arizona, subject to the approval of the Indian tribes to be served in such service units, the Service, and the State of Arizona.

"SEC. 413. ACCESS TO FEDERAL INSURANCE.

"Notwithstanding the provisions of title 5, United States Code, Executive Order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and

"(c) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

"(1) workers’ compensation laws; or

"(2) a no-fault automobile accident insurance plan provided to participants.

"(d) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract or other agreement renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery provided under subsection (a), or any urban Indian organization under subsection (a), or an urban Indian organization under subsection (b).

"(e) METHODS OF ENFORCEMENT.—

"(1) IN GENERAL.—The United States or an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (a), or any urban Indian organization may enforce the right of recovery provided under subsection (b), by—

"(A) intervening or joining in any civil action

"(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

"(ii) by any representative or heirs of such individual; or

"(B) instituting a civil action.

"(2) All reasonable efforts shall be made to provide notice of an action instituted in accordance with paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendancy of such action.

"(f) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice to the Secretary), the Service, nor an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (b), (by—

"(A) intervening or joining in any civil action

"(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

"(ii) by any representative or heirs of such individual; or

"(B) instituting a civil action.

"(g) NO OFFSET OF FUNDS.—The Service may not offset or limit the amount of funds obligated to any service unit or entity receiving funds from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 408. PURCHASING HEALTH CARE COVERAGE.

"An Indian tribe or tribal organization, and an urban Indian organization may utilize funding from the Secretary under this Act to purchase managed care coverage for its employees, and any dependent family members of such employees, for all benefits eligible under the Secretary’s determinations with other Federal agencies to assist in creating any right of a veteran to obtain health services from the Service.

"SEC. 410. PAYOR OF LAST RESORT.

"The Service, and programs operated by Indian tribes or tribal organizations, or urban Indian organizations shall be the payor of last resort for services provided to Indians eligible to receive health services through the Service and such programs, notwithstanding any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

"SEC. 411. RIGHT TO RECOVER FROM FEDERAL HEALTH CARE PROGRAMS.

"Notwithstanding any other provision of law, the Service, Indian tribes or tribal organizations, and urban Indian organizations (notwithstanding limitations on who is eligible to receive services from such entities) shall be entitled to any Federal, State or local, or other provision of law, including the Anti-Deficiency Act, to collect funds obligated to any Indian tribe to be served in such service demonstration project authorized under this Act, or to any Federal, State, or local law to the contrary, unless such law explicitly provides otherwise.

"SEC. 412. TUBA CITY DEMONSTRATION PROJECT.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Service, for services from the Service and for medical assistance under title XIX of the Social Security Act in return for payment on a capitated basis from the State of Arizona; and

"(2) purchase insurance to limit the financial risks under the project.

"(b) EXTENSION OF PROJECT.—The demonstration project authorized under subsection (a) may be extended to other service units in Arizona, subject to the approval of the Indian tribes to be served in such service units, the Service, and the State of Arizona.

"SEC. 413. ACCESS TO FEDERAL INSURANCE.

"Notwithstanding the provisions of title 5, United States Code, Executive Order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and
Education Assistance Act or an urban Indian organization carrying out programs under title V of this Act shall be entitled to purchase coverage, rights and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5, United States Code, and chapter 87 of such title if necessary to implement and comply with requirements in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, as are currently deposited in the applicable Employee’s Fund under such title.

SEC. 415. LIMITATION ON CHARGES.

Notwithstanding any other provision of this Act, no Indian tribe or tribal organization, or urban Indian organization shall seek to recover payment for services to an Indian in a health program of the Service, an Indian Tribe or tribal organization, or an urban Indian organization from any third party required by contract, section 206 provision of Federal or State law, or other applicable law, to pay or reimburse the reasonable health care costs incurred by the United States or any such Indian tribe or tribal organization or urban Indian organization; provided the exchange arises from or relates to such services that would be due from the Indian, or, for the purposes of this section, the term 'remuneration' as used in sections 1126A and 1126B of the Social Security Act shall not include any exchange of anything of value between or among—

(1) any Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act; or

(2) any such Indian tribe or tribal organization or urban Indian organization and the Service;

(3) any such Indian tribe or tribal organization or urban Indian organization and any patient served or eligible for service under such programs, including patients served or eligible for service under section 13084 of May 14, 1998, with the Service, Indian tribes or tribal organizations, and urban Indian organizations;

(4) any such Indian tribe or tribal organization or urban Indian organization and any patient served or eligible for service under such programs, including patients served or eligible for service under section 13084 of May 14, 1998, with the Service, by an Indian tribe or tribal organization, or urban Indian organization, are directly responsible for administering the State health care program.

SEC. 419. CO-INSURANCE, CO-PAYMENTS, DEDUCTIBLES AND PREMIUMS.

(a) EXEMPTION FROM COST-SHARING REQUIREMENTS.—Notwithstanding any other provision of law, each Indian who is eligible for services under title XVIII, XIX, or XXI of the Social Security Act or from any Federally funded (whether in whole or part) health care program may seek to recover payment for services—

(1) that are covered under and furnished to an individual eligible for the contract health services program operated by the Service, by an Indian tribe or tribal organization or an urban Indian organization, for the Indian's reasonable health care costs incurred by an Indian tribe or tribal organization for health services purchased by an urban Indian organization, in an amount in excess of the lowest amount paid by any other payor for similar services for the Indian provided by or through the Service, an Indian tribe or tribal organization, or by any other Federal, State, or local antitrust laws, with regard to any transaction, agreement, or conduct that relates to such programs.

SEC. 420. INCLUSION OF INCOME AND RESOURCES FOR PURPOSES OF MEDICAID ELIGIBILITY.

For the purpose of determining the eligibility for services under sections 1396a and 1396b of the Social Security Act of an Indian for medical assistance under a State plan under title XIX of such Act, the cost of providing services to an Indian in a health program of the Service, an Indian Tribe or tribal organization, or an urban Indian organization shall be deemed to have been an expenditure for health care services.
tribe or tribal organization, or an urban Indian organization has entered into an agreement with a managed care entity regarding any other health care program funded through any provision of title XIX of the Social Security Act for purposes of Title XIX of the Social Security Act for purposes of providing services to Indians or rates to be paid under such agreements the State may have entered into with managed care organizations or providers.

(1) ADVERTISING.—A managed care organization shall provide a certificate of coverage or similar type of document that is written in the Indian language of the major-respondent, and 1 member representing the Service area, 1 urban Indian organization representative, and 1 member representing the Service. The scope of the activities of such group shall be established by section 802 provided that such scope shall include providing comment on and advice regarding the provision of services to Indians under title XXI of the Social Security Act or regarding any other health care program funded (in whole or part) by the Health Care Financing Administration.

(2) INDIAN MEDICAID ADVISORY COMMITTEES.—The Administrator of the Health Care Financing Administration shall establish and provide funding for an Indian Medicaid Advisory Committee made up of designees of the Service, Indian tribes and tribal organizations, urban Indian organizations in each State in which the Service directly operates a health program or in which there is one or more Indian tribe or tribal organization.

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2013 to carry out this title."

TITLE V—HEALTH SERVICES FOR URBAN INDIANS

SEC. 501. PURPOSE.

The purpose of this title is to establish programs in urban centers to make health services more accessible and available to urban Indians.

SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

(1) AUTHORITY.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13)(commonly known as the Snyder Act), the Secretary, through the Service, shall enter into contracts with, and make grants to, urban Indian organizations to assist such organizations in the establishment, management, and administration of urban centers, of programs which meet the requirements set forth in this title. The Secretary, through the Service, shall enter into contracts with, and make grants to, urban Indian organizations for the provision of health care and referral services for urban Indians. Any such contract or grant shall include requirements that the urban Indian organization successfully undertake to:

(1) estimate the population of urban Indians residing in each urban center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

(2) estimate the current health status of urban Indians residing in each urban center or centers;

(3) estimate the current health care needs of urban Indians residing in each urban center or centers;

(4) provide basic health education, including health promotion and disease prevention education, to urban Indians;

(5) make recommendations to the Secretary, acting through the Service, for the determination of urban centers, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

(6) whenever necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

(b) CRITERIA.—The Secretary, acting through the Service, shall adopt criteria pursuant to section 529 prescribe the criteria for selecting urban Indian organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

(1) the extent of unmet health care needs of urban Indians in the urban center or centers involved;

(2) the size of the urban Indian population in the urban center or centers involved;
SEC. 503. CONTRACTS AND GRANTS FOR THE DELIVERY OF URBAN HEALTH SERVICES.

(a) AUTHORITY.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, may enter into contracts with, or make grants to, urban Indian organizations administering services to urban Indians, including child health services, maternal and child health services, mental health services, and other services.

(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the delivery of health services to urban Indians, including the identification and assessment of health care needs, the development of strategies to address those needs, and the delivery of health care services to urban Indians.

(c) UTILIZATION OF FUNDS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

(1) the urban Indian organization successfully undertake to—

(A) provide primary health care services, including immunization services, to urban Indians;

(B) to develop innovative behavioral health care delivery models which incorporate Indian cultural support systems and resources.

(d) DETERMINATION OF RENEWAL.—In determining whether to renew a contract or grant with an urban Indian organization which has entered into a contract or received a grant under section 503 with another urban Indian organization and has demonstrated the ability to meet the performance requirements of this section, the Secretary shall consider the organization’s progress in delivering quality health care services to urban Indians, including the organization’s ability to meet the performance requirements of this section.
records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract or grant under section 533, shall consider the results of any prior evaluations or accreditation under subsection (b).

SEC. 508. OTHER CONTRACT AND GRANT REQUIREMENTS.

"(a) Application of Federal Law. — Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (49 U.S.C. 270a, et seq.).

"(b) Payments. — Payments under any contracts or grants pursuant to this title shall, notwithstanding any term or condition of such contract or grant—

"(1) be made in their entirety by the Secretary to the urban Indian organization by not later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 503 that the organization is not capable of administering such payments in their entirety;

"(2) if unexpended by the urban Indian organization for the purposes for which Federal funds were expended in the case of a renewal of a contract or grant under section 502 or 503, be carried forward for expenditures with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward such funds;

"(c) Revising or Amending Contract. — Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) Fair and Uniform Provision of Services. — Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

"(e) Eligibility of Urban Indians. — Urban Indians, as defined in section 4(f), shall be eligible for health care or referral services provided under this title.

SEC. 509. REPORTS AND RECORDS.

"(a) Report. — For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into, or a grant received, pursuant to this title, such organization shall submit to the Secretary, on a basis no more frequent than once every 3 years, a report for the preceding fiscal year. Such report shall—

"(1) be submitted to the Secretary in the format prescribed by the Secretary, after consultations consistent with section 514, with urban Indian organizations.

"(b) Audits. — The Secretary may make or cause to be made an audit of the urban Indian organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) Cost of Audit. — The Secretary shall allow as a cost of any contract or grant entered into under section 502 or 503, or cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified accounting firm qualified to conduct Federal compliance audits.

SEC. 508. LIMITATION ON CONTRACT AUTHORIZATION.

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, as determined in appropriation Acts.

SEC. 509. FACILITIES.

"(a) Grants. — The Secretary may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) Loans or Loan Guarantees. — The Secretary, acting through the Service or through the Health Resources and Services Administration, may make loans to contractors or grant recipients under this title from the Urban Indian Health Care Facilities Revolving Loan Fund (referred to in this section as the ‘‘URLF’’ as described in subsection (c), or guarantees for loans, for the construction, renovation, expansion, or purchase of health care facilities, subject to the following requirements:

"(1) The principal amount of a loan or loan guarantee may cover 100 percent of the costs (other than staffing) of public or private facilities, including planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, medical equipment, furnishings, and capital purchases.

"(2) The total amount of the principal of loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriations Acts.

"(3) The loan or loan guarantee may have a term of the shorter of the estimated useful life of the facility, 25 years, or 20 years.

"(4) An urban Indian organization may assign, and the Secretary may accept assignment of, the revenue of the organization as security for a loan or loan guarantee under this subsection.

"(5) The Secretary shall not collect application, processing, or similar fees from urban Indian facilities applying for loans or loan guarantees under this subsection.

"(c) Establishments. — There is established in the Treasury of the United States a fund to be known as the Urban Indian Health Care Facilities Revolving Loan Fund. The URLF shall consist of—

"(1) such amounts as may be appropriated to the URLF;

"(2) amounts received from urban Indian organizations in repayment of loans made to such organizations under paragraph (2); and

"(3) interest earned on amounts in the URLF under paragraph (3).

"(d) Use of URLF. — Amounts in the URLF may be expended by the Secretary, acting through the Service or the Health Resources and Services Administration, to make loans available to urban Indian organizations receiving grants or contracts under this title for the purposes, and subject to the requirements, and conditions specified in paragraphs (b) and (c) of subsection (a).

SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES.

"(a) Grants. — The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol use and abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title or under section 502.

"(b) Goals of Grant. — Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) Criteria. — The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to—

"(1) size of the urban Indian population;

"(2) capability of the organization to adequately perform the activities required under the grant;

"(3) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(4) identification of need for services. The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) Treatment of Funds Received by Urban Indian Organizations. — Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"(a) Tulsa and Oklahoma City Clinics. — Notwithstanding any other provision of law, the Tulsa and Oklahoma City Clinic demonstration projects shall become permanent programs within the Service’s direct care program and continue to be treated as service units in the allocation of resources and coordination of care, and shall continue to meet the requirements and definitions of an urban Indian health care facility so as not to be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

"(b) Reports. — The Secretary shall submit to the President, for inclusion in the report required to be submitted to the Congress...
under section 801 for fiscal year 1969, a report on the findings and conclusions derived from the demonstration projects specified in subsection (a).

SEC. 515. URBAN NIAAA TRANSFERRED PROGRAMS.

(1) GRANTS AND CONTRACTS. The Secretary, acting through the Office of Urban Indian Health Service, shall award grants or enter into contracts, effective not later than September 30, 2002, with urban Indian organizations for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (referred to in this section as "NIAAA") and transfers the property or, if earlier, the date on which the Secretary transfers title to the urban Indian tribe or tribal organization before the date on which the Secretary transfers the property physically, to the urban Indian organization for a purpose for which a grant or contract was entered into a contract or received a grant pursuant to this title any personal or real property for donation, subject to subsection (d), to an urban Indian tribe or tribal organization if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

(2) DONATION OF PROPERTY. The Secretary may donate an urban Indian organization, that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to existing facilities and all equipment or pertaining thereto and other personal property owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(3) ACQUISITION OF PROPERTY. The Secretary may acquire property by purchase, gift, bequest, or devise, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

(4) PRIORITY. In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian organization and from an Indian tribe or tribal organization, the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization if the Secretary receives the request from the Indian tribe or tribal organization before the date on which the Secretary receives the request to the property or, if earlier, the date on which the Secretary transfers the property physically, to the urban Indian organization.

SEC. 516. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

(a) CONSTRUCTION AND OPERATION. The Secretary, acting through the Service, shall, through grants or contracts, make payment for the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to urban Indian youth in a culturally competent setting.

(b) STATES. A State described in this subsection is a State in which—

(1) there reside urban Indian youth with a need for aftercare and substance abuse treatment services in a residential setting; and

(2) there is a significant shortage of culturally competent residential treatment services for urban Indian youth.

SEC. 517. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

(a) IN GENERAL. The Secretary shall permit any Indian tribe or urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to use existing facilities and all equipment or pertaining thereto and other personal property owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(b) DONATION OF PROPERTY. Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Service or the Department to urban Indian organizations for the purpose of carrying out the contract or grant.

(c) ACQUISITION OF PROPERTY. The Secretary may acquire property by purchase, gift, bequest, or devise, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

(d) PRIORITY. In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian organization and from an Indian tribe or tribal organization, the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization if the Secretary receives the request from the Indian tribe or tribal organization before the date on which the Secretary receives the request to the property or, if earlier, the date on which the Secretary transfers the property physically, to the urban Indian organization.

SEC. 518. GRANTS FOR DIABETES PREVENTION, TREATMENT AND CONTROL.

(a) AUTHORITY. The Secretary may make grants to those urban Indian organizations that have entered into a contract or have received a grant pursuant to this title for the provision of services for the prevention, treatment, and control of diabetes resulting from, diabetes among urban Indians.

(b) GOALS. Each grant made pursuant to subsection (a) shall set forth the need for diabetes among urban Indians to be accomplished under the grant. The goals shall be specific to each grant as agreed upon between the Secretary and the grantee.

(c) CRITERIA. The Secretary shall establish criteria for the awarding of grants made pursuant to subsection (a) relating to—

(1) the scope of the urban Indian population to be served;

(2) the need for the prevention of, treatment and control of the complications resulting from, diabetes among urban Indians;

(3) performance standards for the urban Indian organization in meeting the goals set forth in paragraph (1) or (2); and

(4) the willingness of the urban Indian organization to collaborate with the Secretary, any State, or urban Indian tribe or tribal organization.

SEC. 519. COMMUNITY HEALTH REPRESENTATIVES.

The Secretary, acting through the Service, may enter into contracts or make grants to, urban Indian organizations for the purpose of training health care professionals through the Community Health Representatives Program established under section 107(b) in the provision of health care, health promotion, and disease prevention services to urban Indians.

SEC. 520. REGULATIONS.

(a) EFFECT OF TITLE. This title shall be effective on the date of enactment of this Act regardless of whether the Secretary has promulgated regulations implementing this title.

(b) PROMULGATION. In general—

(1) the Secretary may promulgate regulations to implement this title and regulations which place in effect the policies specified in this title.

(2) PROPOSED—Proposed regulations to implement this title shall be published by the Secretary in the Federal Register not later than 270 days after the date of enactment of this Act and shall have a comment period of not less than 45 days.

(c) NEGOTIATED RULEMAKING. Negotiated rulemaking committee shall be established pursuant to section 565 of title 5, United States Code, to

SEC. 521. CONSTRUCTION AND OPERATION.

The Service, the Health Care Financing Administration, and other operating divisions of the Department who provide health care services pursuant to an agreement or contract with the Secretary shall be deemed an executive agency when carrying out the functions of this Act.

SEC. 522. PROHIBITION ON USE OF FUNDING.

No money shall be used by the Service, the Health Care Financing Administration, and other operating divisions of the Department to provide services or support for research, training, development, demonstration, dissemination, or other program activities that are not in accordance with this title.

SEC. 523. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL. The Secretary shall consult with the Urban Indian organizations to perform the functions of this title.

(b) PROVISIONAL—In the event that the Secretary determines that consultation with the Urban Indian organizations will not be feasible for reasons of emergency, the Secretary may perform the functions of this title by other means approved by the Congress.

(c) CONSTRUCTION AND OPERATION.

The Secretary shall consult with the U.S. Public Health Service, the Indian Health Service, and other appropriate organizations to perform the functions of this title.

(d) PROVISIONAL—In the event that the Secretary determines that consultation with the U.S. Public Health Service, the Indian Health Service, and other appropriate organizations will not be feasible for reasons of emergency, the Secretary may perform the functions of this title by other means approved by the Congress.
carry out this section and shall, in addition to Federal representatives, have as the majority of its members representatives of urban Indian organizations from each service area.

“(d) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rule-making procedures to the unique context of this Act.

SEC. 521. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2013 to carry out this title.

TITLE VI—ORGANIZATIONAL REQUIREMENTS

SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United Staff for Indian Health care services to Indians and Indian tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

“(2) ASSISTANT SECRETARY OF INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary of Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 1993, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

“(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

“(c) FUNCTIONS AND DUTIES.—The Secretary shall carry out through the Assistant Secretary of the Service—

“(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1988, carried out by or under the direction of the individual serving as Director of the Service on such day;

“(2) all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

“(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

“(A) this Act;

“(B) the Act of November 2, 1921 (25 U.S.C. 131 et seq.); (C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

“(D) the Act of August 16, 1957 (42 U.S.C. 250 et seq.); and

“(E) the Indian Self-Determination Act (25 U.S.C. 450f, et seq.); and

“(4) all scholarship and loan funds carried out under title I.

“(b) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

“(A) to continue the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

“(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

“(C) to manage, expend, and obligate all funds appropriated for the Service.

“(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of title 5 of title 45, United States Code, and section 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment with Indian programs which include identification, prevention, education, referral, and treatment services, including through multi-disciplinary resource teams;

“(b) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access; and

“(c) modify or supplement existing programs and authorities in the areas identified in paragraph (2).

“(b) BEHAVIORAL HEALTH PLANNING.—

“(1) AREA-WIDE PLANS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, encourage urban Indian organizations to develop plans with such groups to participate in developing area-wide plans for Indian Behavioral Health Services. The plans shall, to the extent feasible, include—

“(A) an assessment of the scope of the problem of alcohol or other substance abuse, mental illness, dysfunctional and self-destructive behavior, including suicide, child abuse and family violence, among Indians, including—

“(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; and

“(ii) an estimate of the financial and human cost attributable to such illness or behavior;

“(B) an assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c);

“(c) the establishment of a national clearinghouse for Indian behavioral health services.

“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, in consultation with tribes, tribal organizations, and urban Indian organizations, shall establish an automated management information system for the Indian Health Service.

“(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

“(A) a financial management system;

“(B) a patient care information system;

“(C) a privacy component that protects the privacy of patient information;

“(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each area office of the Service;

“(E) an interface mechanism for patient billing and accounts receivable system; and

“(F) a training component.

“(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Indian tribe and tribal organization that provides health services under a contract entered into with the Service under the Indian Self-Determination Act automated management information systems which—

“(1) meet the management information needs of such Indian tribe or tribal organization with respect to the treatment by the Indian tribe or tribal organization of patients of the Service; and

“(2) meet the management information needs of the Service.

“(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

“(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or other arrangements with Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian health programs and facilities.

“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2013 to carry out this title.

TITLE VII—BEHAVIORAL HEALTH PROGRAMS

SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

“(a) PURPOSES.—It is the purpose of this section to—

“(1) authorize and direct the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations to develop a comprehensive behavioral health prevention and treatment program which will include the following:

“(A) the development of an approach to health that will be focused on prevention and treatment of alcohol and substance abuse, social services, and mental health problems;

“(2) provide information, direction and guidance to mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State and local agencies responsible for health care services, including emergency services, in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement and judicial services;

“(3) assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior;

“(4) provide authority and opportunities for Indian tribes to develop and implement, in coordination with other Federal programs which include identification, prevention, education, referral, and treatment services, including through multi-disciplinary resource teams;

“(5) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access; and

“(6) modify or supplement existing programs and authorities in the areas identified in paragraph (2).

“(b) BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

“(1) NATION-WIDE PLANS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, encourage urban Indian organizations to develop plans with such groups to participate in developing area-wide plans for Indian Behavioral Health Services. The plans shall, to the extent feasible, include—

“(A) an assessment of the scope of the problem of alcohol or other substance abuse, mental illness, dysfunctional and self-destructive behavior, including suicide, child abuse and family violence, among Indians, including—

“(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; and

“(ii) an estimate of the financial and human cost attributable to such illness or behavior;

“(B) an assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c);

“(C) an estimate of the additional funding needed by the Service, Indian tribes, tribal organizations and urban Indian organizations to meet their responsibilities under the plans.

“(2) NATIONAL CLEARINGHOUSE.—The Secretary shall establish a national clearinghouse of plans and reports on the outcomes of such plans development and implementation by Indian tribes, tribal organizations and by areas relating to behavioral health. The Secretary shall ensure access to such plans and outcomes by any Indian tribe, tribal organization, urban Indian organization or the Service.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be utilized and adopted locally.

“(c) CONTINUUM OF CARE.—The Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, to the extent feasible and to the extent that funding is available, for the implementation of programs including—

“(A) community based prevention, intervention, outpatient and behavioral health assistance services;

“(B) detoxification (social and medical); and

“(C) acute hospitalization;
“(D) intensive outpatient or day treatment; “(E) residential treatment; “(F) transitional living for those needing a temporary or stable living environment that is supportive of treatment or recovery goals; “(G) emergency shelter; “(H) intensive case management; “(I) programs for health care practices; and “(J) diagnostic services, including the utilization of neurological assessment technology; and “(2) behavioral health services for particular populations, including— “(A) for persons from birth through age 17, child behavioral health services, that include— “(i) pre-school and school age fetal alcohol disorder services, including assessment and behavioral intervention; “(ii) mental health or substance abuse services (emotional, organic, alcohol, drug, inhalant and tobacco); “(iii) services for co-occurring disorders (multiple diagnosis); “(iv) prevention services that are focused on individuals ages 5 years through 10 years (alcohol, drug, inhalant and tobacco); “(v) early intervention, treatment and aftercare services that are focused on individuals ages 11 years through 17 years; “(vi) healthy choices or life style services (related to parenting, partners, domestic violence, sexual abuse, suicide, teen pregnancy, obesity, and other risk or safety issues); “(vii) co-morbidity services; “(B) for persons ages 18 years through 55 years, adult behavioral health services that include— “(i) early intervention, treatment and aftercare services; “(ii) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco); “(iii) services for co-occurring disorders (dual diagnosis) and co-morbidity; “(iv) healthy choices or life style services (related to parenting, partners, domestic violence, sexual abuse, suicide, obesity, and other risk related behavior); “(v) female specific treatment services for— “women at risk of giving birth to a child with a fetal alcohol disorder; “(II) substance abuse requiring gender specific services; “(III) sexual assault and domestic violence; and “(IV) healthy choices or life style (parenting, partners, obesity, suicide and other related behavioral risks); and “(vi) male specific treatment services for— “(I) substance abuse requiring gender specific services; “(II) sexual assault and domestic violence; and “(III) healthy choices or life style (parenting, partners, obesity, suicide and other related behavioral risks); “(C) family behavioral health services, including— “(i) early intervention, treatment and aftercare services for families; “(ii) treatment for sexual assault and domestic violence; and “(iii) healthy choices or life style (related to parenting, partners, domestic violence and other abuse issues); “(D) for persons age 56 years and older, elder behavioral health services including— “(i) program interventions, treatment and aftercare services that include— “(1) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco); “(2) services for co-occurring disorders (dual diagnosis) and co-morbidity; and “(2) treatment for substance abuse requiring gender specific services and “(II) treatment for sexual assault, domestic violence and neglect; “(3) old men specific services that include— “(I) treatment for substance abuse requiring gender specific services; and “(II) treatment for sexual assault, domestic violence and neglect; and “(IV) services for dementia regardless of cause. “(d) COMMUNITY BEHAVIORAL HEALTH PLAN.— “(1) IN GENERAL.—The governing body of any Indian tribe or tribal organization or urban Indian organization may, at its discretion, adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat alcohol and other substance abuse, mental illness or dysfunctional and self-destructive behavior, including agency and child services provided among its members or its service population. Such plan should include behavioral health services, social, economic, educational and prevention services, and continuing after care. “(2) TECHNICAL ASSISTANCE.—In furtherance of a plan established pursuant to paragraph (1), the appropriate agency, service unit, or other officials of the Bureau of Indian Affairs and the Service shall cooperate with, and provide technical assistance to, the Indian tribe or tribal organization in the development of a plan under paragraph (1). Upon the establishment of such a plan and at the request of the Indian tribe or tribal organization, such officials shall cooperate with the Indian tribe or tribal organization in the implementation of such plan. “(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian tribes and tribal organizations adopting a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan. “(e) COORDINATED PLANNING.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall be involved in the behavioral health planning, to the extent feasible, with other Federal and State agencies, to ensure that comprehensive behavioral health services are available to Indians without regard to their place of residence. “(1) FACILITIES ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the feasibility and cost of implementing mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of Federal, State, and under-utilized service hospital beds into psychiatric units to meet such need. “SEC. 702. MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR. “(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall develop and enter into a memorandum of agreement, or review and update any existing memorandum of agreement required under section 205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411), and under which the Secretaries— “(1) the scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians; “(2) the existing Federal, tribal, State, and private services, resources, and programs available to provide mental health services for Indians; “(3) the unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1); “(4) (A) the right of Indians, as citizens of the United States and of the States in which they reside, to have access to Indian health services to which all citizens have access; “(B) the right of Indians to participate in, and receive the benefit of, such services; and “(C) the actions necessary to protect the exercise of such right; “(5) the responsibilities of the Bureau of Indian Affairs and the Service, including mental health identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), child abuse and family violence, and teen pregnancy, obesity, and tobacco); “(6) technical assistance provided to the Service by the Service to meet the needs identified pursuant to paragraph (1), including— “(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and the Service to meet the needs identified pursuant to paragraph (1), including— “(1) direct official correspondence with the Bureau of Indian Affairs and the Service, particularly with respect to the referral and treatment of dually-diagnosed individuals requiring mental health and substance abuse treatment; and “(2) ensuring that Bureau of Indian Affairs Service programs and services (including services through multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services; “(B) the responsibilities of the BIA and the Service, including mental health identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services; “(2) SPECIFIC PROVISIONS.—The memorandum of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for— “(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost; “(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost; and “(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.
(c) CONSULTATION.—The Secretary and the Secretary of the Interior shall, in developing the memorandum of agreement under subsection (a), consult with and solicit the comments of—

(1) Indian tribes and tribal organizations;
(2) Indian individuals;
(3) urban Indian organizations and other Indian organizations consistently with section 701, and urban Indian organization, and urban Indian organization.

§703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Service, Indian tribes and tribal organizations consistent with section 701, shall provide a program of comprehensive behavioral health prevention and treatment aftercare, including systems of care and traditional health care practices, which shall include—

(A) prevention, through educational intervention, in Indian communities;
(B) detoxification or psychiatric hospitalization and treatment (residential and intensive outpatient);
(C) community-based rehabilitation and aftercare;
(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;
(E) specialized residential treatment programs for high risk populations including pregnant and post partum women and their children;
(F) diagnostic services utilizing, when appropriate, neuropsychiatric assessments which include the use of the most advances technology available; and
(G) a telepsychiatry program that uses experts in the field of pediatric psychiatry, and that incorporates assessment, diagnosis and treatment of children, including those children with concurrent neurological disorders.

(b) TARGET POPULATIONS.—The target population of the program under paragraph (1) shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

(b) CONTRACT HEALTH SERVICES.—

(1) IN GENERAL.—The Secretary, acting through the Service (with the consent of the Indian tribe to be served), Indian tribes and tribal organizations, may enter into contracts with public or private providers of behavioral health service providers and maintain a Mental Health Technician program within the Service which—

(1) provides for the training of Indians as mental health technicians; and
(2) employs such technicians in the provision of community-based mental health care that includes prevention, education, referral, and treatment services.

(b) TRAINING.—In carrying out subsection (a)(1), the Secretary shall provide high standards of training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

(c) SUPERVISION AND EVALUATION.—The Secretary shall supervise and evaluate the mental health technicians in the training program under this section.

(d) TRADITIONAL CARE.—The Secretary shall ensure that the program established pursuant to this section involves the utilization and promotion of the traditional Indian health care and treatment practices of the Indian tribes to be served.

§704. MENTAL HEALTH TECHNICIAN PROGRAM.

(a) IN GENERAL.—The Secretary, consistent with section 701, shall make funding available to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Indian Self-Determination and Education Assistance Act, and the termination and Education Assistance Act (25 U.S.C. 450b(l)); for the purpose of staffing and operating centers or facilities under this subsection, the area office in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

(b) FUNDING.—For the purpose of staffing and operating centers or facilities under this subsection, funding shall be made available pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act).

(c) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) that is agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

(d) SPECIFIC PROVISION OF FUNDS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

(b) Use of Funds.—Funding provided pursuant to this section may be used to—

(1) develop and provide community training, clinics, and programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;
(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention services that specifically addresses the spiritual, cultural, historical, social, and child care needs of Indian women, regardless of age;
(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement;

(c) CRITERIA.—The Secretary, in consultation with Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications and proposals for funding provided under this section.

(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the amounts appropriated to carry out this section shall be made to grants to urban Indian organizations funded under title V.

§707. INDIAN YOUTH PROGRAM.

(a) DETOXIFICATION AND REHABILITATION.—The Secretary shall, develop and implement a program for acute detoxification and treatment for Indian youth that includes behavioral health services. The program shall be designed to establish treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian tribes or tribal organizations at the local level under the Indian Self-Determination and Education Assistance Act. Regional centers shall be integrated with the intervention programs based in the referring Indian community.

(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, or tribal organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an area office.

(B) AREA OFFICE IN CALIFORNIA.—For purposes of this subsection, for purposes in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

(2) FUNDING.—For the purpose of staffing and operating centers or facilities under this subsection, funding shall be made available pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act).

(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) that is agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

(4) SPECIFIC PROVISION OF FUNDS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

(b) USE OF FUNDS.—Funding provided pursuant to this section may be used to—

(1) develop and provide community training, clinics, and programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;
(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention services that specifically addresses the spiritual, cultural, historical, social, and child care needs of Indian women, regardless of age;
SEC. 706. MENTAL AND BEHAVIORAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Service, Indian tribes, tribal organizations, and the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, for the treatment of mental illness, and 10 percent of the funds appropriated for the areas in the State of California.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and the Indian country in 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

(c) CONVERSION OF CERTAIN HOSPITAL BEDS.—The Secretary shall consider the possibility of converting existing, under-utilized service hospital beds into psychiatric units to meet needs under this section.

SEC. 708. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems.

(b) TREATMENT OF CALIFORNIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

(c) CONVERSION OF CERTAIN HOSPITAL BEDS.—The Secretary shall consider the possibility of converting existing, under-utilized service hospital beds into psychiatric units to meet needs under this section.

SEC. 710. BEHAVIORAL HEALTH PROGRAM.

(a) PROGRAMS FOR INNOVATIVE SERVICES.—The Secretary, acting through the Service, Indian tribes or tribal organizations, consistent with section 701, may develop, implement, and evaluate contracts or grants to establish programs required by this section, the Secretary, acting through the Service, and the Indian country, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

(c) COMMUNITY-BASED MENTAL HEALTH PROGRAMS.—The Secretary shall consider the possibility of converting existing, under-utilized service hospital beds into psychiatric units to meet needs under this section.

SEC. 715. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) PROGRAMS FOR INNOVATIVE SERVICES.—The Secretary, acting through the Service, Indian tribes or tribal organizations, consistent with section 701, may develop, implement, and evaluate contracts or grants to establish programs required by this section, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(c) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 716. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 717. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 718. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 719. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 720. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 721. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 722. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

SEC. 723. MENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and operate a behavioral health care program, the Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, and the equivalent, for Indians with behavioral health problems.

(b) CRITERIA.—For purposes of this section, California shall be considered the Indian country as defined in section 701(a), and the Indian country in California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.
advocacy, and information to fetal alcohol disorder affected persons and their families or caretakers;

(D) develop and implement counseling and support groups in schools for fetal alcohol disorder affected children;

(E) develop prevention and intervention models which incorporate traditional practitioners, cultural and spiritual values and community involvement;

(F) develop, print, and disseminate education and prevention materials on fetal alcohol disorders in Indian communities; and

(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools including local and multidisciplinary fetal alcohol disorder clinics for use in tribal and urban Indian communities;

(H) develop early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorders; and

(I) develop and fund community-based adult fetal alcohol disorder housing and support services.

(3) CRITERIA.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

(a) Services.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations shall—

(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorders in Indian communities; and

(2) provide supportive services, directly or through an Indian tribe, tribal organization or urban Indian organization, including services that meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorders.

(c) TASK FORCE

(1) IN GENERAL.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorders Task Force to advise the Secretary in carrying out subsection (b).

(2) COMPOSITION.—The task force under paragraph (1) shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health Development of Health and Human Services, the Administration for Native Americans, the National Institute of Child Health & Human Development, the Center for Disease Control and Prevention, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian fetal alcohol disorder experts.

(d) APPLIED RESEARCH.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make funding available to Indian Tribes, tribal organizations and urban Indian organizations for applied research projects which seek to elevate the understanding of fetal alcohol disorder affected children, the Seg of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol disorders.

(e) URBAN INDIAN ORGANIZATIONS.—The Secretary shall ensure that 10 percent of the amounts appropriated to carry out this section shall be made grants to urban Indian organizations funded under title V.

SEC. 712. CHILD SEXUAL ABUSE AND PREVENTION PROGRAMS

(a) ESTABLISHMENT.—The Secretary and the Secretary of the Interior, acting through the Service, Indian tribes and tribal organizations, shall, to the extent consistent with section 701, in each service area, programs involving treatment for—

(1) victims of child sexual abuse; and

(2) perpetrators of child sexual abuse.

(b) USE OF FUNDS.—Funds provided under this section shall be used to—

(1) develop community education and prevention programs related to child sexual abuse;

(2) identify and provide behavioral health treatment for victims of sexual abuse and to their families who are affected by sexual abuse;

(3) develop prevention and intervention models for mental health and behavioral health care practitioners, cultural and spiritual values, and community involvement;

(4) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

(5) identify and provide behavioral health treatment to perpetrators of child sexual abuse with efforts being made to begin off-fender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated, and to provide treatment after release to the community until it is determined that the perpetrator is not a threat to the community.

SEC. 713. BEHAVIORAL MENTAL HEALTH RESEARCH

(a) IN GENERAL.—The Secretary, acting through the Subsequent with appropriate Federal agencies, shall provide funding to Indian Tribes, tribal organizations and urban Indian organizations or, enter into contracts with, or make grants to appropriate institutions, for the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Office of Minority Health Development of Health and Human Services, the Administration for Native Americans, and the National Institute of Child Health & Human Development, the Center for Disease Control and Prevention, and the Bureau of Indian Affairs, for the purpose of developing research priorities under this section which shall include—

(1) the inter-relationship and inter-dependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

(2) the development of models of prevention techniques.

(b) SPECIAL EMPHASIS.—The effect of the inter-related aspects and interdependencies referred to in subsection (a)(1) on children, and the development of prevention techniques under subsection (a)(2) applicable to children, shall be emphasized.

SEC. 714. DEFINITIONS

In this title:

(1) ASSESSMENT.—The term ‘assessment’ means an epidemiologic analysis and dissemination of information on health status, health needs and health problems.

(2) ALCOHOL RELATED NEURODEVELOPMENTAL DISORDERS.—The term ‘alcohol related neurodevelopmental disorders’ or ‘ARDN’ with respect to an individual means the individual has a history of maternal alcohol consumption during pregnancy having most of the criteria of FAS, though not meeting a minimum of at least two of the following: microcephaly, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

(3) FETAL ALCOHOL SYNDROME.—The term ‘fetal alcohol syndrome’ or ‘FAS’ with respect to an individual means a history of maternal alcohol consumption during pregnancy, and with respect to which the following criteria should be met:

(a) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

(b) Craniofacial abnormalities with at least 2 of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

(c) Premortal or postnatal growth delay.

(d) PARTIAL FAS.—The term ‘partial FAS’ with respect to an individual means a history of maternal alcohol consumption during pregnancy having most of the criteria of FAS, though not meeting a minimum of at least two of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, short upturned nose.

(e) SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2015 to carry out this title.

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORTS.

The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act, and an assessment and recommendation of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, including a health service plan which are at a parity with the health services available to and the health status of, the
general population, including specific comparissons of appropriations provided and those required for such parity;

(2) a report on whether, and to what ex-
tent, such health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian tribes to address such impact, including a report on proposed changes in the allocation of funding pursuant to section 808;

(3) a report on the use of health services by Indians—

(A) on a national and area or other relevant geographical basis;

(B) by gender;

(C) by source of payment and type of service;

(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

(E) on the services provided under funding agreements pursuant to the Indian Self-Determination and Education Assistance Act;

(4) a report on contractors concerning health care educational loan repayments under section 110;

(5) a general audit report on the health care educational loan repayment program as required under section 110(b);

(6) a statement that specifies the amount of funds requested to carry out the provisions of section 201;

(7) a report on infectious diseases as required under section 210;

(8) a report on environmental and nuclear health hazards as required under section 214;

(9) a report on the status of all health care facilities as required under sections 301(c)(2) and 301(d);

(10) a report on safe water and sanitary waste disposal facilities as required under section 302(b)(1);

(11) a report on the expenditure of non-service funds for renovation as required under sections 306(a)(1) and 306(a)(3);

(12) a report identifying the backlog of maintenance and repair required at Service and tribal facilities as required under section 314(a);

(13) a report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII and XIX of the Social Security Act as required under section 403(a);

(14) a report on services sharing of the Service, the Indian Health Service, and other Federal agency health programs as required under section 412(c)(2);

(15) a report on the evaluation and re-
newal of urban Indian programs as required under section 505;

(16) a report on the findings and conclu-
sions derived from the demonstration project as required under section 312(a)(2);

(17) a report on the evaluation of pro-
grams as required under section 513; and

(18) a report on alcohol and substance abuse programs as required under section 701(b).

SEC. 802. REGULATIONS.

(a) INITIATION OF RuleMAKING PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out this Act.

(2) PUBLICATION.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary not later than 270 days after the date of enactment of this Act and shall have not less than a 120 day comment period.

(3) EXPIRATION OF AUTHORITY.—The au-
thority to promulgate regulations under this Act shall expire 18 months from the date of enactment of this Act.

(b) RULEMAKING COMMITTEE.—A nego-
tiated rulemaking committee established pursuant to section 553 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian tribes, a majority of whom shall be nominated by and be representatives of Indian tribes, tribal or-
ganizations, and urban Indian organizations from areas served by the Service, with the balance of representa-
tion that is representative of urban and rural tribes and Indian populations; and

(c) ADAPTATION OF PROCEDURES.—The Sec-
retary shall adapt the negotiated rule-
making procedures to the unique context of the Indian Self-
Determination Act of 1994, and the Secretary is authorized to repeal any regulation that is inconsistent with the pro-
visions of this Act.

SEC. 803. PLAN OF IMPLEMENTATION.

Not later than 240 days after the date of enactment of this Act, the Secretary, in con-
sultation with health tribes, tribal organiza-
tions, and urban Indian organizations, shall prepare and submit to Congress a plan that shall explain the manner and schedule (in-
cluding a schedule of appropriate requests), by title of Act, within which the Secretary will implement the provisions of this Act.

SEC. 804. AVAILABILITY OF FUNDS.

Amounts appropriated under this Act shall remain available until expended.

SEC. 805. LIMITATION ON FUNDS APPRO-
PRIATED TO THE INDIAN HEALTH SERVICE.

Any limitation on the use of funds con-
tained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions under this Act.

SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Until such time as any subsequent law may otherwise provide, the following California Indians shall be eligible for health services provided by the Service:

(A) any member of a Federally recognized Indian tribe;

(B) any descendant of an Indian who was residing in California on June 1, 1852, but only if such individual is a member of a Federally recognized Indian tribe;

(C) any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California;

(D) any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1868 (72 Stat. 619), and any descendant of such Indian;

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services beyond the scope of eligibility for such health services that applied on May 1, 1986.

SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

(a) INELIGIBLE PERSONS.—

(1) IN GENERAL.—Any individual who—

(2) LIABILITY FOR PAYMENT.—

(3) BANDING AGREEMENTS.—In the case of health programs operated under a funding agreement entered into under the Indian Self-Determination and Educational Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under such funding agreement is au-
thorized to determine whether health serv-
ices should be provided under such funding agreement to individuals who are not eligi-
ble for such health services under any other subsection of this section or under any other provision of law if—

(a) the individual tribe (or, in the case of a multi-tribal service area, all the Indian tribes) served by such service unit requests such provision of health services to such in-
dividuals; and

(b) the Secretary and the Indian tribe or tribes have jointly determined that—

(I) the provision of such health services will not result in a denial or diminution of health services to those eligible for such health services; and

(II) there is no reasonable alternative health program or services, within or with-
out the service area of such service unit, available to meet the health needs of such individuals.

SEC. 896. ELIGIBILITY OF CALIFORNIA INDIANS.
or any other provision of law, amounts collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security Act, and shall be used solely for the provision of health services within that program. Amounts collected under this subsection shall be available for expenditure within such program for not to exceed 1 fiscal year after the fiscal year in which collected.

"(B) SERVICE FOR INDIGENT PERSONS.—Health services may be provided by the Secretary through the Service under this subsection to an indigent person who would not be eligible for health services under the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent person.

"(C) SERVICE AREAS.—

"(1) SERVICE TO ONLY ONE TRIBE.—In the case of a service area which serves only one Indian tribe, the authority of the Secretary to provide health services under paragraph (1) (A) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian tribe revokes its concurrence to the provision of such health services.

"(2) MULTI-TribAL AREAS.—In the case of a multi-tribal service area, the authority of the Secretary to provide health services under paragraph (1) (A) shall terminate at the end of the fiscal year succeeding the fiscal year in which 51 percent of the number of eligible persons in such service area request that the concurrence of the governing body of the Indian tribe revoke its concurrence to the provision of such health services.

"(D) PROVISION PROVIDING SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other subsection of this section or under any other provision of law in order to—

"(1) achieve stability in a medical emergency;

"(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

"(3) provide care to non-Indian women pregnant with an eligible Indian’s child for the duration of the pregnancy through post partum;

"(4) provide care to immediate family members of an eligible person if such care is directly related to the treatment of the eligible person;

"(5) HOSPITAL PRIVILEGES.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contractor entered into under the Indian Self-Determination Education Assistance Act may be extended to non-Service health care practitioners who provide service to persons described in this subsection. Three individuals shall be designated by the Director of the Service, health care practitioners may be regarded as employees of the Federal Government for purposes of section 3305 (9 U.S.C. 955) and chapter 71 of title 5, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible persons as a part of the conditions under which such hospital privileges are extended.

"(E) DEFINITION.—In this section, the term ‘eligible person’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

"(a) REQUIREMENT OF REPORT.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a service area shall discontinue after the Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801, a formal change in allocation of funding, including the reasons for the change and its likely effects.

"(b) NONAPPLICATION OF SECTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is less than the amount appropriated to the Service for previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) RULE OF CONSTRUCTION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of the Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

"During the period of the moratorium imposed by section 1346(b) and amendments made by section 405(a) of the Indian Self-Determination and Education Assistance Act and regulations promulgated thereunder, the Secretary shall not be required to act or take any action with regard to the provisions of sections 388, 391, or 393 of the Indian Health Care Improvement Act of 1976, as amended, during the period of such moratorium.
models for providing and funding health services for all Indian beneficiaries including those who live outside of a reservation, temporarily or permanently; “(B) Rank. Recommendations to the Commission for legislation that will provide for the delivery of health services for Indians as an entitlement, which shall, at a minimum, address capability, because to be provided, including recommendations regarding from whom such health services are to be provided, and the cost, including mechanisms of the delivery of health services to be provided; “(C) determine the effect of the enactment of such recommendations on the existing system of the delivery of health services for Indians; “(D) determine the effect of a health services entitlement program for Indian persons on the sovereign status of Indian tribes; “(E) not later than 12 months after the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to the Federally recognized Indian tribe, tribal organization and urban Indian organization for comment to the Commission; and “(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section. “(4) Not later than 18 months after the date of appointment of all members of the Commission, submit a written report to Congress on the Commission’s recommendations and legislation to implement a policy that would establish a health care system for Indians based on the delivery of health services as a right, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Indians and on the sovereign status of Indian tribes. “(e) ADMINISTRATIVE PROVISIONS. — “(1) COMPENSATION AND EXPENSES. — “(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under paragraph (2)(b) shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive such compensation and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code. “(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b), while serving on the business of the Commission (including travel time) shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home on official business, be allowed travel expenses, as authorized by the chairperson of the Commission. For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate. “(2) MEETINGS AND QUORUM. — “(A) MEETINGS.—The Commission shall meet at the call of the chairperson. “(B) QUORUM. — The quorum of the Commission shall consist of not less than 15 members, of which not less than 6 of such members shall be appointed under subsection (b)(1) and not less than 9 of such members shall be Indians. “(3) DIRECTOR AND STAFF.— “(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that for level V of the Executive Schedule. “(B) STAFF.—With the approval of the Commission, the executive director may appoint such staff as the executive director deems appropriate. “(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provi- sions of such a chapter of title 5 of such title of such chapter of such title relating to classifica- tion and General Schedule pay rates. “(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and inter- mittent services under section 3109(b) of title 5, United States Code. “(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission. “(F) POWERS.— “(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 6 regional hearings shall be held in different areas of the United States in which large numbers of Indians are present. Such hearings shall be held to solicit the views of Indians regarding the delivery of health care services to them. “(2) STUDIES BY GAO.—Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties. “(3) COMMISSIONERS.— “(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administra- tion, in the case of the Comptroller General, upon the request of the Commission, the Com- mission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under this sec- tion may be counted towards the number of regional hearings required by this paragraph. “(B) EXPERTS AND CONSULTANTS.— “(1) HIRE.—The Commission may hire such experts and consultants as it deems necessary to carry out its duties. “(2) DETAIL.— “(A) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Upon request of the Commission, the head of any Federal department or agency authorized to detail, without reimbursement, any of the personnel of such department or agency to assist the Commission in carrying out its duties. Any such detail shall not interrupt or other- wise affect the civil service status or privi- leges of the employee. “(3) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal Agency shall provide such technical as- sistance as the Commission determines to be necessary to carry out its duties. “(4) DETAIL OF FEDERAL EMPLOYEES.— “(A) DETAIL.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such Federal agency to the extent that such personnel are necessary to carry out the purpose of this Act. “(B) AUTHORIZATION.—The Commission may use the United States mails in the same manner and under the same conditions as Federal Agencies and shall, for purposes of this Act, be considered a Federal Agency. “(6) USE OF AIR.—The Commission may acquire such funds as are necessary to carry out its duties. “(7) OBTAINING INFORMATION.—The Com- mission may, by written request, obtain any necessary information from any Federal Agency or other source required to carry out its duties. “(8) USE OF OFFICE SPACE.—The Com- mission may enter into any agreement with the Administrator of General Services to make office space available to the Commission. “(9) PRINTING.—For purposes of costs relat- ing to printing and binding, including the cost of personnel detailed from the Govern- ment Printing Office, the Commission shall be deemed to be a committee of the Con- gress. “(10) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated $1,000,000 to carry out this section. The amount appropriated under this subsection may be deducted from or affect any other appropriation for health care for In- dian persons. “SEC. 815. APPROPRIATIONS; AVAILABILITY. — Any new spending authority (described in subsection (c)(2)(A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent that such amounts as are provided in appro- priation Acts. “SEC. 816. AUTHORIZATION OF APPROPRIATIONS. — This Act is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2013 to carry out this title.” TITLE V—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT Subtitle A—Medicare SEC. 201. LIMITATIONS ON CHARGES. Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395c(a)(1)) is amended— (1) in subparagraph (R), by striking “and” at the end; (2) in subparagraph (S), by striking the period and inserting “, and”, and (3) by adding at the end the following: “(T) in the case of hospitals and critical access hospitals which provide inpatient hos- pital services for which payment may be made under this title, to accept as payment in full for services that are covered under and furnished to an individual eligible for the contract health services program operated by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organiza- tion as those terms are defined in section 4 of the Indian Health Care Improve- ment Act, in accordance with such admis- sion practices and such payment method- ology as are provided in such Act and such regulations issued by the Secretary.”. SEC. 202. QUALIFIED INDIAN HEALTH PROGRAM. Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1395 the following: “QUALIFIED INDIAN HEALTH PROGRAM “SEC. 1880A. (a) DEFINITION OF QUALIFIED INDIAN HEALTH PROGRAM.—In this section— “(1) IN GENERAL.—The term ‘qualified Indian health program’ means a health pro- gram operated by——
"A" the Indian Health Service;
"B" an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act) and which is funded in whole or in part by the Indian Health Service under the Indian Self Determination and Education Assistance Act; or
"C" an urban Indian organization (as so defined) and which is funded in whole or in part under title V of the Indian Health Care Improvement Act.

"(2) a service, PROGRAMS AND ENTITIES.—Such term may include 1 or more hospital, nursing home, home health program, clinic, ambulance, other health program that provides a service for which payments may be made under this title and which is covered in the cost report submitted under this title or title XIX for the qualified Indian health program.

"(b) ELIGIBILITY FOR PAYMENTS.—A qualified Indian health program shall be eligible for payment under this section, notwithstanding sections 1814(c) and 1835(d), if and for so long as the program meets all the conditions and requirements set forth in this section.

"(c) DETERMINATION OF PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a qualified Indian health program shall be entitled to receive payment based on an all-inclusive rate which shall be calculated to provide full cost recovery for the cost of furnishing services provided under this section.

"(2) DEFINITION OF FULL COST RECOVERY.—

"(A) IN GENERAL.—Subject to subparagraph (B), in this section, the term ‘full cost recovery’ means the sum of—

"(i) the direct costs, which are reasonable, adequate and related to the cost of furnishing such services, taking into account the unique nature, location, and service population of the qualified Indian health program, and shall include direct program, administrative, and overhead costs, without regard to the customary or other charge or any fee schedule that would otherwise be applicable; and

"(ii) indirect costs which, in the case of a qualified Indian health program—

"(I) for which an indirect cost rate (as that term is defined in section 4(g) of the Indian Self-Determination and Education Assistance Act) has been established, shall be not less than an amount determined on the basis of the rate or rates; or

"(II) for which no such rate has been established, shall be not less than the administrative costs specifically associated with the delivery of services being provided.

"(B) LIMITATION.—Notwithstanding any other provision of law, the amount determined to be payable as full cost recovery may not be reduced for co-insurance, co-payments, or deductibles when the service was provided to an Indian entitled under Federal law to receive the service from the Indian Health Service or Indian tribe or tribal organization, or an urban Indian organization or because of any limitations on payment provided for in any managed care plan.

"(3) OUTSTANDING COSTS.—In addition to full cost recovery, a qualified Indian health program shall be entitled to reasonable outstanding costs, which shall include all administrative costs associated with outreach and acceptance of eligibility applications for any Federal or State health program including the programs under titles XIX, and XXI.

"(4) DETERMINATION OF ALL-INCLUSIVE ENCOUNTER OR PER DIEM AMOUNT.—

"(A) IN GENERAL.—Costs identified for services or items shall be determined to be covered under section 1905(r) of the Social Security Act if furnished to an individual as an outpatient of a qualified Indian health program.

"(B) NO SINGLE REPORT REQUIREMENT.—Not all qualified Indian health programs provided care reviewed by a physician or as an incident to a physician’s service, regardless of the location in which the service is provided.

"(C)preventive primary health services as described under section 330(h) of the Public Health Service Act, when provided by an employee of the qualified Indian health program who is licensed to perform primary health care, regardless of the location in which the service is provided.

"(D) with respect to services for children, all services specified as part of the State plan under title XXI, and early and periodic screening, diagnostic, and treatment services as described in section 1905(s);  

"(E) influenza and pneumococcal immunizations;  

"(F) other immunizations for prevention of communicable diseases when targeted; and  

"(G) with the regard to ensuring any aspect of the State’s administration of the State plan under this title, so long as—

"(A) the term ‘meaningful consultation’ is determined through the negotiated rulemaking process provided for under section 802 of the Indian Health Care Improvement Act; and

"(B) such consultation is carried out in consultation with the Indian Medicaid Advisory Committee established under section 415(a)(3) of that Act.”.

SEC. 211. STATE CONSULTATION WITH INDIAN HEALTH PROGRAMS.

The third sentence of Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

"(1) notwithstanding the first sentence of this section, the Federal medical assistance percentage shall be 100 per cent with respect to amounts expended as medical assistance for services which are provided by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) present in the State, provide for meaningful consulta

"(2) FMAP FOR SERVICES PROVIDED BY INDIAN HEALTH PROGRAMS.

Section 1911 of the Social Security Act (42 U.S.C. 1396n(b)) is amended to read as follows:

"SEC. 1911. (a) IN GENERAL.—The Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization

"(B) the Indian Health Service operates or funds health programs in the State or if there are Indian tribes or tribal organizations or urban Indian organizations (as those terms are defined in section 4 of the Indian Health Care Improvement Act) present in the State, provide for meaningful consulta

"(C) the State plan does not otherwise provide for the services and has not adopted a State plan to do so.

"(D) such consultation is carried out in consultation with the Indian Medicaid Advisory Committee established under section 415(a)(3) of that Act.”.
as “point to point,” limiting them to one beginning point and one destination. The Mormon Pioneer National Historic Trail at that time was defined as the route Brigham Young took in 1846 through Iowa and then to the Salt Lake Valley in 1847. The Oregon Trail passed narrowly as the route taken by settlers from Independence, Missouri, to Oregon City from 1841 to 1848. It, too, was limited to a single trail with only three variants.

Later, in 1992, Congress passed an amendment for the establishment of the California and Nevada Express National Historic Trails. This amendment broadened the possibility of trail variants for the California Trail and provided a more accurate depiction of the original trail. However, the legislation I am introducing today will provide additional authority for variations to these trails.

To those of us in the West, these trails are the highways of our history. With this legislation, I hope to capture the stories made along the side roads, as well. In many cases, our most interesting tales are made along the variations of the main trails. Since the enactment of the National Trails System Act in 1978, there has been a great deal of support to broaden the Act to include these side roads to history.

Not every pioneer company embarked on their journey from Omaha, Nebraska or Independence, Missouri. Tens of thousands of settlers began from other starting points. These trail variations and alternate routes show the ingenuity and adaptability of the pioneers as they were forced to contend with inclement weather, lack of water, difficult terrain, and hostile Native American tribes. The variant routes taken by the pioneers tell important stories that would otherwise slip through the cracks under a strict interpretation of the National Trails System Act.

The Act requires that comprehensive management and use plans be prepared for all historic trails. In 1981, such plans were completed for the Mormon and Oregon trails. Since that time, however, endless hours of research by the Park Service and trails organizations have produced a more complete picture of the westward expansion. The National Park Service has determined, however, that legislation is required to update the trails with this newfound history.

That is why I am introducing this legislation today. This bill would authorize the study of further important additions to the California, Mormon Pioneer, Oregon, and Pony Express National Historic Trails and allow for a more complete story to be told of our history in the West.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.
By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. CONRAD, Mr. DASCHLE, and Mr. CAMPBELL):

S. 214. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I rise to introduce the amendment to designate the Director of the Indian Health Service as an Assistant Secretary for Indian Health within the Department of Health and Human Services. My colleagues, Senators INOUYE, CONRAD, DASCHLE and CAMPBELL, are joining me in this effort as original co-sponsors. I am pleased to note that Congressman Nethercutt from Washington will introduce companion legislation on the House side.

The purpose of this legislation is simple. It will redesignate the current Director of the Indian Health Service, IHS, as a new Assistant Secretary within the Department of Health and Human Services to be responsible for Indian health policy and budgetary matters.

As the primary health care delivery system, the Indian Health Service is the principal advocate for Indian health care needs, both on the reservation level and for urban populations. More than 1.5 million Indian people are served every year by the IHS. At its current capacity, the IHS estimates that it can only meet about 60 percent of tribal health care needs. Thus, the IHS will continue to be challenged by a growing Indian population as well as an increasing disparity between the health status of Indian people as compared to other Americans. Thousands of Indian people continue to suffer from the worst imaginable health care conditions in Indian country—from diabetes to cancer to infant mortality. In nearly every category, the health status of Native Americans falls far below the national standard.

The purpose of this bill is to respond to the desire by Indian people for a stronger leadership and policy role within the primary health care agency, the Department of Health and Human Services. The Assistant Secretary for Indian Health will ensure that critical policy and budgetary decisions will be made with the full involvement and consultation of not only the Indian Health Service, but also the direct involvement of the Tribal governments.

This legislation is long overdue in bringing focus and national attention to the health care status of Indian people and fulfilling the federal trust responsibility toward Indian tribes. Implementation of this bill is intended to support the long-standing policies of Indian self-determination and tribal self-governance and assist Indian tribes who are making positive strides in providing direct health care to their own communities.

Tribal communities are in dire need of a senior policy official who is knowledgeable about the programs administered by the IHS and who can provide the leadership for the health care needs of American Indians and Alaska Natives. We continue to pursue passage of this legislation as many believe that the priority of Indian health issues within the Department should be raised to the highest levels within our federal government.

I look forward to working with my colleagues on both sides of the aisle and the new administration to ensure prompt passage of this legislation. I ask unanimous consent that the full text of this bill be included in the RECORD.

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

S. 214

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

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed under section 803b of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) RATE OF PAY.

(1) PAY LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

“Assistant Secretaries of Health and Human Services (7).”;

(B) by inserting the following:

“Assistant Secretaries of Health and Human Services (7).”;

(2) PAY LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

“Director, Indian Health Service, Department of Health and Human Services.”;

“(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 166i(a)) is amended—

(1) by inserting “(1) after “(a);”;

(2) in the second sentence of paragraph (1), as redesignated, by striking “a Director,” and inserting “the Assistant Secretary for Indian Health,” and;

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: “The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).”

“(2) The Assistant Secretary for Indian Health shall—

(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.”;

“(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health under this section only if designated by the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking “Director of the Indian Health Service” both places it appears and inserting “Assistant Secretary for Indian Health”;

(ii) in subsection (d), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”;

(B) in section 610(c), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”;

(C) in section 803B(d)(1), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”; and

(D) in section 816(c)(1), by striking “Directors of the Department of Health and Human Services” and inserting “Assistant Secretary for Indian Health”.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking “Director of the Indian Health Service” each place it appears and inserting “Assistant Secretary for Indian Health”:

(A) in section 208(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)(1));

(B) in subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377(b) and (e));

(C) in section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

By Mr. STABENOW:

S. 215. A bill to amend the Federal Food, Drug, and Cosmetic Act to permit importation in personal baggage and by mail of certain covered products personal use from certain foreign countries and to correct impediments in implementation of the Medicine Equity and Drug Safety Act of 2000; to the
about seniors, who decided to do their own self-regulation. They cannot afford all their pills, so they will skip a couple of pills, or they will take them every other day, or cut them in half. Oftentimes they have been placed in a health crisis or a health emergency because they have not been able to afford their medications and they have taken them inappropriately.

The bottom line is that Medicare should include a defined, voluntary prescription benefit to help cover the costs of prescription drugs for seniors and the disabled. I am committed to working with my colleagues across the aisle, and the administration, to finish what we started last year and create this such defined benefit that will make such an incredible difference in the lives of seniors and their families in my great State of Michigan and all across the country. As we work on this complex issue, there are other approaches we can take in a more immediate sense to cut the costs of prescription drugs.

Last year, Congress passed and the President signed into law an important new Act that would permit U.S. manufactured, FDA approved drugs to be reimported back into the United States by wholesalers. I firmly believe that implementing this bill substantially would reduce the cost of drugs, not just for seniors, but for everyone.

Many of my colleagues may remember that during my campaign I organized a bus trip to Canada. As you know, Canada is just a short trip over a bridge or through a tunnel for many residents of Michigan. What I discovered on my bus trips was almost unbelievable.

With just a short drive across the border, U.S. citizens can substantially reduce the cost of their medications by purchasing them in Canadian pharmacies. The difference in price for medications was absolutely shocking. A price study I conducted, comparing the price of several drugs purchased in the U.S. to the Canadian prices, conformed what we saw happening on our bus trips—the price of the same drug purchased in Canada is substantially lower than the cost in the U.S. price.

I have brought a chart to the floor to show my colleagues some of the incredible differences between the average price in Canada and the average price in Michigan. I would like to point those out today:

Zocor, a drug to reduce cholesterol, costs $109.73 in Michigan for 50, 5 milligram tablets. The same drug costs $46.17 in Canada. That is a 138 percent difference in price.

Prilosec, a drug to treat ulcers $115.37 in Michigan for 20, 20 milligram capsules. The same drug costs only $55.10 in Canada. That is a 50 percent difference in price.

Norvasc, a drug to treat high blood pressure, costs $226.40 for 100, 5 milligram tablets. The same drug costs only $89.91 in Canada. That is a 60 percent difference in price.

Zolofit, a drug to treat depression, costs $220.54 for 100, 30 milligram tablets in Canada. The same drug costs $195.54 in Canada. That is a 15 percent difference in price.

Tamoxifen, a drug to treat breast cancer, costs $213.53 in Michigan for a one month supply. The same drug costs only $195.92 in Canada. That is an 8 percent savings in price.

These are all drugs that have been manufactured in the United States and have been approved by all FDA safety and purity requirements. Furthermore, because these are U.S. drugs, the companies developing and manufacturing them have all benefited from substantial assistance from the U.S. government, including NIH supported research and the Research and Development tax credit. Furthermore, a great deal of this research is conducted in state universities.

I believe that U.S. citizens should have access to these U.S. drugs that are sold at lower prices in other countries. Competition is key to ensuring prices that consumers are willing to pay. Keeping the Canadian border, as well as other borders, closed is an obstacle to competition and is serving to artificially inflate prices for drugs in the United States. I believe that permitting U.S. wholesalers, such as pharmacies, to bring lower priced drugs back into this country could reduce the price of drugs for every American.

As my colleagues know, the Secretary of Health and Human Services was given broad discretion in implementing the wholesale reimportation provision of the Act. The former Secretary expressed concerns that the provision may not provide cost savings and could pose risks to the public health and opted not to promulgate rules. I understand that my colleagues are urging the new Secretary to reconsider this decision and to begin the implementation process. I am hopeful this may happen and would like to work with my colleagues to forward this effort.

Nonetheless, I recognize that there are some concerns with the law enacted last year. My bill addresses these concerns by correcting these impediments that may delay the Secretary from promulgating regulations and
permitting reimportation. Furthermore, my bill directs the Secretary to dispense with the delay and instructs him to begin the rulemaking process within 30 days of enactment of the bill. The first of the concerns about wholesale reimportation is the possibility that my bill is the sunset provision. My bill would lift the 5 year sunset imposed in the Act. Critics argued that sunsetting the provision would be a disincentive for distributors to develop ways to comply with the reimportation requirements and there is no need for a sunset. If Congress or the administration identifies safety concerns in the future, they should be addressed by revising the reimportation requirements and sunsetting the entire provision of the law.

The act also did not specify that reimporters could use the manufacturer's FDA-approved labels. These labels are required if the products are to be sold in the United States. My bill would make those labels available to the reimporters from the manufacturer for a small fee.

Finally, while the act prohibited manufacturers from entering into agreements with distributors that would interfere with reimportation of drugs, critics argue this provision was not strong enough to work. My legislation tightens up this section by prohibiting agreements among wholesalers to outbid against wholesalers simply because they intend to reimport the product.

The bill also has stronger language prohibiting price fixing. Wholesale reimportation of prescription drugs is only half the story. While I think it is critical that wholesalers be permitted to bring U.S.-manufactured drugs back into the country to reduce the price for consumers, I also believe individuals should be able to cross the border and purchase prescription drugs at a lower price for their own use.

The FDA currently has an enforcement policy that permits individuals who meet specific requirements to bring a 90-day supply of medication with them into the United States from another country, and my legislation would codify the current enforcement policy into law. It requires essentially the same safety precautions currently expected of individuals who bring medication over the border under the FDA’s enforcement policy.

The bill also recognizes that some individuals may be too ill to cross the borders themselves and permits them to designate a proxy to bring the medication back for them as long as they provide a letter from their doctor indicating that the user of another country would endanger their health.

The bill also provides opportunities for individuals to order medication over the Internet—there are other new sites being developed—and otherwise—hotlines, et cetera—in order to also have prescription drugs delivered by mail. I am committed to this issue of making prescription drugs more affordable for everyone. This is a matter of fairness. This bill is a matter of fairness to Americans, young and old, who need to have access to affordable prescription drugs. We as Americans ought not to be underwriting the research and at the same time, the medications, as great as they are, are developed, manufactured, and sold, have Americans paying on average twice as much as those in other countries. That makes no sense to me.

I am committed to working with my colleagues on both sides of the aisle. I appreciate the time I have been given today. This is a critical issue. I cannot think of a more serious issue affecting particularly older people today than the issue of access to medications. I think it is shameful that we have even one senior who is having to choose today, tomorrow, or next week between eating or taking their medicine. We can fix that. One way is to start with this legislation and our borders and allows real competition for the best price for American citizens. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 215

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medication Equity Act of 2001.”

SEC. 2. IMPORTATION OF COVERED PRODUCTS FOR PERSONAL USE.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

"SEC. 805. IMPORTATION OF COVERED PRODUCTS FOR PERSONAL USE.

(a) Definitions.—In this section:

(1) COVERED PRODUCT.—The term ‘covered product’ means a prescription drug described in section 586(a)(5) of this Act.

(2) FOREIGN COUNTRY.—The term ‘foreign country’ means—

(A) Australia, Canada, Israel, Japan, New Zealand, Singapore, South Africa, and Switzerland; and

(B) any other country, union, or economic area that the Secretary designates for the purposes of this section, subject to such limitations as the Secretary determines to be appropriate to protect the public health.

(3) MARKET VALUE.—The term ‘market value’ means—

(A) the price paid for a covered product in foreign country; or

(B) in the case of a gift, the price at which a covered product was being sold in the foreign country from which the covered product is imported.

(b) IMPORTATION IN PERSON.—

(1) REGULATIONS.—Notwithstanding subsections (d) and (t) of section 301 and section 801(a), the Secretary shall promulgate regulations permitting individuals to bring into the United States from a foreign country, in personal baggage, a covered product that meets—

(i) the conditions specified in paragraph (2); and

(ii) such additional criteria as the Secretary determines to be appropriate to protect the public health.

(2) CONDITIONS.—A covered product may be imported under the regulations if—

(A) the intended use of the covered product is appropriately identified;

(B) the covered product is not considered to represent a significant health risk (as determined by the Secretary in consideration given to the cost or availability of such a product in the United States); and

(C) the individual seeking to import the covered product—

(i) states in writing that the covered product is for the personal use of the individual;

(ii) seeks to import a quantity of the covered product appropriate for personal use, such as a 90-day supply;

(iii) provides the name and address of a health care professional licensed to prescribe drugs in the United States that is responsible for treatment with the covered product or provides evidence that the covered product is for the continuation of a treatment begun in a foreign country;

(iv) provides a detailed description of the covered product being imported, including the name, quantity, and market value of the covered product;

(v) provides the time when and the place where the covered product is purchased;

(vi) provides the method by which the covered product is imported; and

(vii) provides the name, address, and telephone number of the individual who is importing the covered product.

(d) IMPORTATION BY AN INDIVIDUAL OTHER THAN THE PATIENT.—The regulations shall permit an individual who seeks to import a covered product under this subsection to designate another individual to effectuate the importation if the individual submits to the Secretary a certification by a health professional licensed to prescribe drugs in the United States that travelling to a foreign country to effectuate the importation would pose a significant risk to the health of the individual.

(e) CONSULTATION.—In promulgating regulations under paragraph (1), the Secretary shall consult with the United States Trade Representative and the Commissioner of Customs.

(f) IMPORTATION BY MAIL.—

(1) REGULATIONS.—Notwithstanding subsections (d) and (t) of section 301 and section 801(a), the Secretary shall promulgate regulations permitting individuals to import into the United States by mail a covered product..."
that meets such criteria as the Secretary specifies to ensure the safety of patients in the United States.

(2) CRITERIA.—In promulgating regulations under paragraph (1), the Secretary shall impose the conditions specified in subsection (b)(2) to the maximum extent practicable.

(3) CONSULTATION.—In promulgating regulations under paragraph (1), the Secretary shall consult with the United States Trade Representative and the Commissioner of Customs and Border Protection.

(4) EFFECTIVE DATE.—The effective date of a regulation promulgated under paragraph (1) shall be such period as the Secretary determines to be appropriate.

(5) STUDY.—The Secretary shall conduct a study on the imports permitted under this section, taking into consideration the information received under subsections (b) and (c).

(6) EVALUATION.—In conducting the study, the Secretary shall evaluate—

(A) the safety and quality of the covered products imported; and

(B) patent, trade, and other issues that may have an effect on the safety or availability of the covered products.

(7) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the study.

(g) LIMITATION.

(1) IN GENERAL. No manufacturer may charge an importer for printing and shipping labels for a covered manufacturer may charge an importer for paragraph:

(2) C RITERIA. Information collected under this section shall be subject to section 804(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsection (i) and inserting the following:

(1) CONDITIONS FOR TAKING EFFECT. —(I) IN GENERAL.—Except as provided in paragraph (2), this section shall become effective only if the Secretary certifies to Congress that there is no reasonable likelihood that the implementation of this section would pose any appreciable additional risk to the public health or safety.

(2) REGULATIONS. —Notwithstanding the failure of the Secretary to make a certification under paragraph (1), the Secretary, not later than 30 days after the date of enactment of this Act, shall promulgate regulations for the purpose of formulating regulations to enable the Secretary to implement this section immediately upon making such a certification.

(d) RECORDS.—Any information documenting the importation of a covered product under subsections (b) and (c) shall be gathered and maintained by the Secretary for such period as the Secretary determines to be appropriate.

(e) STUDY AND REPORT. —

(1) STUDY.—The Secretary shall conduct a study on the imports permitted under this section, taking into consideration the information received under subsections (b) and (c).

(2) EVALUATION.—In conducting the study, the Secretary shall evaluate—

(A) the addressability of the covered products imported; and

(B) patent, trade, and other issues that may have an effect on the safety or availability of the covered products.

(3) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the study.

(f) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section limits the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (b) and (c).

(g) INFORMATION COLLECTED. —Information collected under this section shall be subject to section 522a of title 5, United States Code.

(h) CONFORMING AMENDMENT.—Section 804(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(d)) is amended by striking “section 804” and inserting “sections 804 and 805.”


(a) ACCESS TO LABELING TO PERMIT IMPORTATION.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following paragraph:

“(4) specify a fair and reasonable fee that a manufacturer may charge an importer for printing and shipping labels for a covered product for use by the importer.”;

(2) in subsection (e), by inserting after “used for purposes of testing” the following: “or the labeling of covered products”; and

(3) in subsection (b)—

(A) by striking “No manufacturer” and inserting the following:

“(1) IN GENERAL.—No manufacturer; and

(B) by adding at the end the following:

“(2) the exceptions for labeling.—No manufacturer of a covered product may impose any condition for the privilege of an importer in using labeling for a covered product, except to require that the importer pay a fee for such use established by regulation under subsection (b)(4).”;

(b) PROHIBITION OF PRICING CONDITIONS.—Paragraph (3) of subsection 804(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(h)) (as designated by subsection (a)(3)(A)) is amended by inserting before the period at the end the following: “that—

“(A) imposes a condition regarding the price at which an importer may resell a covered product or

“(B) discriminates against a person on the basis of—

(i) importation by the person of a covered product imported for subsection (a); or

(ii) sale or distribution by the person of such covered products”;

(c) CONDITIONS FOR TAKING EFFECT.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsection (i) and inserting the following:

“(1) CONDITIONS FOR TAKING EFFECT. —(I) IN GENERAL.—Except as provided in paragraph (2), this section shall become effective only if the Secretary certifies to Congress that there is no reasonable likelihood that the implementation of this section would pose any appreciable additional risk to the public health or safety.

(2) REGULATIONS. —Notwithstanding the failure of the Secretary to make a certification under paragraph (1), the Secretary, not later than 30 days after the date of enactment of this Act, shall promulgate regulations for the purpose of formulating regulations to enable the Secretary to implement this section immediately upon making such a certification.

(d) REPEAL OF SUNSET PROVISION.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsection (m).

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) (as amended by subsection (d)) is amended by adding at the end the following:

“(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2001 through 2005 such sums as are necessary to carry out this section.”;

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. BIDEN, and Mr. JEFFORDS):

S. 216. A bill to establish a Commission for the comprehensive study of voting locally, nationally, and internationally, for Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which seeks to modernize Federal election voting procedures throughout the United States. The 2000 election saga is now over and, in the words of President John F. Kennedy, “Our task now is not to fix the blame for the past, but to fix the course for the future.”

I believe that had we studied our country’s voting and monitoring procedures after President Kennedy’s election, we would have in place today a uniform Federal election system that would overcome the weaknesses of older election technology.

It is not really practical for someone to layout an entire bill with the precise procedures to implement these objectives, but it seems to me that it will be useful to establish a Commission which would take up the question of how to reform our Federal election procedures. On November 14, 2000, the first legislative day following the presidential election, I introduced legislation addressing the issue of modernizing our voting procedures. Today, I am reintroducing essentially the same bill with my distinguished colleague, Senator HARKIN, as the lead cosponsor. This bill would establish a Commission for the Comprehensive Study of Voting Procedures which would take up the very question of the best methods to ensure accurate, electronic, and timely reporting of vote counts. The Commission would then submit a report to the President and Congress which would include recommendations to reform or augment current voting procedures for Federal elections. Further, this bill would authorize matching grants for States and localities to implement the Commission’s recommendations in relation to Federal elections. Congress should address this issue as least as to Federal elections, leaving the matters of State and local elections to States and local officials under Federalist concepts. Congress should have at least a 6 member Commission with the President, Senate Majority Leader, Senate Minority Leader, Speaker of the House, and House Minority Leader each appointing one member; and the Director of the Office of Election Administration which would authorize matching grants for Federal, State, and local government elections; (2) Current voting procedures which represent the best practices in Federal, State, and local government elections; (3) Current legislation and regulatory efforts which affect voting procedures; (4) Implementing standardized voting procedures, including technology, for Federal, State, and local government elections; (5) Speed and timeliness of reporting vote counts in Federal, State, and local government elections; (6) Access to voting records in Federal, State, and local government elections; (7) Security of voting procedures in Federal, State, and local

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government elections; (8) Accessibility of voting procedures for individuals with disabilities and the elderly; and (9) Level of matching grant funding necessary to enable States and localities to implement the recommendations of the Commission for the modernization of State and local voting procedures. The details of this bill are incorporated in the attached section-by-section analysis.

Studies have shown that more than half of the nation’s registered voters are currently using outdated voting systems. A recent USA Today article noted that most voters across our country still punch paper ballots, even though experts say that system is more vulnerable to voter error than any other. In addition, approximately 20% of voters use mechanical-lever machines that are no longer manufactured, while more than 25% of voters fill in a circle, square, or arrow next to their choice of candidates on a ballot.

My primary purpose is to prevent a recurrence of the problems that threatened the 2000 presidential election whose problems could have been avoided if we had modernized voting and monitoring procedures. Voting is the fundamental safeguard of our democracy and we have the technological power to ensure that every person’s vote does count. The time is now to repair the problems of our patchwork system in order to restore the faith of American voters in our Federal election system in order to restore the faith of Americans in the integrity of Federal elections.

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SEC. 2. FINDINGS.—Congress finds that—

(1) Americans are increasingly concerned about current voting procedures;

(2) Americans are increasingly concerned about the speed and timeliness of vote counts;

(3) Americans are increasingly concerned about the accuracy of vote counts;

(4) Americans are increasingly concerned about the security of voting procedures;

(5) The speed and timeliness of vote counts in Federal, State, and local elections.

(6) The security of voting procedures in Federal, State, and local elections.

(7) The accessibility of voting procedures for individuals with disabilities and the elderly.

(8) The level of matching grant funding necessary to enable States and localities to implement the recommendations made by the Commission under subsection (b) for the modernization of State and local voting procedures.

(9) The implementation of standardized voting procedures, including standardized technology, for Federal, State, and local government elections.

(a) STUDY.—Not later than 180 days after the expiration of the period referred to in subsection (a), the Commission shall submit a report, that has been approved by a majority of the members of the Commission, to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(b) RECOMMENDATIONS.—The Commission shall submit reports to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) REPORTS.—The Commission may, together with the report submitted under paragraph (1), submit additional reports that contain any dissenting or minority opinions of the members of the Commission.

(d) TERMINAL REPORTS.—The Commission may, together with the report submitted under paragraph (1), submit additional reports that contain any dissenting or minority opinions of the members of the Commission.

(2) AMOUNT OF GRANT.—The Commission may, together with the report submitted under paragraph (1), submit additional reports that contain any dissenting or minority opinions of the members of the Commission.

(3) MATCHING GRANT FUNDING.—The Attorney General shall award grants to State and local governments to enable such governments to implement the recommendations made by the Commission under subsection (b).

(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), a State or local government shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require including an assurance that the applicant will comply with the requirements of paragraph (3).

(5) MATCHING FUNDS.—The Attorney General shall award grants to State and local governments. But a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 5. MEMBERSHIP.—The Commission shall be composed of—

(A) five voting members of whom—

(B) one shall be appointed by the majority leader of the Senate;

(C) one shall be appointed by the minority leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) WEBSITE.—For purposes of conducting the study under section 4(a), the Commission shall establish a website to facilitate public comment and participation.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chairperson of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the
administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(1) CONTRACTS.—The Commission may contract with any person, corporation, or agency for the services of any individual or the services of any group, association, or organization that shall be without compensation in the performance of the duties of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(3) COMPENSATION.—The Commission shall serve without compensation in the performance of the duties of the Commission.

(4) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(5) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(6) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(7) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(b) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(c) STAFF.—(I) In general.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(ii) Compensation.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(d) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(i) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

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(iv) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

(ii) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation in the performance of the duties of the Commission.

SEC. 8. LIMITATION ON CONTRACTING AUTHORITY.

Any new contracting authority provided for in this Act shall be effective only to the extent, or in the amounts, provided for in advance in appropriations Acts.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to prohibit the enactment of an Act with respect to voting procedures during the period in which the Commission is carrying out its duties under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available without fiscal year limitation, until expended.

SEC. 12. SECTION BY SECTION ANALYSIS—THE COMMISSION FOR THE COMPREHENSIVE STUDY OF VOTING PROCEDURES ACT OF 2001

Sections 1–2. Denotes the title of the bill and enumerates the findings, which include the following: increasing concern over the speed, timeliness, and accuracy of voting counts; increasing use of technology by American citizens; and increasing need for standardized voting technology and standardized voting procedures in Federal elections.

Section 3. Establishes the Commission for the Comprehensive Study of Voting Procedures.

Section 4. Directs the Commission to conduct a study of issues related to voting procedures, which shall be submitted one year from the appointment of the full Commission and shall include the following:

(i) Monitoring voting procedures in Federal, State, and local government elections;

(ii) Current voting procedures which represent the best practices in Federal, State, and local government elections;

(iii) Current legislative and regulatory efforts which affect voting procedures issues;

(iv) Implementing standardized voting procedures, including standardized technology, for Federal, State, and local government elections;

(v) Speed and timeliness of reporting vote counts in Federal, State, and local government elections;

(vi) Accuracy of vote counts in Federal, State, and local government elections;

(vii) Security of voting procedures in Federal, State, and local government elections;

(viii) Accessibility of voting procedures for individuals with disabilities and the elderly;

(ix) Level of matching grant funding necessary to enable States and localities to implement the recommendations of the Commission for the modernization of State and local voting procedures;

(x) Requires the Commission to submit a report to Congress on its findings, including any recommendations for legislation to reform or augment current voting procedures, within 180 days of completing its study.

(xi) Establishes a matching grant program for States and localities under the Assistant Attorney General for the Office of Justice Programs, following the submissions of the Commission’s final report. Also, authorizes an amount to be appropriated as the Commission finds necessary for States and localities to implement the recommendations of the Commission with respect to Federal elections.

(xii) Requires the Bryce Harrell, Director of the Office of Election Administration of the Federal Election Commission, to submit a report to Congress on its findings, including any recommendations for legislation to reform or augment current voting procedures.

Section 6. Provides the authority to the Commission to carry out this Act.

Section 7. Provides for the hiring of a Director and staff.

Section 8–9. Limits the contracting authority of the Commission to those individuals and organizations that the Commission determines to be qualified after an initial review of the Commission's report.

Section 10–11. Specifies that the Act will not prohibit the enactment of legislation on voting procedure issues during the existence of the Commission and authorizes appropriations.

Mr. HARKIN. Mr. President, I am pleased to join with Senator SPECTER on the introduction of the Commission on the Comprehensive Study of Voting Procedures Act of 2001. This measure is very similar to the Commission authorized after last year’s elections. I think that we can all agree that this year’s Presidential election has exposed a number of serious flaws in Florida’s voting system, as well as in those of many states around the country.

First, thousands of ballots were not counted due to voter error. Some people voted for two candidates. Some voted for no candidate. And thousands who voted for just one candidate did so in such a way that their ballots could not be accurately read by vote-counting machines.

Second, the systems we traditionally use to decide elections—systems that can determine the results of an election that is won by one percent or two percent or five percent of the vote—simply aren’t accurate enough to decide an election based on a margin of just hundreds of one percent. For example, ask any election expert in the country, and they’ll tell you that punch card machines just aren’t up to such a task. The press late last year was filled with reports and analysis showing that punch card systems have a far greater proportion of undervoted counts than other systems.

We also now know that butterfly ballots were not the wisest idea. And it’s not just a matter of avoiding that particular design. We’ve also got to deal with the fact that systems that are designed in ways that voter error is minimized. In addition, we learned that some Floridians thought they were registered to vote. However, when they arrived at the polls, they found that their names were not listed on the registration roles. These citizens were not allowed to vote in Florida.

Clearly, our voting system has flaws. However, there’s nothing wrong with our voting system that can’t be fixed by what’s right with it. For example, in Iowa, we have a law that allows any potential voter who is not found on the registration roles to cast a “challenged ballot.” This challenged ballot is like an absentee ballot. It’s put in an envelope, and election officials spend the days immediately after the election re-checking registration roles for clerical errors.

If an error was made, and a person was indeed registered to vote, then his or her challenged ballot is counted. This isn’t a perfect solution, but it ensures that fewer people fall through the
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cracks. And there are more creative answers like this just waiting to be discovered in innovative, forward-thinking counties throughout America. That’s why Senator SPECTER and I have introduced a bill designed to re vamp our election systems to make them faster, fairer, and accessible and accurate as possible.

The Specter-Harkin bill establishes a bipartisan commission which would spend one year examining election practices throughout America. The Commission would seek to discover the strengths and weaknesses in our election system in order to determine the best course of action for the future.

The Commission would specifically be responsible for studying the following:

(1) Voting procedures in Federal, State, and local government elections.
(2) Voting procedures that represent the best practices in Federal, State, and local government elections.
(3) Legislative and regulatory efforts that affect voting procedures.
(4) The implementation of standardized voting procedures, including standardized technology for Federal, State, and local government elections.
(5) The timeliness of vote counts in Federal, State and local elections.
(6) The accuracy of vote counts in Federal, State and local elections.
(7) The accessibility of voting procedures in Federal, State and local elections.
(8) The security of voting procedures for individuals with disabilities and the elderly.
(9) The level of matching grant funding necessary to implement the Commission’s recommendations.

Lastly, the bill authorizes a one-to-one matching grant program subject to the appropriation of the funds.

The Commission would seek to answer questions like the following: What are the latest innovations in voting technology? What are the best fail-safe systems we can install to alert voters that they’ve voted for too many candidates or too few? Are we doing everything we can to make our voting system accessible to the elderly, people with disabilities, and others with special needs?

The next Presidential election is less than four years away. By allotting 12 full months for the Commission to study our voting systems, we’ll have time for the Commission to finish a report and submit it to Congress for review and passage, and to allow Federal, State and local governments to pass and implement new voting legislation. But the timeline is tight, and we must move forward quickly.

Clearly, when it comes to voting, local officials should have discretion in their precincts. But at the very least, we must establish minimum standards for accessibility and accuracy in order to ensure fair and precise count. We also need clear guidelines regarding the recounting of votes in very close elections. Each vote is an expression of one American’s will, and we cannot deny anyone that fundamental right to shape our democracy.

There will always be conflicting views about what happened in Florida. And we’ll probably never come to complete agreement on the matter. But let us move more quickly and work together to minimize voting inaccuracies in the future and ensure every American’s right to be heard.

By Mr. SCHUMER (for himself, Mr. WARNER, Mr. DURBIN, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. VOINOVICH, Mr. KERRY, Mr. DODD, and Ms. MIKULSKI)

S. 217. A bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I am proud to join my colleagues—Senators WARNER, DURBIN, CHAFEE, SARBANES, SANTORUM, DODD, KERRY, VOINOVICH, and MIKULSKI today to introduce the Commuter Benefits Equity Act of 2001. This bill corrects an inequity in the tax code and has the potential to draw hundreds of thousands of commuters out of their cars and onto our nation’s transit and commuter rail systems.

The inequity I am speaking about is the largely ignored difference in the amount of “pretax” compensation that current law permits employers to give employees to cover parking and transit costs. At present, a company may provide a worker with $175 per month to cover parking expenses. That limit is set at $65 per employee for mass transit expenses.

At a time when our nation’s highways and bridges are under unprecedented strain, it is hard to believe that the federal law provides a greater incentive for workers to drive to work than to leave their cars at home.

The Commuter Benefits Equity Act of 2001 would raise the monthly cap to $175 for transit and provide “cost of living” increases for both benefits in the future. I would note that the parking benefit just received a $5 COLA.

It is often said that people love their cars and simply will not ride mass transit to work. Many times this view is asserted as if it were an incontrovertible fact. I don’t believe it at all, and recent ridership increases show that any comments relating to this bias appear in the Record following my remarks as well as the text of the Commuter Benefits Equity Act of 2001.

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

S. 217

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commuter Benefits Equity Act of 2001”.

SEC. 2. UNIFORM DOLLAR LIMITATION FOR ALL TYPES OF TRANSPORTATION FRINGE BENEFITS.

(a) IN GENERAL.—Subparagraph (A) of section 132(f)(2) of the Internal Revenue Code of 1986 (relating to limitation on contribution) is amended by striking “$65” and inserting “$175”.

(b) CONFORMING AMENDMENT.—Section 901 of the Transportation Equity Act for the 21st Century is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3. CLARIFICATION OF FEDERAL EMPLOYEE BENEFITS.

Section 7005 of title 5, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (2)(C) by inserting “and” after the semicolon;
(B) in paragraph (3) by striking “;” and inserting a period; and
(C) by striking paragraph (4); and
(2) in subsection (b)(2)(A) by amending subparagraph (A) to read as follows:
“(A) a qualified transportation fringe as defined in section 132(f)(1) of the Internal Revenue Code of 1986;”.

Mr. WARNER. Mr. President, I am pleased today to join with my distinguished colleague from New York, Senator Schumer, to introduce the Commuter Benefits Equity Act of 2001.

Transportation gridlock in the metropolitan Washington region is dramatic and well documented. The average commuter spends about 76 hours a year idling on our area roads. The average speed on the Capital Beltway has decreased from 47 miles per hour to 23 miles per hour today. This wasted time in cars results in lost work productivity, lost time with families and decreased quality of life. The quality of life for commuters is significantly reduced all across the country. I firmly believe the strength of our economy will be jeopardized if the growing rate of congestion in our communities remains unchecked.

Yes, the construction of new roads and the expansion of existing roads must occur. But, this alone is not the answer to our problems. Relief from our growing gridlock will not come from increased construction. It will only come from an integrated policy of options that provide short-term, immediate solutions, together with long-term planning for new transportation facilities, both roads and transit.

For these reasons, I have worked over the years to provide commuters with greater incentives to use mass transit, bus or rail, and to join vanpools. Increased transit ridership, extension of the Metro system, Dulles Rapid Transit, and expanded telecommuting opportunities are critical to providing temporary short-term solutions. Greater transit use and broader telework options are measures we can implement today that will deliver results tomorrow.

The measure I am introducing today with Senator SCHUMER will provide parity in the tax code for those who enjoy employer-provided parking and those who elect to commute by mass transit.

Today, the tax code provides two benefits for employers to offer their employees, both Federal employees and those in the private sector. Employers can offer employees a cash benefit of $65 per month for commuting expenses, or employers can set aside up to $65 per month of an employee’s pre-tax income to pay for commuting costs. Under the tax code, however, the employer-provided parking benefit is valued at $175 per month.

The legislation introduced today will increase the transit/vanpool benefit to $175 per month to be on par with the value of the parking benefit.

Last year, I authored a provision in the FY 2001 Department of Defense Authorization bill requiring the Department of Defense to offer the cash commuting benefit to all DOD employees working in areas that do not meet the Federal air quality standards. With a total metropolitan Washington regional federal workforce of 323,000 persons, the Department of Defense is, by far, the single largest federal employer with 65,000 persons.

The implementation of this benefit by the Federal agencies will improve employee satisfaction and have a positive effect on retention rates in the Federal workforce. This measure, however, is not limited to Federal employees. It does extend the benefit to private sector employees as well.

Equally important are the resulting air quality benefits from increased transit use. According to the Environmental Protection Agency, the metropolitan Washington area is in an air quality non-attainment area, categorized as severe, under the Clean Air Act Amendments of 1990. Mobile sources are responsible for the majority of our air quality violations.

Mr. President, I commend this legislation to my colleagues for their attention. It’s costs are modest, and the benefits to our society are significant.

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues Senators SCHUMER and WARNER in introducing the Commuter Benefits Equity Act of 2001. This measure is another important step forward in our efforts to make transit more accessible and improve the quality of life for commuters throughout the nation.

All across the nation, congestion and gridlock are taking their toll in terms of economic loss, environmental impact, and personal frustration. According to the Texas Transportation Institute’s Annual Mobility Report, in 1997, Americans in 68 urban areas spent 4.3 billion hours stuck in traffic, with an estimated valuation of $72 billion in lost time and wasted fuel, and the problem is growing. One way in which federal, state, and local governments are responding to this problem is by promoting greater use of transit as a commuting option. The American Public Transportation Association estimates that last year, Americans took over 9.4 billion trips on transit, the highest level in more than 40 years. This wasted time in cars results in lost work productivity of over 9.4 billion hours stuck in traffic, with an estimated valuation of $72 billion in lost time and wasted fuel, and the problem is growing.

One way in which federal, state, and local governments are responding to this problem is by promoting greater use of transit as a commuting option. The American Public Transportation Association estimates that last year, Americans took over 9.4 billion trips on transit, the highest level in more than 40 years. This wasted time in cars results in lost work productivity of over 9.4 billion hours stuck in traffic, with an estimated valuation of $72 billion in lost time and wasted fuel, and the problem is growing.

The Internal Revenue Code currently allows employers to provide a tax-free transit benefit to their employees. Under this Commuter Choice program, employers can set aside up to $65 per month of an employee’s pre-tax income to pay for the cost of commuting by public transportation or vanpool. Alternatively, an employer can choose to offer the same amount as a tax-free benefit to eligible employees. This program is designed to encourage Americans to leave their cars behind when commuting to work. By all accounts, this program is working. In the Washington area, for example, the Washington Metropolitan Area Transit Authority reports that 168,500 commuters use transit programs offered by their employers. That means fewer cars on our congested streets and highways.

Employees of the federal government account for a large percentage of those benefitting from this program in the Washington area. Under an Executive Order issued by President Clinton, all federal agencies in the National Capital Region, which includes Montgomery, Prince George’s, and Frederick Counties, Maryland, as well as several counties in Northern Virginia, are required to offer this transit benefit to their employees. The Commuter Choice program is now being used by 155,000 Washington-area federal employees who are choosing to take transit to work.

However, despite the success of the Commuter Choice program in taking cars off the road, our tax laws still reflect a bias toward driving. The Internal Revenue Code allows employers to offer a tax-free parking benefit to their employees of up to $175 per month. The disparity in the amount allowed for parking—$175 per month—and the amount allowed for transit—$65 per month—undermines our commitment to supporting public transportation use.

The Commuter Benefits Equity Act would address this discrepancy by raising the maximum monthly transit benefit to $175, equal to the parking benefit. The federal government should not reward those who drive to work more richly than those who take public transportation. Indeed, since the passage of the Intermodal Surface Transportation Efficiency Act of 1991, federal transportation policy has endeavored to create a level playing field between highway and transit, favoring neither mode above the other. The Commuter Benefits Equity Act would ensure that our tax laws reflect this balanced approach.

In addition, the Commuter Benefits Equity Act would remedy another inconsistency in current law. Private-sector employers can offer their employees the transit benefit in tandem with the parking benefit, to help employees pay for the costs of parking at transit facilities, at transit stations, or other locations which serve public transportation or vanpool commuters. However, under current law, federal agencies cannot offer a parking benefit to their employees who use park-and-ride lots or other remote parking locations, while the Commuter Benefits Equity Act would remove this restriction, allowing federal employees access to the same benefits enjoyed by their private-sector counterparts.

The Washington Metropolitan Region is home to thousands of federal employees. It is also one of the nation’s most highly congested areas, with the second longest average commute time.
in the country. This area ranks third in the nation in the number of workers commuting more than 60 minutes to work, and has the highest per vehicle congestion cost and the second highest per capita congestion cost in the nation. It is in our interest to support programs which encourage federal employees to make greater use of public transportation for their commuting needs.

The simple change made by the Commuter Benefits Equity Act would provide a significant benefit to those federal employees whose commute to work includes parking at a transit facility. For example, a commuter who rides the Metrorail System to work and parks at the Wheaton park-and-ride lot pays about $500 monthly for parking, on top of the cost of riding the train. A private-sector employee whose employer provides the parking benefit in addition to salary could receive $600 a year to help pay those parking costs. Federal government employees should be allowed the same benefit.

I support the Commuter Benefits Equity Act because it creates parity—parity in benefits between the parking and transit benefits, and parity for federal employees with their private-sector counterparts. Both of these improvements will aid our efforts to fight congestion and pollution by supporting public transportation. I encourage my colleagues to join me in supporting the Commuter Benefits Equity Act.

By Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINFELD, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, Mr. SANTORUM, Mr. WARNER, Mr. REID, and Mr. ROBERTS).

S. 218. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and to provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, I rise today to re-introduce along with Senators TORRICELLI, FEINFELD, ALLARD, SMITH, BREAUX, BURNS, REID, BENNETT, LANDRIEU, SANTORUM, ROBERTS, HUTCHINSON, and WARNER meaningful, bipartisan legislation to reform the administration of our nation's elections. I ask that the entire text of my statement and the text of the legislation appear in the record.

As we move into the twenty-first century it is inexorable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War. The goal of our legislation is rather simple: that no American ever again be forced to hear the phrases dimpled chad, hanging chad or pregnant chad. The Election Reform Act will ensure that our nation's electoral process is brought up to twenty-first century standards.

By combining the Federal Election Commission's Election Clearinghouse and the Department of Defense's Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create a single entity to bring focus expertise to bear on the administration of elections. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. It will take over from the Federal Election Commission all of the functions of the two entities that are being combined to create it.

In addition, the new Commission will engage in ongoing study and make periodic recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility for the disabled. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the accuracy of the federal voter rolls. This is of special urgency in view of the allegations surfacing in this election of hundreds of felons being listed on voting rolls and illegally voting, as reported in the Miami Herald, while other law abiding citizens who allegedly registered were not included on the voting rolls and were unable to vote. Such revelations from this year's elections coupled with the well-known report by "60 Minutes" of the prevalence of dead people and pets both registering and voting in past elections make clear the need for thoughtful study and recommendations to ensure that everyone who is legally entitled to vote is able to do so and that everyone who votes is legally entitled to do so—and does so only once.

In addition to its studies and recommendations, the Commission will provide matching grants to states working to improve election administration. During the first four years, low-income communities will get priority for these grants and low-income communities are permanently exempted from the requirement to provide matching funds. The legislation also ensure that states comply with the provisions in the Uniformed Overseas Voting Act designed to facilitate voting by members of the armed forces stationed overseas.

Finally, I am pleased also to announce that Representative TOM DAVIS, along with Representatives ROTHMAN, DREIER, and HASTINGS are re-introducing the House companion to our bill today.

Mr. DODD. Mr. President, today I send to the desk legislation on behalf of myself, Senators MCCAIN, HOLLMINGS and HAGEL. The purpose of the bill we are introducing today is to help the incoming Bush administration in its efforts to strengthen international cooperation in countering international drug trafficking and drug-related crimes.

As you know, the issue of how best to construct and implement an effective international counter-narcotics policy has been the subject of much debate in this Chamber over the years, and I would add much disagreement. Our intention in introducing this legislation is to try to see if there is some way to end what has become a stale annual debate that has not brought us any closer to mounting a credible effort to eliminate or even contain the international drug mafia. We all can agree that drugs are a problem—a big problem. We can agree as well that the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the world, but most especially in our own hemisphere.

The international impact is serious and of great concern, of even greater concern to me personally are effects it is having here at home. Last year Americans spent more than $60 billion to purchase illegal drugs. Nearly 15 million American teenagers (twelve years of age and older) use illegal drugs, including 1.5 million cocaine users, 208,000 heroin addicts, and more than 11 million smokers of marijuana. This menace isn't just confined to inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

The human and economic costs of illegal drug consumption by Americans are enormous. More than two million people die annual as a result of drug induced deaths. Drug related illness, death, and crime cost the United States approximately over 100 billion annually, including costs for lost productivity, premature death, and incarceration.

This is an enormously lucrative business—drug trafficking generates estimated revenues of $400 billion annually. The United States has spent more than $30 billion in foreign interdiction and assistance counter-narcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, foreign drugs are cheaper and more readily available in the United States today than two decades ago.

We think that for a variety of reasons, that the time is right to give the incoming Bush administration some flexibility with respect to the annual certification process, so that it can determine whether this is the best mechanism for producing the kind of international cooperation and partnership that is needed to contain this transnational menace. I believe that
government leaders, particularly in this hemisphere, have come to recognize that illegal drug production and consumption are increasingly threats to political stability within their national borders. Clearly President Pastrana has acknowledged that fact and has sought to work very closely with the United States in implementing Plan Colombia. Similarly President Vincente Fox of Mexico has made international counter narcotic cooperation a high priority since assuming office last December. These leaders also feel strongly, however, that unilateral efforts by the United States to grade their governments’ performance in this area is a major irritant in the bilateral relationship and counterproductive to their efforts to instill a cooperative spirit in their own bureaucracies.

The legislation we are introducing today recognizes that illicit drug production, distribution and consumption are national security threats to many governments around the globe, and especially many of those in our own hemisphere, including Mexico, Colombia, and other countries in the Andean region. It urges the Administration to develop and implement an enhanced multilateral strategy for addressing these threats from both the supply and demand side of the equation. It calls upon the President to consider convening a conference of heads of state and government to be held in the first 2 calendar years beginning after the date of the enactment of this Act, to review our country-by-country basis, national strategies for drug reduction and prevention, and agree upon a time table for action. It also recommends that the President submit any legislative changes to existing law which he deems necessary in order to implement this international program within one year from the enactment of this legislation.

In order to create the kind of international cooperation and mutual respect that is present if and when administration’s effort is to produce results, the bill would also suspend the annual drug certification procedure for a period of 2 years, while efforts are ongoing to develop and implement this enhanced multilateral strategy. I believe it is fair to say that while the certification procedure may have had merit when it was enacted into law in 1986, it has now become a hurdle to furthering bilateral and multilateral cooperation in particular those in our own hemisphere such as Mexico and Colombia—governments whose cooperation is critical if we are to succeed in stemming the flow of drugs across our borders.

Let me make clear however, that while we would not be “grading” other governments on whether they have “cooperated fully” during the two year “suspension” period, the detailed reporting requirements currently required by law concerning what each government has done to cooperate in the areas of eradication, extradition, asset seizure, money laundering and demand reduction during the previous calendar year will remain in force. We will be fully informed as to whether governments are following short of their national and international obligations. Moreover, if the President determines during the two year suspension period that certification provisions must be in place in order to elicit more cooperation from a particular government he may go ahead and issue the annual certification decision with respect to that country. The annual determination as to which countries are major producers or transit sources of illegal drugs will also continue to be required by law.

I believe that we need to reach out to other governments who share our concerns about the threat that drugs pose to the very fabric of their societies and our own. It is arrogant to assume we are the only Nation that cares about such matters. We need to sit down and figure out what each of us can do better in order to better combat the drug traffickers to ply their trade. It is in that spirit that we urge our colleagues to give this proposal serious consideration. Together, working collectively we can defeat the traffickers. But if we consider that we are in this game, we are certainly not going to effectively address this threat. We aren’t going to stop one additional teenager from becoming hooked on drugs, or one more citizen from being mugged outside his home by some drug crazed thief.

During the Clinton Administration, Barry McCaffrey, the Director of the Office of National Drug Control Policy could at a time in which he wishes to forge more cooperative relations with Colombia, Mexico and other countries in our own hemisphere. The OAS has also done some important work over the last several years in putting in place an institutional framework for dealing with the complexities of compiling national statistics so that we can better understand what needs to be done. The United Nations, through its Office for Drug Control and Crime Prevention has also made some important contributions in furthering international cooperation in this area. However, still more needs to be done. We believe that this legislation will build upon that progress. I would urge my colleagues to give some thought and attention to our legislative initiative. We believe that if they do, that they will come to the conclusion that it is worthy of their support.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of these remarks.

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

S. 219

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

SECTION 1. TWO-YEAR SUSPENSION OF DRUG CERTIFICATION PROCESSE.—(a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which undermines the integrity of political and financial institutions both in the United States and abroad.

(3) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(4) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.


(6) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(7) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), which has been in effect since 1966, does not currently foster effective and consistent bilateral or multilateral cooperation with United States counternarcotics programs because their provisions are vague and inconsistently applied, and many cases have been resolved by subsequent bilateral and multilateral agreements and because it alienates the very allies whose cooperation we seek.

(b) Sense of Congress.—It is the sense of Congress that—

(1) many governments are extremely concerned by the national security threat posed by illicit drug production, distribution, and consumption, and crimes related thereto, particularly those in the Western Hemisphere;

(2) an enhanced multilateral strategy should be developed among drug producing, transit, and consuming nations designed to improve cooperation with respect to the investigation and prosecution of drug related crimes, and to make available information on effective drug education and drug treatment programs;

(3) the President should at the earliest feasible date in 2001 convene a conference of heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to present and review country by country drug reduction and prevention strategies relevant to the specific circumstances of each country, in order to a program and timetable for implementation of such strategies; and

(4) not later than one year after the date of the enactment of this Act, the President should transmit to Congress legislation to implement a proposed multilateral strategy to achieve the goals referred to in paragraph (2), including any amendments to existing law that may be required to implement that strategy.

(c) TWO-YEAR SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Subsections (a) through (g) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), relating to annual certification procedures for assistance for certain drug-producing countries and drug transit countries, shall not apply in the first 2 calendar years beginning after the date of the enactment of this Act.
Mr. HOLLINGS. Mr. President, I rise today to join my good friend Senator DODD, and our distinguished colleagues Senator HAGEL and Chairman MCCAIN, in cosponsoring an important piece of legislation with far-reaching effects in our global war on drug trafficking. Our bill calls for the development of a multilateral strategy among major illicit drug producing, transit, drug demand, and consuming countries to improve cooperation with respect to certifications otherwise required under section 490 of the Foreign Assistance Act of 1961 in fiscal years 2001 and 2002.

Mr. HOLLINGS. Mr. President, I rise today to join my good friend Senator DODD, and our distinguished colleagues Senator HAGEL and Chairman MCCAIN, in cosponsoring an important piece of legislation with far-reaching effects in our global war on drug trafficking. Our bill calls for the development of a multilateral strategy among major illicit drug producing, transit, drug demand, and consuming countries to improve cooperation with respect to certifications otherwise required under section 490 of the Foreign Assistance Act of 1961 in fiscal years 2001 and 2002.

While I am sobered by the accounts of the Guzmán escape, it is encouraging that the Mexican Supreme Court reversed its decision on extraditions for drug crimes and agreed to turn over drug kingpins wanted in the United States. We must further these confidence-building initiatives between the United States and Mexico. One way to do this is to grant Mexico a two-year moratorium from the drug certification process to allow President Fox to organize his Administration and to set his course. We should not evaluate President Fox for the corruption of his predecessors. We must allow him to address the endemic corruption that plagues the Mexican state.

This legislation does not cede Congress’ role in the so-called drug war. It call for new energy and a new multilateral approach. It emphasizes Congress’ interest in building real partnerships and looking for new answers in this difficult struggle. This legislation will give us a fresh start with our neighbor to the south and help increase confidence in Mr. Fox and his able cabinet. My colleagues and I are reaching out to the Fox Administration and the Mexican people; we want to build a partnership and seek new ways to address common problems.

By Mrs. BOXER:

S. 221. A bill to authorize the Secretary of Energy to make loans through a revolving loan fund for States to construct electricity generation facilities for use in electricity supply...
electricity crisis and to help prevent such emergencies from occurring in other States in the future. Today, I am introducing another such bill—the State Electricity Reserve Fund Act.

Current electricity generating capacity is not always sufficient to meet the expected need. Poor planning by the generating companies have no incentive to build or maintain facilities that would generate capacity greater than what is needed to meet consumer demand. The plants would be idle most of the time. As a result, electricity shortages can occur.

A lack of rainfall, which means that hydroelectric facilities cannot be operated as often, as well as unseasonably hot or cold temperatures, or rapid population increases in a State can all result in a demand for electricity unexpectedly exceeding supply. But with supply tied to expected demand, this can result in devastatingly large price increases for consumers and/or electricity shortages, which in turn could cause blackouts.

This is exactly what has happened in California. In the late 1980’s, the California Public Utilities Commission required utilities to determine demand for new power generating capacity. At that time, the State recognized that generation needs could increase. However, the utilities argued that no new capacity would be needed in California until 2005. The utilities fought the attempt by the state to make them build more generating capacity. The utilities argued it was not needed.

It turned out that it was needed. And whether the utilities should have known is another argument for another day. But the point here is that we cannot rely on the private sector to create an “rainy day fund” of electricity in the event of emergencies.

So, the State Electricity Reserve Fund Act would create a revolving loan fund for states to use to help pay for the construction of an electricity reserve capacity. These loans could be used by states to build electricity generation facilities that would be controlled by the state and would be kept in reserve unless the Governor of the State declares an electricity emergency.

Mr. President, it is not an unusual thing for the federal government to prepare for energy emergencies. We have the Strategic Petroleum Reserve in the case of oil shortages, and last year we established the Home Heating Oil Reserve for the Northern States. My bill is based on the same premise.

True, we cannot store electricity like we can store petroleum and heating oil. But we can financially help States build a reserve facility, including a reserve of the fuel that is needed to generate electricity, to be used in the case of electricity emergencies. If such a reserve had existed in California, we would not have reached State III emergencies and rolling blackouts over the past couple of weeks.

Mr. President, I think being prepared for emergencies is always a good policy. Helping States be prepared for electricity emergencies is no different. I ask unanimous consent that a copy 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. 221

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

SECTION 1. SHORT TITLE. This Act may be referred to as the “State Elec- tricity Reserve Fund Act of 2001”.

SEC. 2. PURPOSE. The purpose of this Act is to assist States in creating electric generating capacity to be used in the event of an electricity emer- gency.

SEC. 3. EMERGENCY ELECTRICITY GENERATION FACILITIES.

(a) REVOLVING LOAN FUND.—There is estab- lished in the Treasury of the United States a revolving loan fund to be known as the “State Electricity Reserve Loan Fund” consisting of such amounts as may be appropri- ated or credited to such Fund as provided in this section.

(b) EXPENDITURES FROM LOAN FUND. (1) IN GENERAL.—The Secretary of Energy, under such rules and regulations as the Sec- retary may prescribe, may make loans from the State Electricity Reserve Loan Fund, without further appropriation, to a State.

(2) PURPOSE.—Loans provided under this section shall be used for the purpose of de- signing and constructing 1 or more facilities in a State with capacity to generate an amount of electricity sufficient to meet the amount of any intermittent deficiencies in electricity supply that the State may rea- sonably be expected to experience during any period over the next 10 years.

(3) USE OF FUNDS.—A facility designed or constructed with a loan provided under this section—

(A) shall be owned by the State and oper- ated by the State directly or through a con- tract with an electric utility or a consortium of electric utilities; and

(B) shall be operated to supply electricity to the electricity transmission grid only dur- ing periods of electricity emergencies declared by the Governor of the State.

(4) DETERMINATIONS BY SECRETARY.—No loan shall be provided under this section un- less the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan; and

(B) the amount of the loan, together with other funds provided by or available to the State, is adequate to assure completion of the facility or facilities for which the loan is made.

(c) LOAN AMOUNT.—The amount of a loan provided under this section shall not exceed the lesser of—

(A) 40 percent of the costs to be incurred in designing and constructing the facility for the purpose of meeting the financial hardship on the State that received the loan.

(2) CREDIT TO LOAN FUND.—Repayment of amounts loaned under this section shall be credited to the State Electricity Reserve Loan Fund and shall be available for the pur- poses for which the fund is established.

(d) ADMINISTRATION EXPENSES.—The Sec- retary may defray the expenses of admin- istering the loans provided under this sec- tion.

(e) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the State Elec- tricity Reserve Loan Fund and shall be available for the pur- poses for which the fund is established.

SEC. 4. DETERMINATION OF THE AMOUNT OF A LOAN.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the State Elec- tricity Reserve Loan Fund and shall be available for the pur- poses for which the fund is established.

(b) USE OF FUNDS.—A facility designed or constructed with a loan provided under this section—

(A) shall be owned by the State and oper- ated by the State directly or through a con- tract with an electric utility or a consortium of electric utilities; and

(B) shall be operated to supply electricity to the electricity transmission grid only dur- ing periods of electricity emergencies declared by the Governor of the State.

(4) DETERMINATIONS BY SECRETARY.—No loan shall be provided under this section un- less the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan; and

(B) the amount of the loan, together with other funds provided by or available to the State, is adequate to assure completion of the facility or facilities for which the loan is made.

(c) LOAN AMOUNT.—The amount of a loan provided under this section shall not exceed the lesser of—

(A) 40 percent of the costs to be incurred in designing and constructing the facility for the purpose of meeting the financial hardship on the State that received the loan.

(2) CREDIT TO LOAN FUND.—Repayment of amounts loaned under this section shall be credited to the State Electricity Reserve Loan Fund and shall be available for the pur- poses for which the fund is established.

(d) ADMINISTRATION EXPENSES.—The Sec- retary may defray the expenses of admin- istering the loans provided under this sec- tion.

(e) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the State Elec- tricity Reserve Loan Fund and shall be available for the pur- poses for which the fund is established.

SEC. 5. LOAN REPAYMENT.

(A) IN GENERAL.—Before making a loan under this section, the Secretary shall deter- mine the period of time within which a State must repay such loan.

(B) LIMITATION.—Except as provided in sub- paragraph (C), the Secretary shall in no case allow repayment of such loan—

(i) to begin later than the date on which the loan is made; and

(ii) to be completed later than the date that is 10 years after the date on which the loan is made.

SEC. 6. ADDITIONAL COSPONSORS.

S. 6

At the request of Mr. Daschle, the name of the Senator from California (Mrs. Feinstein) was added as a cospon- sor of S. 6, a bill to amend the Public Health Service Act, the Em- ployee 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. 27

At the request of Mr. Feingold, the name of the Senator from Missouri (Mrs. Carnahan), the Senator from New Mexico (Mr. Bingaman), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 28

At the request of Mr. Gramm, the name of the Senator from Alabama (Mr. Sessions) was added as a co- sponsor of S. 28, a bill to guarantee the right of all active duty military personal, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 29

At the request of Mr. Bond, the names of the Senator from Colorado (Mr. Allard) and the Senator from Kansas (Mr. Brownback) were added as cosponsors of S. 29, 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.

S. 70

At the request of Mr. Inouye, the name of the Senator from Maryland (Ms. Mikulski) was added as a cospon- sor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 118

At the request of Mr. Rockefeller, the names of the Senator from Hawaii...
Whereas in World War II, over 57,000 Army nurses again served with distinction, including 67 who were captured in the Philippines and held as prisoners of war for 3 years before their liberation in February 1945; Wherein Army nurses served in hostilities in Korea, Vietnam, Grenada, Panama, Kuwait, and Somalia; Wherein nurses were there to care for United States soldiers, wherever those soldiers were fighting, thereby winning extraordinary distinction and respect for the Nation and the United States Army; Wherein on this 100th Anniversary of the United States Army Nurse Corps, nurses in the Army Reserve, the Army National Guard, and the Regular Army are deployed to over 15 countries, including to Bosnia-Herzegovina and Kosovo; Wherein the motto of Army nurses, “Ready, Caring, Focused” is more than mere words, it is the creed by which the Army nurse lives and serves; Wherein it is certain that Army nurses, accompanying the victorious armies, will continue to be the credentials of our Army, even though no one can predict the cause, location, or magnitude of future battles; and Wherein everywhere the Army Nurse Corps is committed to providing quality care in peace and war, at anytime and in any place; Now, therefore, be it…

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

(1) recognizes the valor, commitment, and sacrifice of United States Army nurses who have made throughout the history of the Nation;

(2) commends the United States Army Nurse Corps for its selfless service;

(3) requests that the President issue a proclamation recognizing the 100th anniversary of the United States Army Nurse Corps on February 2, 2001; and

(4) calls upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, I rise today to introduce a resolution to commemorate the 100th anniversary of the United States Army Nurse Corps. As a proud supporter of the Army Nurse Corps, both the officers and the many enlisted and civilian personnel who work with them, I am pleased that we are taking time today to recognize their contributions to our army and our nation.

Since the War of Independence, nurses have served our military in peace and in war, but it was not until 1901 that a bill came before the Congress to establish a permanent Nurse Corps. The Nurse Corps became a permanent corps of the medical department under the Army Reorganization Act passed by the Congress on February 2, 1901. At that time, the Nurse corps was composed of only women.

The Army Nurse Corps has a proud history. More than 21,000 nurses served during World War I, many of them named in dispatches for their meritorious service. In World War II, more than 57,000 Army nurses again served with distinction. Sixty-six of those nurses were captured in the Philippines and held as prisoners of war for three years before their liberation in February 1945. The Army has not enough time to describe all of the heroic actions of the nurses who waited ashore on the Anzio beachhead and many other locations throughout the war. One nurse, Lieutenant Frances Y. Slinger from Roxbury, Massachusetts, wrote a letter to Stars and Stripes from her tent in Belgium:

Sure we rough it. But compared to the way you men are taking it, we can’t complain. I feel that honor. It is to you we doff our helmets. To every G.I. wearing the American uniform—our friends... We have the greatest admiration and respect.

Seventeen days later, on October 21, 1944, Lieutenant Slinger died of wounds caused by the shelling of her tented hospital area. Hundreds of soldiers replied:

To all Army nurses overseas: We men were not given the choice of working in the battlefield or the home front. We cannot take any credit for being here. We are here because we have to be. You are here because you felt you were needed. So, when an injury, illness, or disease strikes our soldiers, you are there to care for every man who needs your help. Of course you do it, . . . . Concerned with his welfare, he can’t but be overcome by the very thought that you are doing it because you want . . . .

Eventually, on August 9, 1955, Public Law 294 authorized commissions for male nurses in the U.S. Army Reserve. Army Nurses went to serve our nation in many foreign countries, Vietnam, Grenada, Panama, Operation Desert Shield/Desert Storm, Somalia, Bosnia, Kosovo and other far away destinations. Army Nurses are currently deployed to more than 15 countries, and there are nurses in the Reserve, Army National Guard and the Active Force. Today, we recognize the men and women of the Army Nurse Corps for their selfless service and dedication to our nation and our military. I commend the Army Nurse Corps for its commitment to excellence, to the Army and for America’s Army from 1901 to 2001.

CONCURRENT RESOLUTION 6—EXRESSING THE SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK INDIA ON JANUARY 26, 2001, AND SUPPORT FOR ONGOING AID EFFORTS

Mr. TORRICELLI (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

Whereas the earthquake of January 26, 2001, a devastating and deadly earthquake shook the state of Gujarat in western India, killing untold tens of thousands of people, injuring countless others, and crippling most of the region;

Whereas the earthquake of January 26, 2001, has left thousands of buildings in ruin, caused widespread fires, and destroyed infrastructure;

Whereas the people of India and people of Indian origin have displayed strength, courage, and determination in the aftermath of the earthquake;

Whereas the people of the United States and India have developed a strong friendship based on mutual interests and respect;
Whereas India has asked the World Bank for $1,700,000,000 in economic assistance to start rebuilding from the earthquake; and
Whereas the United States has offered technical and monetary assistance through the United States Agency for International Development (USAID); and
Whereas offers of assistance have also come from governments of Turkey, Switzerland, Taiwan, Russia, Germany, China, Canada, and others, as well as countless nongovernmental organizations; Now, therefore, be it
Resolved by the Senate (the House of Representatives concurring), That Congress—
(1) expresses its deepest sympathy to the citizens of the state of Gujarat and to all of India for the tragic losses suffered as a result of the earthquake of January 26, 2001,
(2) expresses its support for—
(A) the people of India as they continue their efforts to rebuild their cities and their lives;
(B) the efforts of the World Bank;
(C) continuing and substantially increasing the amount of disaster assistance being provided by the United States Agency for International Development (USAID) and other relief agencies; and
(D) providing future economic assistance in order to help rebuild Gujarat; and
(3) acknowledges the importance of the efforts made by India to take ownership of its recovery while receiving assistance in order to alleviate the suffering of the people of India.

SENATE RESOLUTION 15—CONGRATULATING THE BALTIMORE RAVENS FOR WINNING SUPER BOWL XXXV

Mr. SARBANES (for himself and Ms. MikULski) submitted the following resolution; which was considered and agreed to:

S. Res. 15

Whereas in March of 1984, the Baltimore Colts stole away in the dark of night, to become the Indianapolis Colts;
Whereas for eleven long years, the football-crazy fans of Baltimore waited for an NFL franchise;
Whereas the arrival of the Ravens, coupled with the enthusiasm and energy of their fans, has ushered in a new era of unity in the Baltimore community;
Whereas the drive of the Baltimore Ravens’ organization to win has embodied the spirit and pride of Baltimore as a city with great football heritage and as a great city on the rise;
Whereas members of the Ravens’ team have exemplified confidence, character, perseverance, talent, dedication, and most importantly, a commitment to giving something back to the Baltimore community;
Whereas the Baltimore Ravens’ defense goes down in history as one of the NFL’s all-time best defensive units;
Whereas in the 2000–2001 NFL season, the Baltimore Ravens compiled a remarkable record of achievements including—
(1) the American Football Conference title;
(2) the NFL record for the least number of points allowed in a season (165);
(3) a shutout;
(4) the NFL record for the least rushing yards allowed in a 16-game season;
(5) a Ravens’ franchise record of 12 regular season wins;
(6) the NFL’s Defensive Player of the Year Award (Ray Lewis);
(7) an NFL punt return leader (Jermaine Lewis); and
(8) a rookie running back who rushed for over 1,300 yards (Jamal Lewis); and
Whereas the Baltimore Ravens won Super Bowl XXXV, defeating the valiant New York Giants 34 to 7 in a hard-fought battle: Now, therefore, be it
Resolved, That the Senate—
(1) commends the unity, loyalty, community spirit, and enthusiasm of the Baltimore Ravens’ fans;
(2) applauds the Baltimore Ravens for their commitment to high standards of character, perseverance, professionalism, excellence, and teamwork;
(3) praises the Baltimore Ravens’ players and organization for their commitment to the Greater Baltimore Community through their many charitable activities;
(4) congratulates the Baltimore Ravens and the New York Giants for providing football fans with a hard-fought, but sportsmanlike Super Bowl;
(5) congratulates the Baltimore Ravens and their fans on a Super Bowl victory and an NFL Championship; and
(6) recognizes the achievements of the players, coaches, and support staff who were instrumental in helping the Baltimore Ravens win Super Bowl XXXV on January 26, 2001,
SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Baltimore Ravens’ owner, Art Modell, and to the Ravens’ head coach, Brian Billick.

AMENDMENT SUBMITTED

LOAN FORGIVENESS FOR HEAD START TEACHERS ACT OF 2001

FEINSTEIN AMENDMENT No. 1

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (S. 122) to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; as follows:
At the end, add the following:
AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the Session of the Senate on Tuesday, January 30, 2001 to conduct a hearing. The purpose of this hearing will be to review the report from the Commission on 21st Century Production Agriculture.

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

MEASURE READ THE FIRST TIME—S. 220

Mr. SESSIONS. Mr. President, I understand S. 220 is at the desk, and I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 220) to amend title 11 of the United States code, and for other purposes.

Mr. SESSIONS. I ask for its second reading and would object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. SESSIONS. 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. 220

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Bankruptcy Reform Act of 2001”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 101. Need-based bankruptcy
Sec. 102. Dismissal or conversion
Sec. 103. Sense of Congress and study
Sec. 104. Notice of alternatives
Sec. 105. Debtors financial management training program
Sec. 106. Credit counseling
Sec. 107. Schedules of reasonable and necessary expenses

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution
Sec. 202. Effect of discharge
Sec. 203. Discouraging abuse of reaffirmation practices

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation
Sec. 212. Priority for claims for domestic support obligations
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support
Sec. 216. Continued liability of property
Sec. 217. Protection of domestic support claims against preferential transfer motions
Sec. 218. Disposable income defined
Sec. 219. Collection of child support
Sec. 220. Nondischargeability of certain educational benefits and loans

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings
Sec. 222. Sense of Congress
Sec. 223. Additional amendments to title 11, United States Code
Sec. 224. Protection of retirement savings in bankruptcy
Sec. 225. Protection of education savings in bankruptcy
Sec. 226. Definitions
Sec. 227. Restrictions on debt relief agencies
Sec. 228. Disclosures
Sec. 229. Requirements for debt relief agencies

Sec. 230. GAO study

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start
Sec. 302. Discouraging bad faith repeat filings
Sec. 303. Curbing abusive filings
Sec. 304. Debtor retention of personal property security
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral
Sec. 306. Giving secured creditors fair treatment in chapter 13
Sec. 307. Domiciliary requirements for exemptions
Sec. 308. Residency requirement for homestead exemptions
Sec. 309. Protecting secured creditors in chapter 13 cases
Sec. 310. Limitation on luxury goods
Sec. 311. Automatic stay
Sec. 312. Extension of period between bankruptcy discharges
Sec. 313. Definition of household goods and antiques
Sec. 314. Debt incurred to pay nondischargeable debts
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitation.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS
Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of reinvestment of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain owner leases.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Special forms and procedures.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS
Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA PROVISIONS
Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS
Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapters 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate’s liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to United States.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—VOLUNTARY AND OTHER CROSS-BORDER CASES
Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 12, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS
Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the corporation with respect to failed and failing insured depository institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to the treatment of State and local taxes.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 907. Bankruptcy Code amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Execution of contemporaneously effective execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stricken.
Sec. 912. Asset-backed securitizations.
Sec. 913. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS
Sec. 1001. Permanent reenactment of chapter 12.
TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION

Section 706(c) of title 11, United States Code, is amended by inserting ‘‘or consents to’’ after ‘‘requests’’.

SEC. 102. DISMISSAL OR CONVERSION

(a) In the context of a case under section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

‘‘707. Dismissal of a case or conversion to a case under chapter 11 or 13’’; and

(2) in subsection (b)—

(A) by inserting ‘‘(1)’’ after ‘‘(b)’’;

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ‘‘but not at the request or suggestion of’’ and inserting ‘‘trustee, bank-

ruptcy administrator, or’’;

(II) by inserting ‘‘, or, with the debtor’s consent, convert such a case to a case under chapter 11 or 13 of this title, after ‘‘con-

sumer debts’’; and

(III) by striking ‘‘a substantial abuse’’ and inserting ‘‘an abuse’’; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

‘‘(2) (A) In considering under paragraph (1) whether relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor’s current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and (v), and multiplied by 60 is not less than the lesser of—

(I) 25 percent of the debtor’s nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

(ii) $10,000.

(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the reasonable value of such rejection) demonstrates abuse.

(C) the court determines the petition, pleading, or written motion, the signature of an attorney on the petition shall constitute a certification that the at-

orney—

(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

(ii) determined that the petition, pleading, or written motion, the signature of an attorney on the petition shall constitute a certification that the at-

orney has—

(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

(ii) determined that the petition, pleading, or written motion, the signature of an attorney on the petition shall constitute a certification that the at-

orney was—

(i) the court does not grant the motion; and

(ii) the court finds that the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(iii) the court finds that the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(iv) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(v) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(vi) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(vii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(viii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(ix) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(x) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xi) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xiii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xiv) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xv) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xvi) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xvii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xviii) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xix) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(xx) the position of the party that brought the motion violates rule 9011 of the Federal Rules of Bankruptcy Procedure; or

(2) (A) A small business that has a claim of $10,000 or less shall not be subject to subparagraph (A)(i)(D) of section 707(b), including reasonable attorneys’ fees, if—

(i) a trustee appointed under section 586(a)(1) of title 28 or from a panel of private trustees maintained by the bankruptcy ad-

ministrator brings a motion for dismissal or conversion under this subsection; and

(ii) the court—

(I) grants that motion; and

(ii) finds that the action of the counsel for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

(B) the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, at a min-

imum, the court shall order the attorney—

(i) to reimburse the trustee for the reasonable value of any professional services rendered relating to the motion brought by the attorney; and

(ii) to reimburse the United States trustee, or the bankruptcy administrator.

(C) the petition, pleading, or written motion, the signature of an attorney on the petition shall constitute a certification that the at-


“(i) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

(1) has less than 25 full-time employees as determined on the date the motion is filed; and

(2) has no more than $5 million in annual receipts as determined on the date the motion is filed; and

(ii) if the individual is the owner of a State from which the individual derives more than 50 percent of the income for the applicable reporting period; and

(iii) if the individual is a partner in an unincorporated business, and the amount of such individual’s share of the net income of such business as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(iv) if the individual is an employee of a company, and the amount of such individual’s compensation as determined under section 707(b)(2)(A) for the applicable reporting period is $250,000 or less; and

(v) if the individual is a shareholder of a corporation, and the amount of such individual’s stock as determined under section 707(b)(2)(A) for the applicable reporting period is $500,000 or less; and

(vi) if the individual is a partner or employee of a partnership or corporation, and the amount of such individual’s share of the net income of such partnership or corporation as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(vii) if the individual is a shareholder or employee of a partnership or corporation, and the amount of such individual’s share of the net income of such partnership or corporation as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(viii) if the individual is an employee of a self-employed individual, and the amount of such individual’s compensation as determined under section 707(b)(2)(A) for the applicable reporting period is $250,000 or less; and

(ix) if the individual is a shareholder of a self-employed individual, and the amount of such individual’s stock as determined under section 707(b)(2)(A) for the applicable reporting period is $500,000 or less; and

(x) if the individual is a partner or employee of a self-employed individual, and the amount of such individual’s share of the net income of such self-employed individual as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xi) if the individual is a shareholder or employee of a self-employed individual, and the amount of such individual’s share of the net income of such self-employed individual as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xii) if the individual is a partner or employee of a partnership or corporation, and the amount of such individual’s share of the net income of such partnership or corporation as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xiii) if the individual is a shareholder or employee of a partnership or corporation, and the amount of such individual’s share of the net income of such partnership or corporation as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xiv) if the individual is a partner or employee of a self-employed individual, and the amount of such individual’s share of the net income of such self-employed individual as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xv) if the individual is a shareholder or employee of a self-employed individual, and the amount of such individual’s share of the net income of such self-employed individual as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xvi) if the individual is an employee of a partnership or corporation, and the amount of such individual’s compensation as determined under section 707(b)(2)(A) for the applicable reporting period is $250,000 or less; and

(xvii) if the individual is a shareholder of a partnership or corporation, and the amount of such individual’s stock as determined under section 707(b)(2)(A) for the applicable reporting period is $500,000 or less; and

(xviii) if the individual is a partner of a partnership or corporation, and the amount of such individual’s share of the net income of such partnership or corporation as determined under section 707(b)(2)(B) for the applicable reporting period is $500,000 or less; and

(xix) if the individual is an employee of a self-employed individual, and the amount of such individual’s compensation as determined under section 707(b)(2)(A) for the applicable reporting period is $250,000 or less; and

(xx) if the individual is a shareholder of a self-employed individual, and the amount of such individual’s stock as determined under section 707(b)(2)(A) for the applicable reporting period is $500,000 or less; and

(2) by adding at the end the following:

‘‘(b)1 With respect to an individual debtor under this chapter—

(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether it would be appropriate to presum that a motion under section 707(b)(2), if the court shall provide a copy of the statement to all creditors.

(B) The United States trustee or bankruptcy administrator shall, not later than 30 days after the date of filing a statement under subparagraph (A), either file a motion to dismiss under section 707(b)(2), if the product of the debtor’s current monthly income, multiplied by 12 is not less than—

(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 2 or more individuals last reported by the Bureau of the Census.

(3) In any case in which a motion to dismiss or convert, or a statement is required under subparagraph (B), the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 707(b)(2), if the product of the debtor’s current monthly income, multiplied by 12 exceeds 100 percent, but does not exceed 150 percent of—

(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census;

(4) No judge may dismiss a case under paragraph (2) if the court determines by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.’’.

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ‘‘and’’ at the end,

(2) in paragraph (6), by striking the period at the end and inserting ‘‘as the court determines necessary to accomplish the purposes of chapter 13’’;

(3) by adding at the end the following:

‘‘(7) the action of the debtor in filing the petition was in good faith.’’.

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ‘‘to unsecured creditors after to make payments’’; and

(2) by striking paragraph (2) and inserting the following:

‘‘(2) For purposes of this subsection, the term ‘disposable income’ means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

(A) for the maintenance or support of the debtor or a dependent of the debtor or for a domestic support obligation that first becomes payable after the date the petition is filed and for charitable contributions (that are not unsecured claims in the case or $6,000, which is the amount not to exceed 15 percent of the gross income of the debtor for the year in which the contributions are made); and

(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

(3) Amounts reasonably necessary to be expended under paragraphs (A) and (B) of section 503(b)(4) to a qualified religious or charitable entity or organization (as that term is defined in section 503(b)(4)), and the amount not to exceed 15 percent of the debtor’s disposable income determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, is greater than—

(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census.”
by the Bureau of the Census, plus $525 per month for each individual in excess of 4.”.

(1) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

“707. Dismissal of a case or conversion to a case under section 707(b) of title 11, United States Code.”

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—(1) In general.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the present monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342 of title 11, United States Code, is amended to read as follows:

“(1) A brief description of—

(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

(B) the types of services available from credit counseling agencies described in section 111.

(2) Statements specifying that—

(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement to obstruct an administration in connection with a bankruptcy case shall be subject to fine, imprisonment, or both; and

(B) all information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General.”.

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the “Director”) shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who prepare financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate individual debtors on how to better manage their finances.

(b) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected to conduct the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION OF CURRICULUM.

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trusteess serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President of the Senate recommending to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

“(b) Notwithstanding any other provision of this title, a debtor may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, provided an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

“(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved institutional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

“(B) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (a) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

“(c) CHAPTER 13 DISCHARGE.—Section 1326 of title 11, United States Code, is amended by adding at the end the following:

“(1) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

“(2) Notwithstanding any other provision of this Act, if that individual made that request; and

“(iii) is satisfactory to the court.

“(B) With respect to a debtor, an exemption under subparagraph (a) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after that date is 30 days after the debtor files a petition except that the court, for cause, may order an additional 15 days.”.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) by striking “or” at the end;

(2) by inserting the period and inserting “or” after “the”;

(3) by adding at the end the following:

“(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.

“(12)(A) Paragraph (11) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional courses under this section.

“(B) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (a) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

(c) DEBTOR’S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting “(a)” before “The debtor shall”;

(2) by adding at the end the following:

“(b) In addition to the requirements under subsection (a), an individual debtor shall file with the petition—

“(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 111(a) describing the services provided to the debtor; and

“(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).”.

(d) GENERAL PROVISIONS.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:
Credit counseling services; financial management instructional courses

(a) The clerk of each district shall maintain a publicly available list of:

(1) Credit counseling agencies that provide 1 or more programs approved in section 109(h) currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable;

(2) Instructional courses concerning personal financial management currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable;

(b) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency or instructional course concerning personal financial management as follows:

(1) The United States trustee or bankruptcy administrator shall have thoroughly reviewed the qualifications of the credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the programs or instructional courses which will be offered by such agency or provider, and may require an agency or provider to meet such standards.

(c) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

(d) If a program or course of instruction is initially approved, such approval shall be for a probationary period not to exceed 6 months. An agency or course of instruction which has sought approval to provide information with respect to such review.

(2) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

(e) A program or course of instruction is initially approved if it met the standards set forth in this section during such period; and

(f) A program or course of instruction is initially approved if it met the standards set forth in this section during such period.

(g) Not later than 30 days after any final decision under paragraph (4), that occurs either during the probationary period or thereafter, an interested person may seek judicial review of such decision in the appropriate district court.

(h) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

(1) for an initial probationary period under subsection (b)(3) if the course will provide a credit counseling agency upon finding such agency

(i) meets the standards of paragraph (1) and, in the court's discretion, the programs or instructional courses

(j) demonstrate adequate experience and background in providing credit counseling;

(k) have demonstrated during the probationary or subsequent period that such agency or course of instruction—

(i) has met the standards set forth under this section during such period; and

(ii) can satisfy such standards in the future.

(l) Not later than 30 days after any final decision under paragraph (4), that occurs either during the probationary period or thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit counseling, and that the program is offered in an ethical manner and effectually with other matters as relate to the quality, effectiveness, and financial security of such counseling;

(2)· To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

(A) be an independent, nonprofit budget and credit counseling agency, the major program of which is to provide services directly or indirectly in order to effect an obligation directly or indirectly to obtain an income from a successful counseling session;

(B) if a fee is charged for counseling services, provide counseling services without regard to ability to pay the fee;

(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

(E) provide adequate counseling with respect to client personal financial management, including adequate information concerning whether or not the debtor has received or sought instruction concerning personal financial management from the credit counseling service;

(F) provide training counselors who receive no commissions or bonuses based on the amount of fees earned, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

(G) demonstrate adequate experience and background in providing credit counseling;

(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan;

(i) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

(1) for an initial probationary period under subsection (b)(3) if the course will provide the counseling session outcome, and who

(2) has been effective in assisting a significant number of clients;

(B) are offered by a credit counseling agency upon finding such agency

(C) meet the standards of paragraph (1) and, in the court's discretion, the programs or instructional courses

(D) be a nonprofit budget and credit counseling agency or instructional course which have demonstrated during the probationary or subsequent period that such agency or course of instruction—

(i) has met the standards set forth under this section during such period; and

(ii) can satisfy such standards in the future.

(iii) Not later than 30 days after any final decision under paragraph (4), that occurs either during the probationary period or thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit counseling, and that the program is offered in an ethical manner and effectually with other matters as relate to the quality, effectiveness, and financial security of such counseling;

(2) To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

(A) be an independent, nonprofit budget and credit counseling agency, the majority of the board of directors of which—

(i) are not employed by the agency; and

(ii) have no other direct or indirect financial interest in the agency other than as described in subsection (b)(1)(C).

(B) if a fee is charged for counseling services, provide counseling services without regard to ability to pay the fee;

(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

(E) provide adequate counseling with respect to client personal financial management, including adequate information concerning whether or not the debtor has received or sought instruction concerning personal financial management from the credit counseling service;

(F) provide training counselors who receive no commissions or bonuses based on the amount of fees earned, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

(G) demonstrate adequate experience and background in providing credit counseling;

(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan;

(i) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

(1) for an initial probationary period under subsection (b)(3) if the course will provide the counseling session outcome, and who

(2) has been effective in assisting a significant number of clients;

(B) are offered by a credit counseling agency upon finding such agency

(C) meet the standards of paragraph (1) and, in the court's discretion, the programs or instructional courses

(D) be a nonprofit budget and credit counseling agency or instructional course which have demonstrated during the probationary or subsequent period that such agency or course of instruction—

(i) has met the standards set forth under this section during such period; and

(ii) can satisfy such standards in the future.

(iii) Not later than 30 days after any final decision under paragraph (4), that occurs either during the probationary period or thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.
the loan, or a reasonable extension thereof; and

(C) no part of the debt under the alternative repayment schedule is nondischargeable.

(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

(A) the creditor unreasonably refused to consider the debtor’s proposal; and

(B) the proposed alternative repayment schedule was made prior to expiration of the 90-day period specified in paragraph (1)(B)(1).

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding the following:

(1) The bankruptcy trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title, except that the phrases

‘data or information provided in connection with the reaffirmation agreement, you must have completed the

(c) ‘The confirmed plan consists of the disclosure required under this paragraph, provided that the debtor may make a different order and may use terminology different from that set forth in paragraphs (2)

through (8), except that the terms ‘Amount Reaffirmed’ and ‘Annual Percentage Rate’ must be used where indicated.

(3) The disclosure statement required under this paragraph shall consist of the following:

(A) The statement: ‘Part A: Before agreeing to reaffirm a debt, review these important disclosures:’

(B) Under the heading ‘Summary of Reaffirmation Agreement’, the statement: ‘This Summary is made pursuant to the requirements of the Bankruptcy Code.’

(C) The ‘Amount Reaffirmed’, using that term, which shall be—

(i) the total amount which the debtor agrees to reaffirm, and

(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

(D) In conjunction with the disclosure of the ‘Amount Reaffirmed’, the statements—

(i) ‘The amount of debt you have agreed to reaffirm; and

(ii) Your reaffirmation agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.’.

(E) The ‘Annual Percentage Rate’, using that term, which shall be—

(i) if, at the time the petition is filed, the debt is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.); then—

(1) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1607(b)(5) and (6)), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided to the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

(ii) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

(II) if, at the time the petition is filed, the debtor is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.); then—

(i) the annual percentage rate under section (a)(4) of the Truth in Lending Act (15 U.S.C. 1638(a)(4)), as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to the reaffirmation agreement, or

(ii) by making the statement: ‘Your first payment in the amount of $ is due on

(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act (15 U.S.C. 1601 et seq.), the interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming, and listing their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following:

(i) by making the statement: ‘Your first payment in the amount of $ is due on

but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable,’ and stating the amount of the first payment and the due date of that payment in the places provided; and

(ii) by making the statement: ‘Your repayment schedule will be’, and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

(iii) by describing the debtor’s repayment obligations with reasonable specificity to the extent then known by the disclosing party.

(I) The following statement: Note: When this disclosure refers to what a creditor ‘may’ do, it does not use the word ‘may’ to give the creditor specific permission. The word ‘may’ is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate the agreement. If you are helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.’.

(J) The following additional statements:

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it

(1) Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign Part B or you may use a separate agreement you and your creditor agree on.

(2) Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E. The original of this disclosure must be filed with the court by you or your creditor.

If a separate reaffirmation agreement (other
7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, the reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

8. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the time and place of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court may, at any time after the entry of the reaffirmation agreement, request an attorney to attend the hearing to represent the debtor's interest. In the opinion of the attorney, the debtor is not represented by an attorney, the debtor may be able to take your property or your property, as agreed by the parties or determined by the court, if the creditor believes in good faith to be effective.

9. Subsection (a)(2) does not operate as an injunction against an act by a creditor that is in the ordinary course of business between the creditor and the debtor and shall be reviewed by the court. The court shall consider:

(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. The presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds and which identifies additional sources of funds and which identifies additional sources of funds and which identifies additional sources of funds, as required under those subsections are given in good faith.

(i) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing, determines), the court should consider:

(a) The motion, which may be used if approval of the agreement by the court is required for it to be effective and shall be approved by the court, shall consist of the following:

(b) The court should consider:

(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. The presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds and which identifies additional sources of funds, as required under those subsections are given in good faith.

(ii) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing, determines), the court should consider:

(a) The motion, which may be used if approval of the agreement by the court is required for it to be effective and shall be approved by the court, shall consist of the following:

(b) The court should consider:

(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. The presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds and which identifies additional sources of funds, as required under those subsections are given in good faith.
SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Title 11, United States Code, is amended—

(A) in paragraph (9), by striking paragraph (7);

(B) in paragraph (10), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order to pay a domestic support obligation, after the date of the certification (including amounts due before the petition was filed), but only to the extent provided for in the plan, have been paid after “completion by the debtor of all payments under the plan”; and

(8) in section 1307(c)—

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(9) in section 1322(a)–

(A) in paragraph (9), by striking “and” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(12) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

“(12) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(A) by redesigning paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

“(11) provide for the payment of interest accrued after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

“(12) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has

fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

(b) United States District Attorneys and Agents of the Federal Bureau of Investigation—The individuals referred to in subsection (a) are—

(1) a United States attorney for each judicial district of the United States; and

(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3057) for each field office of the Federal Bureau of Investigation.

(c) Bankruptcy Investigations.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

(d) Bankruptcy Procedures.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.”.

(2) Clerical Amendment.—The analysis for chapter 9 of title 11, United States Code, is amended by adding at the end the following:

“198. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.”.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(A) by redesigning paragraph (12A); and

(B) by inserting after paragraph (14) the following:

“(14) ‘domestic support obligation’ means a debt for child support or spousal support, or a judgment, decree, or order of a court of record, or a separation agreement, divorce decree, or property settlement agreement; and

(15) ‘domestic support obligation, the debtor has

(4) in paragraph (3), as redesignated, by striking “Second” and inserting “Third”;

(5) in paragraph (4), as redesignated—

(A) by striking “Third” and inserting “Fourth”;

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as redesignated, by striking “Fourth” and inserting “Fifth”;

(7) in paragraph (6), as redesignated, by striking “Fifth” and inserting “Sixth”;

(8) in paragraph (7), as redesignated, by striking “Sixth” and inserting “Seventh”;

and

(9) by inserting before paragraph (2), as redesignated, the following:

“(1) First:—

(‘‘1) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit or governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

(‘‘2) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.”)

SEC. 213. REQUIREMENTS TO CONFIRM DISCHARGE AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 112(a), by adding at the end the following:

“(11) is filed.”;

(2) in section 120(c)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(3) in section 122(a)–

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507, but only if the plan provides that all of the debtor’s projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.”;

(4) in section 122(b)–

(A) by redesigning paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

“(11) provide for the payment of interest accrued after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(5) in section 122(a)–

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first becomes payable after the date on which the petition is filed.”;

(6) in section 122(b), in the matter preceding paragraph (1), by inserting “, and”, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute are paid or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid after “completion by the debtor of all payments under the plan”;

(7) in section 1307(c)–

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(8) in section 1322(a)–

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(12) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(A) by striking paragraph (7);

(B) by redesigning paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(C) in paragraph (2), as redesignated, by striking “First” and inserting “Second”;
paid all amounts payable under such order or statute for such obligation that first becomes payable after the date on which the petition is filed; and (ii) otherwise described in paragraph (a)(1), in the matter preceding paragraph (1), by inserting ‘‘and’’; and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid’’ after ‘‘completion of the debtor of all payments under the plan’’. SEC. 214. EFFECT OF AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS. Section 522(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following: ‘‘(2) under subsection (a)— (A) of the commencement or continuation of a civil action or proceeding— (i) for the establishment of paternity; (ii) for the establishment or modification of an order for domestic support obligations; (iii) concerning child custody or visitation; (iv) for the dissolution of a marriage, except to the extent that such proceeding seeks the dissolution of the division of property that is property of the estate; or (v) regarding domestic violence; (B) the collection of a domestic support obligation from property that is not property of the estate; (C) with respect to the withholding of income that is property of the estate or property of a dependent of the estate, or the division of property of a domestic support obligation under a judicial or administrative order; (D) the withholding, suspension, or restriction of drivers’ licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 569(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)); (E) the recording of overdue support owed by a parent to any consumer reporting agency as specified in section 569(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)); (F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or (G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).’’ SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT. Section 523 of title 11, United States Code, as amended, is amended— (1) in subsection (a)— (A) in paragraph (8), by striking ‘‘and’’ at the end; (B) in paragraph (9), by striking the period and inserting ‘‘; and’’; and (C) by adding at the end following: ‘‘(10) A holder of a claim for social security benefits that is property of the estate or property of a dependent of the estate, or the division of property of a domestic support obligation under a judicial or administrative order; (2) by adding at the end the following: ‘‘(11) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (2) by adding at the end following: ‘‘(12) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (3) by adding at the end the following: ‘‘(13) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (4) by adding at the end the following: ‘‘(14) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(i)(IV) the last known address of the creditor. (B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under paragraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.’’. (b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended— (1) in subsection (a)— (A) in paragraph (6), by striking ‘‘and’’ at the end; (B) in paragraph (7), by striking the period and inserting ‘‘; and’’; and (C) by adding at the end the following: ‘‘(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (2) by adding at the end the following: ‘‘(10) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (3) by adding at the end the following: ‘‘(11) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (4) by adding at the end the following: ‘‘(12) in any case described in subsection (a)(7), the trustee shall— (A)(i) notify the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and (ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and (B) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).’’; and (5) by adding at the end the following: ‘‘(13) in any case described in subsection (a)(7), the trustee shall—
“(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and
“(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and
“(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim; and
“(ii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—
“(I) the granting of the discharge;
“(II) the last recent known address of the debtor; and
“(III) the last recent known name and address of the debtor’s employer; and
“(IV) with respect to the debtor’s case, the name of each creditor that holds a claim that—
“(aa) is not discharged under section 723(a)(4), or (14) of section 523(a); or
“(bb) was reaffirmed by the debtor under section 524(c).
“(2) in subsection (b), by striking—
“(A) in paragraph (4), by striking ‘‘and inserting the following—
“(B) any other person by reason of making such disclosure.’’;
“(2) by adding at the end the following:
“(4) or (14) of section 523(a); or
“(i) whether the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—
“(A) the name, address, and telephone number of the holder of the claim; and
“(B) the address and telephone number of the Social Security Act (42 U.S.C. 664, 666) agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) which is responsible for the State in which the holder resides; and
“(ii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—
“(I) the granting of the discharge;
“(II) the last recent known address of the debtor;
“(III) the last recent known name and address of the debtor’s employer; and
“(IV) with respect to the debtor’s case, the name of each creditor that holds a claim that—
“(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or
“(bb) was reaffirmed by the debtor under section 524(c).
“(C) by adding at the end the following:
“(6) if, with respect to an individual debt-
“(bb) was reaffirmed by the debtor under
“(BB) the bankruptcy petition preparer, (aa) the debtor; and
“(ii) by inserting—
“(BB) the bankruptcy petition preparer, (aa) the debtor; and
“(ii) by inserting—
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“(BB) the bankruptcy petition preparer, (aa) the debtor; and
“(BB) the bankruptcy petition prepare
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(D) by striking paragraph (3), as redesignated, and inserting the following:
‘‘(3)(A) The court shall disallow and order
the immediate turnover to the bankruptcy
trustee any fee referred to in paragraph (2)
found to be in excess of the value of any
services—
‘‘(i) rendered by the preparer during the 12month period immediately preceding the
date of filing of the petition; or
‘‘(ii) found to be in violation of any rule or
guideline promulgated or prescribed under
paragraph (1).
‘‘(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in
which the bankruptcy petition preparer fails
to comply with this subsection or subsection
(b), (c), (d), (e), (f), or (g).
‘‘(C) An individual may exempt any funds
recovered under this paragraph under section
522(b).’’; and
(E) in paragraph (4), as redesignated, by
striking ‘‘or the United States trustee’’ and
inserting ‘‘the United States trustee, the
bankruptcy administrator, or the court, on
the initiative of the court,’’;
(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting
the following:
‘‘(i)(1) If a bankruptcy petition preparer
violates this section or commits any act that
the court finds to be fraudulent, unfair, or
deceptive, on motion of the debtor, trustee,
United States trustee, or bankruptcy administrator, and after the court holds a hearing
with respect to that violation or act, the
court shall order the bankruptcy petition
preparer to pay to the debtor—’’;
(10) in subsection (j)—
(A) in paragraph (2)—
(i) in subparagraph (A)(i)(I), by striking ‘‘a
violation of which subjects a person to criminal penalty’’;
(ii) in subparagraph (B)—
(I) by striking ‘‘or has not paid a penalty’’
and inserting ‘‘has not paid a penalty’’; and
(II) by inserting ‘‘or failed to disgorge all
fees ordered by the court’’ after ‘‘a penalty
imposed under this section,’’;
(B) by redesignating paragraph (3) as paragraph (4); and
(C) by inserting after paragraph (2) the following:
‘‘(3) The court, as part of its contempt
power, may enjoin a bankruptcy petition
preparer that has failed to comply with a
previous order issued under this section. The
injunction under this paragraph may be
issued upon motion of the court, the trustee,
the United States trustee, or the bankruptcy
administrator.’’; and
(11) by adding at the end the following:
‘‘(l)(1) A bankruptcy petition preparer who
fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be
fined not more than $500 for each such failure.
‘‘(2) The court shall triple the amount of a
fine assessed under paragraph (1) in any case
in which the court finds that a bankruptcy
petition preparer—
‘‘(A) advised the debtor to exclude assets
or income that should have been included on
applicable schedules;
‘‘(B) advised the debtor to use a false Social Security account number;
‘‘(C) failed to inform the debtor that the
debtor was filing for relief under this title;
or
‘‘(D) prepared a document for filing in a
manner that failed to disclose the identity of
the preparer.
‘‘(3) The debtor, the trustee, a creditor, the
United States trustee, or the bankruptcy administrator may file a motion for an order
imposing a fine on the bankruptcy petition
preparer for each violation of this section.
‘‘(4)(A) Fines imposed under this subsection in judicial districts served by United

States trustees shall be paid to the United
States trustee, who shall deposit an amount
equal to such fines in a special account of
the United States Trustee System Fund referred to in section 586(e)(2) of title 28.
Amounts deposited under this subparagraph
shall be available to fund the enforcement of
this section on a national basis.
‘‘(B) Fines imposed under this subsection
in judicial districts served by bankruptcy administrators shall be deposited as offsetting
receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and
maintenance of the courts of the United
States.’’.
SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States
should develop curricula relating to the subject of personal finance, designed for use in
elementary and secondary schools.
SEC. 223. ADDITIONAL AMENDMENTS TO TITLE
11, UNITED STATES CODE.

Section 507(a) of title 11, United States
Code, is amended by inserting after paragraph (9) the following:
‘‘(10) Tenth, allowed claims for death or
personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was
intoxicated from using alcohol, a drug, or
another substance.’’.
SEC. 224. PROTECTION OF RETIREMENT SAVINGS
IN BANKRUPTCY.
(a) IN GENERAL.—Section 522 of title 11,

United States Code, is amended—
(1) in subsection (b)—
(A) in paragraph (2)—
(i) in subparagraph (A), by striking ‘‘and’’
at the end;
(ii) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’;
(iii) by adding at the end the following:
‘‘(C) retirement funds to the extent that
those funds are in a fund or account that is
exempt from taxation under section 401, 403,
408, 408A, 414, 457, or 501(a) of the Internal
Revenue Code of 1986.’’; and
(iv) by striking ‘‘(2)(A) any property’’ and
inserting:
‘‘(3) Property listed in this paragraph is—
‘‘(A) any property’’;
(B) by striking paragraph (1) and inserting:
‘‘(2) Property listed in this paragraph is
property that is specified under subsection
(d), unless the State law that is applicable to
the debtor under paragraph (3)(A) specifically does not so authorize.’’;
(C) by striking ‘‘(b) Notwithstanding’’ and
inserting ‘‘(b)(1) Notwithstanding’’;
(D) by striking ‘‘paragraph (2)’’ each place
it appears and inserting ‘‘paragraph (3)’’;
(E) by striking ‘‘paragraph (1)’’ each place
it appears and inserting ‘‘paragraph (2)’’;
(F) by striking ‘‘Such property is—’’; and
(G) by adding at the end the following:
‘‘(4) For purposes of paragraph (3)(C) and
subsection (d)(12), the following shall apply:
‘‘(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the
commencement of the case under section 301,
302, or 303 of this title, those funds shall be
presumed to be exempt from the estate.
‘‘(B) If the retirement funds are in a retirement fund that has not received a favorable
determination under such section 7805, those
funds are exempt from the estate if the debtor demonstrates that—
‘‘(i) no prior determination to the contrary
has been made by a court or the Internal
Revenue Service; and
‘‘(ii)(I) the retirement fund is in substantial compliance with the applicable require-

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ments of the Internal Revenue Code of 1986;
or
‘‘(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of
1986 and the debtor is not materially responsible for that failure.
‘‘(C) A direct transfer of retirement funds
from 1 fund or account that is exempt from
taxation under section 401, 403, 408, 408A, 414,
457, or 501(a) of the Internal Revenue Code of
1986, under section 401(a)(31) of the Internal
Revenue Code of 1986, or otherwise, shall not
cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of
that direct transfer.
‘‘(D)(i) Any distribution that qualifies as
an eligible rollover distribution within the
meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in
clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection
(d)(12) by reason of that distribution.
‘‘(ii) A distribution described in this clause
is an amount that—
‘‘(I) has been distributed from a fund or account that is exempt from taxation under
section 401, 403, 408, 408A, 414, 457, or 501(a) of
the Internal Revenue Code of 1986; and
‘‘(II) to the extent allowed by law, is deposited in such a fund or account not later than
60 days after the distribution of that
amount.’’; and
(2) in subsection (d)—
(A) in the matter preceding paragraph (1),
by striking ‘‘subsection (b)(1)’’ and inserting
‘‘subsection (b)(2)’’; and
(B) by adding at the end the following:
‘‘(12) Retirement funds to the extent that
those funds are in a fund or account that is
exempt from taxation under section 401, 403,
408, 408A, 414, 457, or 501(a) of the Internal
Revenue Code of 1986.’’.
(b) AUTOMATIC STAY.—Section 362(b) of
title 11, United States Code, is amended—
(1) in paragraph (17), by striking ‘‘or’’ at
the end;
(2) in paragraph (18), by striking the period
and inserting a semicolon;
(3) by inserting after paragraph (18) the following:
‘‘(19) under subsection (a), of withholding
of income from a debtor’s wages and collection of amounts withheld, under the debtor’s
agreement authorizing that withholding and
collection for the benefit of a pension, profitsharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414,
457, or 501(a) of the Internal Revenue Code of
1986, that is sponsored by the employer of the
debtor, or an affiliate, successor, or predecessor of such employer—
‘‘(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that
satisfies the requirements of section 408(b)(1)
of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p)
of the Internal Revenue Code of 1986; or
‘‘(B) in the case of a loan from a thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;’’; and
(4) by adding at the end of the flush material at the end of the subsection, the following: ‘‘Nothing in paragraph (19) may be
construed to provide that any loan made
under a governmental plan under section
414(d), or a contract or account under section
403(b) of the Internal Revenue Code of 1986
constitutes a claim or a debt under this
title.’’.
(c) EXCEPTIONS TO DISCHARGE.—Section
523(a) of title 11, United States Code, as
amended by this Act, is amended by adding
at the end the following:
‘‘(18) owed to a pension, profit-sharing,
stock bonus, or other plan established under


section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a deposit or acceptance institution or credit union;

(B) any debt incurred in connection with a case or proceeding under title 11, United States Code, is amended by adding at the end the following:

"(1) the services that such agency will provide to any assisted person;

(2) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

(3) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title; or

(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title; or

(2) Any debt relief agency shall be liable to an assisted person for any fees, charges, or other payments the agency charges to such person for any services performed as part of preparing for or representing a debtor in a case under this title, if such payment is made or charged to the assisted person for registration or any other purpose with respect to a case or proceeding under this title; and

(3) by inserting after paragraph (12) the following:

"SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES. 

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"(1) A debt relief agency shall not—

(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title; or

(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document or to an agency informing an assisted person of the matters specified in section 101(b)(1) of such Code, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

(1) the services that such agency will provide to such person;

(2) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

(3) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title; or

(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title; or

(2) Any debt relief agency shall be liable to an assisted person for any fees, charges, or other payments the agency charges to such person for any services performed as part of preparing for or representing a debtor in a case under this title, if such payment is made or charged to the assisted person for registration or any other purpose with respect to a case or proceeding under this title; and

(3) by inserting after paragraph (12) the following:

"(12A) ‘debt relief agency’ means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 109, but does not include—

(1) any person that is an officer, director, employee or agent of that person;

(2) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a deposit or acceptance institution or credit union;

(3) a person who provides bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 109, but does not include—

(1) any person that is an officer, director, employee or agent of that person;

(2) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a deposit or acceptance institution or credit union;
Section 229. Requirements for Debt Relief Agencies.

(a) Enforcement.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 528. Requirements for debt relief agencies

(a) A debt relief agency shall—

(1) not later than 5 business days after the first date on which the notice is given the assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person with a written contract with such assisted person that explains clearly and conspicuously the material requirements of this title; and

(2) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy services or of the benefits of bankruptcy assistance services to an assisted person, the policies and procedures of the debt relief agency regarding the provision of any bankruptcy assistance services to an assisted person, the conditions under which the services will be provided, and the costs of the services.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527 the following:

"§ 527. Disclosure.

Amendments made by this Act are effective with respect to bankruptcy cases commenced after the date of the Act.
‘‘(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public included—

‘‘(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

‘‘(B) any advertisement that is identified as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this Act.

‘‘(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

‘‘(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

‘‘(B) include the following statement: ‘We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code, as amended by this Act, or for a substantially similar state-

(b) CONFORMING AMENDMENT.—The table of sections of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527, the following:

‘‘528. Debtor’s bill of rights.’’. SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by individual debtors under such title, the names and social security numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as defined under section 1301(b)(1) of title 42, United States Code), and to provide such information to the individual debtors for the purposes of allowing such debtors to claim credit for such support obligations in their bankruptcy cases.

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ‘‘by a court’’ and inserting ‘‘by a court or an individual debtor under this title, and 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under chapter 13 in which the individual was a debtor was pending since the dismissal of the later case in good faith as to the creditors to be stayed; and

‘‘(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in paragraphs (1) and (2) of section 524(a)(6) if the individual was a debtor was pending since the dismissal of the later case in good faith as to the creditors to be stayed; and

‘‘(C) for purposes of subparagraph (A), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

‘‘(i) as to all creditors, if—

‘‘(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

‘‘(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

‘‘(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inattention or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor’s attorney);

‘‘(bb) provide adequate protection as ordered by the court; or

‘‘(cc) perform the terms of a plan confirmed by the court; or

‘‘(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case was and is in good faith as to the creditors to be stayed;

‘‘(aa) if a case under chapter 7, with a discharge; or

‘‘(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

‘‘(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (19), as added by this Act, the following:

‘‘(20) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order of relief under this title, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

(c) EFFECTIVE DATE.—Title III shall apply to cases commencing after the date of the enactment of this Act.
that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing.

“(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

“(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

“(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case;”.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 522(a) (as so designated by this Act—

(a) in paragraph (4), by striking “;” and “at the end and inserting a semicolon;

(b) in paragraph (5), by striking the period at the end and inserting “; and”;

(c) by adding at the end the following:

“(6) in an individual case under chapter 7 of this title, not retain possession of personal property pursuant to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless, in the case of an individual debtor, the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

“(A) enters into an agreement with the creditor pursuant to section 524(c) of this title with respect to the claim secured by such property; or

“(B) redeems such property from the security interest pursuant to section 722 of this title.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) of this title is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be personal property of the estate, and the creditor may take whatever action in respect to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee brought before the expiration of the 45-day period referred to in paragraph (6), that such personal property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor’s interest, and orders the debtor to deliver any collateral in the debtor’s possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of proceeding on the motion.”; and

(2) in section 521—

(A) in subsection (a)(2), as so designated by this Act, by striking “consumer”;

(B) in subsection (a)(2)(B), as so designated by this Act—

(i) by striking “forty-five days after the filing of a notice of intent under this section” and inserting “30 days after the first date set for the meeting of creditors under section 341(a) of this title”; and

(ii) by striking “forty-five day” and inserting “30-day”;

(C) in subsection (a)(2)(C), as so designated by this Act, by inserting “, except as provided in section 362(h) of this title” before the semicolon;

(D) by adding at the end the following:

“(D) if the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h) of this title, with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549 of this title, nothing in this title shall be construed to require the operation of a provision in the underlying lease or agreement which has the effect of placing the debtor in default under such lease or agreement by reason of cure, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.”.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking “, and” and “at the end and inserting “; and”;

(B) by redesignating subsection (h) as subsection (k); and

(C) by inserting after subsection (g) the following:

“(h)(1) In an individual case under chapter 7, 11, or 13, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be personal property of the estate if the debtor fails within the applicable time set by section 521(a)(2) of this title—

“(A) if a stay statement of intention required under section 521(a)(2) of this title with respect to that property or to indi-
(1) in subparagraph (A), by striking “and” at the end; 
(2) in subparagraph (B)—
(A) by striking “in the converted, case, with allowed claims” and inserting “only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 11, with allowed secured claims in cases under chapters 11 and 12”; and 
(B) by striking the period and inserting “; and”;
and 
(3) by adding at the end the following:
“(C) with respect to cases converted from chapter 13—
“(i) unless a prebankruptcy default has been fully cured under the plan at the time of confirmed, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.”

SEC. 311. AUTOMATIC STAY.

(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term “household goods” means—

(1) clothing;

(2) furniture;

(3) appliances;

(4) video equipment; 

(5) television; 

(6) VCR; 

(7) linens; 

(8) china; 

(9) glassware; 

(10) silverware; 

(11) kitchenware; 

(12) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children; 

(13) medical and entertainment equipment supplies; 

(14) personal effects (including the toys and other play equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor; 

(15) the term “household goods” does not include—

(i) works of art (unless by or of the debtor or the dependents of the debtor); 

(ii) electronic or entertainment equipment (except 1 television, 1 radio, and 1 VCR); 

(iii) items acquired as antiques; 

(iv) jewelry (except wedding rings); 

(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, watercraft, or aircraft. 

(B) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director
of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The report shall be findings and conclusions regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by this section, with respect to: the term ‘debtor’ in section 522(f)(4) of title 11, United States Code, and the term ‘debtor’ in section 522(f)(4) of that title, as added by this section, has had on debtors and on the bankruptcy courts. Such reports shall be in the form and content recommended in appendices to the amendments to section 522(f)(4) of title 11, United States Code, consistent with the Director’s findings.

SEC. 314. DISCHARGEABLE DEBTS.

(a) In general.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (4) the following:

"(1A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1)."

(b) Discharge under chapter 13.—Section 1328(a) of title 11, United States Code, as amended by this Act, is amended by inserting at the end the following:

"(6) an entity whose tax return or transcript to the requesting creditor at the time the debtor provides the tax return or transcript to the requesting creditor or the trustee, and the case shall be dismissed, unless the debtor demonstrates that the trustee is unable to provide such information due to circumstances beyond the control of the debtor.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) Notice.—Section 342 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(C)(i)";

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice;"; and

(C) by adding at the end the following:

"(2) If, within the 90 days prior to the date of the filing of a petition in a voluntary case, the creditor supplied the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number.

In the event the creditor would be in violation of the nonbankruptcy law by sending any such communication within such 90-day period and if the creditor supplied the debtor in the last 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number.

(3) If any written notice is sent to the debtor by the creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of the debtor’s financial affairs under section 526(c)(8), of the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 322(a); or

(B) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor; and

(iv) copies of all payment advices or other evidences of payments received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

(v) a statement of the amount and sources of income of the debtor; and

(C) the identity of any person responsible for preparing or filing those documents.

(2) At the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority under section 6095, shall be available to the taxing authority after the date of enactment of the Bankruptcy Reform Act of 2001, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

(A) assesses the effectiveness of the procedures described in paragraph (4); and

(B) if appropriate, includes proposed legislation to——
“(i) further protect the confidentiality of tax information; and
(ii) provide penalties for the improper use by any person of the tax information required under the Act;
(iii) require the debtor to provide—
‘‘(1) a document that establishes the identity of the debtor, including a driver’s license, passport, or other document that contains a photograph of the debtor; and
‘‘(2) all identifying information relating to the debtor that establishes the identity of the debtor.’’.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE REQUIRED INFORMATION.
Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:
‘‘(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 45th day after the filing of the petition.

‘‘(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after the requested plan or order is filed.

‘‘(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a) if the debtor finds justification for extending the period for the filing.’’.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF PLAN.
Section 321 of title 11, United States Code, is amended—
(1) by striking “After” and inserting the following:
‘‘(a) Except as provided in subsection (b) and after;

(b) by inserting at the end the following:
‘‘(1) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).’’.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.
Title 11, United States Code, is amended—
(1) by amending section 1322(d)(1) to read as follows:
‘‘(d)(1) If the current monthly income of the debtor and the debtor’s spouse combined, when multiplied by 12, is not less than—
‘‘(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

‘‘(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

‘‘(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4, the plan may provide for payments over a period that is longer than 5 years.

‘‘(2) If the current monthly income of the debtor and the debtor’s spouse combined, when multiplied by 12, is less than— (A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

‘‘(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

‘‘(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4; and

‘‘(3) in subsection 1225(b)(1)(B), by striking ‘‘three-year period’’ and inserting ‘‘applicable commitment period’’; and

SEC. 319. SENSE OF CONGRESS REGARDING EXCLUSIVE PROVISION OF TITLE I OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.
It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules) signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney (1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.
Section 362(e) of title 11, United States Code, is amended—
(1) by inserting ‘‘(1)’’ after ‘‘(e);’’ and
(2) by adding at the end the following:
‘‘(2) Notwithstanding paragraph (1), in the case of a debtor in a voluntary case under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

‘‘(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

‘‘(B) that 60-day period is extended—

‘‘(i) by agreement of all parties in interest; or

‘‘(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.’’.

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.
(a) PROPERTY OF THE ESTATE.
In general.—Subsection (I) of chapter 11 of title 11, United States Code, is amended by adding at the end the following:
‘‘1115. Property of the estate.

‘‘(a) In a case concerning an individual debtor, property of the estate includes, in addition to the property specified in section 541—

(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

(2) earnings from services performed by the debtor after the commencement of the case that are not otherwise distributed to the estate.

‘‘(b) The hearing on confirmation of the plan shall be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).’’.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter 1 the following:
‘‘1115. Property of the estate.’’.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—
(1) in paragraph (6), by striking ‘‘and’’ at the end of 

(2) in paragraph (7), by striking the period and inserting ‘‘;’’ and ‘‘;’’ and
(3) by adding at the end the following:
‘‘(8) in a case concerning an individual debtor, provide for the payment to creditors through the plan of all or such portion of the debtor’s disposable income from current or projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is later.’’.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ‘‘except that in a case concerning an individual debtor, the stay may remain in effect under subsection (a)(14)’’. 

S806 CONGRESSIONAL RECORD — SENATE January 30, 2001
The text provided is a page from a source that appears to be related to bankruptcy law proceedings. The text is a mixture of legal citations and comments, indicating it may be part of a legislative action rather than a naturally readable document. The content includes references to various United States Code sections and other legal citations.

The text contains legal language typical of such documents, including references to bankruptcy proceedings, debtors, creditors, and bankruptcy cases. The specific legal provisions discussed involve topics such as the discharge of debt, amendments to bankruptcy law, and the valuation of collateral.

The document also includes references to the Congressional Record, indicating its source is related to legislative activity. The content is formatted in a way that suggests it is a part of a larger body of text, possibly a bill or an amendment being discussed in a legislative setting.

The text is not easily readable due to its legal nature and the density of references and citations. It requires a deep understanding of bankruptcy law to interpret accurately.
breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performance and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of paragraph (a) and (B) in paragraph (2)(D), by striking “penalty rate or provision” and inserting “penalty rate or penalty provision”;

(2) in subsection (c)—

(A) in paragraph (2), by inserting “or” at the end;

(B) in paragraph (3), by striking “; or” at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking “except that” and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124 of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting “or of a kind that section 363(b)(2) of this title expresses does not require to be cured” before the semicolon at the end;

(2) in subparagraph (C), by striking “and” at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

“(D) If such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(2) of this title expressed does not require to be cured before the semicolon at the end;”;

(c) PROTECTION OF DEFICIENCY INTEREST.—

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking “10” each place it appears and inserting “30”.

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

“(d)(4) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the lessor was the debtor, who is deemed rejected, the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

(i) the date that is 120 days after the date of the order for relief; or

(ii) the date of the entry of an order confirming a plan.

(B) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days upon motion of the trustee or lessor for cause.

(c) Exception.—In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a payment to a committee, based on section 330 of this title.

SEC. 405. SECURED CREDITOR OR TRUSTEE.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

“(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a secured creditor that is a small business concern (as described in section 3(1)(b)) of the Small Business Act (15 U.S.C. 632a(1)), if the court determines that the creditor holds claims (of the kind represented by the committee) that are not less than to an amount in gross that is disproportionate large.”

(b) APPOINTMENT.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

“(1) A committee appointed under subsection (a)—

“(A) provide access to information for creditors who—

“(i) hold claims of the kind represented by that committee; and

“(ii) are not appointed to the committee; and

“(B) solicit and receive comments from the creditors described in subparagraph (A); and

“(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).”

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesigning the second subsection designated as subsection (g) as added by section 222(a) of Public Law 103-394 as subsection (i); and

(2) by adding at the end the following:

“(j)(1) Notwithstanding paragraphs (2) and (3) of section 546, the trustee may not avoid a warehouseman’s lien for storage, transportation, or other costs incidental to the storage and handling of goods.

“(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7-209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Reform Act of 2001, or any successor thereto.”

SEC. 407. AMENDMENTS TO SECTION 130(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking “(A) In” and inserting “In”;

(B) by inserting “to an examiner, trustee under chapter 11, or professional person” after “awarded”; and

(2) by adding at the end the following:

“(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a payment to a committee, based on section 330 of this title.”

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

“(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable bankruptcy law and such plan was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.”

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) To the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

“(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

“(B) made according to ordinary business terms;”

(2) in paragraph (8), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the debtor’s aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.”

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1408(b) of title 28, United States Code, is amended by adding at the end “or a nonconsumer debt against a noninsider of less than $10,000,” after “$5,000.”
SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking “On” and inserting “(1) Subject to paragraph (2), on”; and

(2) by adding at the end the following:

“(2) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking “dwelling” the first place it appears;

(2) by striking “ownership” or inserting “ownership”; and

(3) by striking “housing” the first place it appears; and

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended, by inserting at the end the following:

“Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debtor or any representation of an attorney (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.”.

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

“(14) ‘disinterested person’ means a person that—

(A) is not a creditor, an equity security holder, or an insider; and

(B) if the case has not, within 2 years before the date of the filing of the petition, a director, officer, employee of the debtor; and

(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship of connection with, or interest in, the debtor, or for any other reason.”.

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 329 of title 11, United States Code, as amended by this Act, is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

“(E) not respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the trustee shall file a report certifying that election.

(B) Upon the filing of a report under subparagraph (A)—

(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

(ii) the service of any trustee appointed under subsection (b) shall terminate.

(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.”.

SEC. 417. UTILITY SERVICE.

Section 566 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(2) by adding at the end the following:

“(c)(1)(A) For purposes of this subsection, the term ‘assurance of payment’ means—

(i) a cash deposit;

(ii) a letter of credit;

(iii) a certificate of deposit;

(iv) a surety bond; or

(v) a prepayment of utility consumption; and

(B) ‘another form of security that is mutually agreed upon between the utility and the debtor or the trustee."

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “Notwithstanding standing any other provision of law, with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee an adequate assurance of payment for utility service that is satisfactory to the utility.”;

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information prescribed under paragraphs (1) and (2) by filing and serving periodic financial and other reports designed to provide such information.

(b) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

SEC. 421. SMALL BUSINESS BANKRUPTCY PROVISIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon “and in determining whether a disclosure statement provides adequate information, the court shall consider—

(i) the absence of security before the date of filing of the petition;

(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

(iii) the availability of an administrative expense priority.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest in making steps to ensure that the debtor’s interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon “and in determining whether a disclosure statement provides adequate information, the court shall consider—

(i) the absence of security before the date of filing of the petition;

(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

(iii) the availability of an administrative expense priority.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest in making steps to ensure that the debtor’s interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

"(1) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

(b) In making a determination under this paragraph the court shall consider—

(i) the absence of security before the date of filing of the petition;

(ii) the payment by the debtor for utility service in a timely manner before the date of filing of the petition; or

(iii) the availability of an administrative expense priority.

(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.”.

SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1202 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “Notwithstanding standing any other provision of law, with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee an adequate assurance of payment for utility service that is satisfactory to the utility.”;

(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 308 of title 28; and

(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

(B) acceptance or rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

(3)(B) acceptance or rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

(3)(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.”.

SEC. 432. DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act,
is amended by striking paragraph (5)(C) and inserting the following:

"§1102(a)(3) of title 11, United States Code, is filed under chapter 11 of this title in which the debtor is a business debtor;"

"§1ID) ‘small business debtor’—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activity in which any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property (including information incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount less than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent, liquidated secured and unsecured debtors aggregate greater than $3,000,000 (excluding debt owed to 1 or more affiliates or insiders)."

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 1102(a)(1) of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) The President, Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(a) For purposes of this section, the term ‘profitability’ with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods;

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor’s profitability;

"(2) the debtor’s projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with all postpetition financial and other requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i), the debtor and creditors, and other parties in interest may seek relief from the automatic stay provided in section 101 of title 11, United States Code, and the court may impose a reasonable period of time to provide the necessary relief."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are promulgated by the Judicial Conference of the United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPOSSESSION RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to help small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor’s profitability;

(2) the debtor’s cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subparagraph (A) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor’s interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor’s financial condition and plan the small business debtor’s future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of chapter 11 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) appendix to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, cash-flow statement, and Federal income tax return has been filed;

"(2) attend, through its senior management, the court or United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors and other administrations of creditors and debtors;

"(3) each statement made and provided under paragraph (1) that requests that the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(4) timely file and state financial reports, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances; and

"(5) in all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;"

(b)SPECIFIED DUTIES OF TRUSTEES AND DEBTORS IN SMALL BUSINESS CASES.

Section 1122 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) a new plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) the plan shall be confirmed not later than 175 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be confirmed not later than 17 months after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. DUTIES OF THE UNITED STATES TRUSTEE.

Section 506(a) of title 28, United States Code, is amended—

"(1) in paragraph (3)—

"(A) subparagraph (G), by striking ‘‘(ii)’’ at the end; and

"(B) by redesignating subparagraph (H) as subparagraph (I); and

"(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 1102(a)(1) of title 11), performing the additional duties specified in title 11 pertaining to such cases; and"

(2) in paragraph (5), by striking ‘‘and’’ at the end of subparagraph (C).
(4) by adding at the end the following:

"(7) in each of such small business cases—"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief, which interview shall be conducted after the meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—"(i) begin to investigate the debtor's viability;

(ii) inquire about the debtor's business plan;

(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

(iv) attempt to develop an agreed scheduling order; and

(vi) if the debtor of other obligations;"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

(C) review and monitor diligently the debtor's compliance with the provisions of the Act to identify as quickly as possible whether the debtor will be unable to confirm a plan; and

(6) in any case in which the United States trustee is assigned the duties for another case under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief."

SEC. 441. SERIAL FILER PROVISIONS.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditions and economical resolution of the case; and"

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 341(c), the court shall order a liquidating plan, within a reasonable period of time;".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of the United States Courts, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietors, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—"(i) may, in the debtor's sole discretion, notwithstanding section 365(b)(3), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unsecured statutory lien); and

(ii) are in an amount equal to interest at the applicable rate of interest on the value of the creditor's interest in the real estate; or"

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end of the paragraph;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, exclusive of postpetition interest, arising from the failure to operate or penalty provisions, for the period of 2 years following the later of
TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting “notwithstanding section 301(b)” before the period at the end of the sentence.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting “(a)” before “A voluntary”;

(2) by striking the last sentence and inserting the following:

“(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.”;

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting “555, 556,” after “553,”;

(2) by inserting “559, 560, 561, 562” after “557,”.

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

“§ 159. Bankruptcy statistics

“(a) The clerk of each district shall collect statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be on a standardized form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the ‘Director’).

“(b) The Director shall—

“(1) compile the statistics referred to in subsection (a);

“(2) make the statistics available to the public; and

“(3) not later than October 31, 2002, and annually thereafter, prepare, and submit to Congress, nonconfidential information collected under subsection (a) that contains an analysis of the information.

“(c) The compilation required under subsection (b) shall—

“(1) be itemized, by chapter, with respect to title 11;

“(2) be presented in the aggregate and for each district; and

“(3) include information concerning—

“(A) the total assets and total liabilities of the debtors described in subsection (a), and in each case the aggregate and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

“(B) the current monthly income, average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 522 and 1322 of title 11;

“(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

“(D) the average period of time between the filing of the petition and the closing of the case;

“(E) for the reporting period—

“(i) the number of cases in which a reaffirmation was filed; and

“(ii) the total number of reaffirmations filed;

“(II) of those cases in which a reaffirmation was filed, the number of cases in which the debtor was not represented by an attorney; and

“(III) of those cases in which a reaffirmation was filed, the number of cases in which the reaffirmation was approved by the court; and

“(CF) with respect to cases filed under chapter 13 of title 11, for the reporting period—

“(i) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

“(II) the number of final orders determining the value of property securing a claim issued;

“(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

“(III) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

“(IV) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

“(V) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor’s counsel or damages awarded under such Rule.

“(b) Clerical Amendment.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

“159. Bankruptcy statistics.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

“§ 589b. Bankruptcy data

“(a) Repeal.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve—

“(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

“(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

“(b) REPORTS.—Each report referred to in subsection (a) shall be submitted to the Attorney General or the Attorney General’s designee at the date of confirmation of the plan, the rejection date or the date of actual turnover of possession, whichever is earlier.

“(c) Audit.—The information required to be filed in the reports referred to in subsection (a) shall be submitted to the Attorney General or the Attorney General’s designee at the end of each reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable.

“(d) Periods.—The reports required to be filed under this subsection shall be filed not later than 90 days after the end of each reporting period.

“(e) Compliance.—The rules prescribed by the Attorney General under this section shall include provision for adoption by trustees or debtors in possession under chapter 11 of title 11 shall, add, in such rules such other matters as are required by law or as the Attorney General, in the discretion of the Attorney General, shall propose, include—

“(1) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

“(2) length of time the case has been pending;

“(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

“(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

“(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

“(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been incurred absent a bankruptcy case); and

“(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.”.

(b) Clerical Amendment.—Subsections (b), (c), and (d) of section 589 of title 28, United States Code, are amended by adding at the end the following:

“589b. Bankruptcy data.”.

SEC. 603. AUDIT PROCEDURES.

(a) In General.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General in judicial districts served by United States trustees (and the Judicial Council of the United States (in Judicial districts served by bankruptcy administrators) shall establish procedures to determine...
the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, under chapter 11, in individual cases filed under chapter 7 or 13 of such title. Such audits shall be in accordance with generally accepted auditing standards and performed by certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Council, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required under paragraph (1) shall:

(A) establish a method of selecting appropriately qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances are caused by higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, which include a material misstatement of income or expenditures is reported.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data are maintained in a manner consistent with such policies and standards as Congress and the Judicial Council of the United States may determine; and

(2) there should be established a bankruptcy data system (A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 507 of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”;

(3) by inserting “and” after “claimant” in subparagraph (A) of section 507(a)(2); and

(4) by striking “the debtor that are requested for an audit referred to in section 586(f) of title 28;”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

The amendments made by this Act, as so designated by this Act, is amended by adding at the end the following:

“(c) TREATMENT OF FUEL TAX CLAIMS.—The amendments made by this Act, as so designated by this Act, is amended by adding at the end the following:

“(1) in paragraph (A), by striking “or” at the end;

(2) in paragraph (B), by striking the period at the end and inserting “; or”;

(3) by striking “the end” and inserting “; or”;

(4)(A) upon payment of a tax lien or an auditor appointed under section 507(a)(5).

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 506(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting “at the address and in the manner designated in subsection (a) after “determination of such tax”;

(2) by striking “(1) upon payment” and inserting “(1) upon payment”;

(3) by striking “(2)” and inserting “(2)”; and

(4) by striking “and” by inserting “(2)”;

(5) by striking “(2)” and inserting “(2)”; and

(6) by striking “(3)” and inserting “(3)”; and

(7) by striking “(b)” and inserting “(c)”;

(8) by inserting before paragraph (2), as so designated, the following:

“(b)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

(1) designate an address for service of requests under this subsection; and

(2) describe where further information concerning additional requirements for filing such requests may be found;

(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under subparagraph (A), such request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) In General.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

“§ 511. Rate of interest on tax claims

“(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a plaintiff to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable bankruptcy law.

(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.”

(b) Clerical Amendment.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:—

“511. Rate of interest on tax claims.”
SEC. 710. PRIORITY OF TAX CLAIMS.
Section 507(a)(8) of title 11, United States Code, is amended—
(1) in subparagraph (A)—
(A) by inserting "for a taxable year ending on or before the date of filing of the petition" after "gross receipts"; and
(B) by inserting at the end, by striking "for a taxable year ending on or before the date of filing of the petition"; and
(C) by striking clause (ii) and inserting the following:
"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of
"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 90 days; and
"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days.";
and
(2) by adding at the end the following:
"An otherwise applicable time period specified in this subparagraph shall be suspended for (I) an additional period of time during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an application for a stay of tax proceedings proposed against the debtor, plus 90 days; and (II) any time during which the stay of proceedings was in effect in a prior case under this title during that 240-day period, plus 90 days.".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS FRAUDULENTLY CREATED.
Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: "except in any case in which a purchaser is a pur- chaser described in section 6322 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law.

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.
(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—
(1) by inserting "(a)" before "Any"; and
(2) by adding at the end the following:
"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, un- less—
"(1) the tax is a property tax secured by a liens against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or
"(2) payment of the tax is excused under a specific provision of title 11.
"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—
"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or
"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the amount of the tax; or
"(3) by adding at the end the following:
"(d) NOTWITHSTANDING the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being allowed an administrative expense;"
(b) PAYMENT OF TAXES AND FEES AS SE- cured Claims.—Section 507(a)(9) of title 11, United States Code, is amended—
(1) in subparagraph (B), by striking "and" at the end; and
(2) in subparagraph (C), by striking "including the payment of ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.
Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences dis- tribution under this section." and inserting the following: "on or before the earlier of—
"(A) the date that is 10 days after the mail- ing by creditors of the notice of the trust- ee’s final report; or
"(B) the date on which the trustee commences final distribution under this sec-

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.
Section 529(a) of title 11, United States Code, as amended by this Act, is amended—
(1) in paragraph (1)(B)—
(A) by inserting "or equivalent report or notice," after "a return," and
(B) by clause (i), by inserting "or given" after "filed"; and
(C) by clause (ii), by inserting "or given" after "filed"; and
(2) by adding at the end the following:
"For purposes of this subsection, the term ‘return’ means a return that satisfies the requirements of applicable Federal law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(b) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.

SEC. 715. DISCHARGE OF THE ESTATES LIABILITY FOR UNPAID TAXES.
Section 505(b)(2) of title 11, United States Code, as amended by this Act, is amended by inserting after "the estate," after "misrepresenta-

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.
(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by this Act, is amended by inserting after "the estate," after "misrepresenta-

SEC. 717. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-

SEC. 718. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresenta-

SEC. 719. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresenta-

SEC. 720. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-

SEC. 721. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-

SEC. 722. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-

SEC. 723. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-

SEC. 724. FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.
(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, is amended by inserting after "the estate," after "misrepresen-
“(a) the date that is 120 days after the date of that meeting; or
“(b) the date on which the return is due under the last automatic extension of time for filing a return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.”

(2) Such notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the estate, shall extend the filing period established by the trustee under this subsection for—

(A) a period of not more than 30 days for returns described in paragraph (1); and

(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

“(c) For purposes of this section, the term ‘return’ includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local tax return, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.”

(2) CONFORMING AMENDMENT.—The table of sections following the title of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

“1308. Filing of prepetition tax returns.”

(3) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(a) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(b) by inserting after subsection (d) the following:

“(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.”

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following:

“and if such partner or member is a debtor in a case under this title, the estate shall be taxed to or claimed by the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a transfer of an income tax refund, by a governmental unit, at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.”

“(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryback or carryover of any tax attribute to a taxable period of the debtor under the Internal Revenue Code of 1986, such a hypothetical carryback or carryover, or other tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax or other tax attribute in any case in which such State is subject to tax under subsection (a).

“(ii) For purposes of any State or local law imposing a tax on or measured by income, income includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local tax return, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.”
law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other tax distinctions, provided that the total amount of income from the discharge of indebtedness has not been applied.

“(k)(1) Except as provided in this section and subsection (L) of section 180, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy Federal nonbankruptcy law.”

“(l)(1) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code, as enacted on October 6, 1986 and other applicable Federal nonbankruptcy law.”

“SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE RETURNS. Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(k) If a party is without substantial cause, failing to file a return or statement of items of income, gain, loss, deduction, or credit in the manner required by the Internal Revenue Code, the court may dismiss the party’s case, unless the party amends its return or statement of items of income, gain, loss, deduction, or credit within 90 days after a request that the court enter an order converting or dismissing the party’s case, whichever is in the best interests of the party and the estate.”

“SECTION VII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) In GENERAL.—Title II, United States Code, is amended by inserting after chapter 13 the following:

“CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

“Sec. 1501. Purpose and scope of application.

“SUBCHAPTER I—GENERAL PROVISIONS


“1504. Commencement of ancillary case

A case under this chapter is commenced by the filing of a petition for recognition of a foreign main proceeding or foreign main proceeding under this chapter; and

“1505. Authorization to act in a foreign country

“A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

“1506. Public policy exception

“Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

“1507. Additional assistance

“(a) Subject to the specific limitations stated elsewhere in this chapter the court, if

within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

“an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

“(d) The court may not grant relief under this chapter with respect to any deposit, escrow or custodian fund, or to any security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.”

“SUBCHAPTER I—GENERAL PROVISIONS

“1502. Definitions

“1503. International obligations of the United States

“To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the applicable treaty or other agreement prevail.

“1504. Commencement of ancillary case

“A case under this chapter is commenced by the filing of a petition for recognition of a foreign main proceeding or foreign main proceeding under this chapter; and

“1505. Authorization to act in a foreign country

“A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

“1506. Public policy exception

“Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

“1507. Additional assistance

“(a) Subject to the specific limitations stated elsewhere in this chapter the court, if
recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, in accordance with the principles of comity, will reasonably assure—

(1) just treatment of all holders of claims against or interests in the debtor’s property;

(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

(3) protection of preferential or fraudulent dispositions of property of the debtor;

(4) distribution of proceeds of the debtor’s property substantially in accordance with the order prescribed by this title; and

(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

§ 1506. Interpretation

“In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of our statutes adopted by foreign jurisdictions.”

SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO UNITED STATES

§ 1509. Right of direct access

(a) A foreign representative may commence a case under section 1501 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

(b) If the court grants recognition under section 1515, and subject to any limitations that the court deems appropriate consistent with the policy of this chapter—

(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

(3) a court in the United States shall grant comity or cooperation to the foreign representative.

(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of the order granting recognition under section 1517.

(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

(e) Whether or not the court grants recognition under section 1515, a foreign representative is subject to applicable nonbankruptcy law.

(f) Notwithstanding any other provision of this chapter or of any other provision of law, if the court decides to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

§ 1510. Limited jurisdiction

“The sole fact that a foreign representative may commence a case under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

§ 1511. Commencement of case under section 301 or 303

(a) Upon recognition, a foreign representative may commence—

(1) an involuntary case under section 303; or

(2) a voluntary case under section 301 or 302, if the foreign main proceeding is a foreign main proceeding.

(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition.

(c) In cases where the petition for recognition has been filed must be advised of the foreign representative’s intent to commence a case under subsection (a) prior to such commencement.

§ 1512. Participation of a foreign representative in a case under this title

Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

§ 1513. Access of foreign creditors to a case under this title

(a) Foreign creditors have the same rights regarding the commencement, announcement, and participation in, a case under this title as domestic creditors.

(b) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726 of this title, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

(c) A foreign main proceeding or foreign law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

§ 1514. Notification to foreign creditors concerning a case under this title

(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses which the court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

(1) indicate the time period for filing proofs of claim and specify the place for their filing;

(2) indicate whether secured creditors need to file their proofs of claim; and

(3) contain any other information required to be included in such a notification to creditors under this title and the orders of the court.

(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

§ 1515. Application for recognition

(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

(b) A petition for recognition shall be accompanied by—

(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

(3) absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that is known to the foreign representative.

(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

§ 1516. Presumptions concerning recognition

(a) If the decision or certificate referred to in section 1515 concerning recognition of a foreign proceeding as a foreign main proceeding is a foreign proceeding (as defined in section 101) and that the person or body is a foreign representative (as defined in section 101), the court is entitled to so presume.

(b) The court is entitled to presume that documents submitted in support of a petition for recognition are authentic, whether or not they have been legalized.

(c) In the absence of evidence to the contrary, the debtor’s registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor’s main interests.

§ 1517. Order granting recognition

(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

(1) the foreign proceeding for which recognition is sought is a foreign main proceeding or foreign main nonmain proceeding within the meaning of section 1502;

(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

(3) the petition meets the requirements of section 1515.

(b) The foreign proceeding shall be recognized—

(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were not present initially or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that relied on the granting recognition. The case under this chapter may be closed in the manner prescribed under section 350.

§ 1518. Subsequent information

“The time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the
court promptly a notice of change of status concerning—

(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

(2) any other matter necessary to preserve a claim against the debtor or the interests of the creditors, grant relief of a provisional nature, including—

(1) staying execution against the debtor’s assets;

(2) entrusting the administration or realization of all or part of the debtor’s assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court is entitled to communicate directly with foreign courts or foreign representatives.

(a) Upon recognition of a foreign proceeding concerning the debtor’s assets or foreign representatives.

(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

§1524. Intervention by a foreign representative

(a) Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

§1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

§1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

§1527. Forms of cooperation

“Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

(1) appointment of a person or body, including an examiner, to act at the direction of the court;

(2) communication of information by any means considered appropriate by the court;

(3) coordination of the administration and supervision of the debtor’s assets and affairs;

(4) approval or implementation of agreements concerning the coordination of proceedings; and

(5) coordination of concurrent proceedings regarding the same bankruptcy case.

§1528. Commencement of a case under this title after recognition of a foreign main proceeding

After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor...
has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement coordination and cooperation under sections 1525, 1526, and 1527, to other assets of the debtor that are within the territory of the court under sections 541(a) of this title, and 1334(c) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of proceeding that has been recognized under this chapter.

§ 1529. Coordination of a case under this title and a foreign proceeding

"If a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

(B) any proceeding recognized as a foreign main proceeding, section 1520 does not apply.

(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

(A) any relief in effect under sections 1519 or 1521 when recognized is modified or terminated, if inconsistent with the case in the United States; and

(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the United States.

(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

(4) In achieving cooperation and coordination under sections 1525 and 1529, the court may grant any of the relief authorized under sections 1505, 1513, and 1514.

§ 1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding or a foreign main proceeding recognized of the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

§ 1531. Preservation of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

§ 1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding, or to the extend that the law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to secured creditors of the same class is proportionately less than the payment the creditor has already received."

13. B. CERIAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 10 the following:

"15. Ancillary and Other Cross-Border

Cases ............................................. 1501."

SEC. 902. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ‘‘, and

(2) by adding at the end the following:

‘‘(P) recognition of foreign proceedings and

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (24) and (25) and inserting the following:

‘‘(24) ‘foreign representative’ means a representative of a foreign proceeding to administer the organization or the liquidation of the assets of a foreign main proceeding;

‘‘(25) ‘emphasis’ means a productive, economic or beneficial proceeding, or a productive, economic or beneficial proceeding, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

‘‘(26) ‘foreign representative’ means a person or body, including a person or body authorized to administer a foreign proceeding to administer the organization or the liquidation of the assets of a foreign main proceeding.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (A), by striking ‘‘and’’ at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ‘‘;’’; and

(C) by adding at the end the following:

‘‘(P) recognition of foreign proceedings and

(d) OTHER SECTIONS OF TITLE 11—

(1) Section 109(b)(3) of title 11, United States Code, is amended to read as follows:

‘‘(A) a foreign insurance company, engaged in such business in the United States;

(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101) in the United States,’’.

(2) Section 303(c) of title 11, United States Code, is repealed.

(3) Section 303 of title 11, United States Code, is amended by striking the item relating to section 301.

(4) Section 305 of title 11, United States Code, is amended to read as follows:

‘‘(A) a petition under this title for recognition of a foreign proceeding has been granted; and

(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.’’.

(5) Section 508 of title 11, United States Code, is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking ‘‘(b)’’.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATOR OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(I)) is amended by inserting ‘‘resolution, or order’’ after ‘‘any similar agreement that the Corporation determines by regulation’’.

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(II)) is amended to read as follows:

‘‘(II) SECURITIES CONTRACT.—The term ‘security contract’ means

‘‘(I) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or

‘‘(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the commercial mortgage loan is administered in the United States, the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;"
(III) any option entered into on a national securities exchange relating to foreign currencies;

(IV) means the guarantee by or to any security agreement or arrangement that is not a securities contract under this clause; or

(V) any agreement or transaction referred to in this clause;

(VI) means any combination of agreements or transactions referred to in this clause;

(VII) means any option to enter into any agreement or transaction referred to in this clause;

(VIII) means any agreement or transaction referred to in this clause;

(IX) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause;

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), (IX), or (X); and

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

(V) any margin loan;

(VI) any agreement or transaction that is similar to any agreement or transaction referred to in this clause; or

(VII) means any combination of agreements or transactions referred to in this clause;

(VIII) means any option to enter into any agreement or transaction referred to in this clause;

(IX) means any master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), (VIII), or (IX); or

(X) means any agreement by such transferee to transfer to the transferor thereof certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;
“(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only to contracts that may not be construed as applying so as to challenge or affect the character, definition, or treatment of any swap agreement under any other statute, regulation, or rule of the Commodity Futures Trading Commission.”.

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

“(viii) Transfer.—The term "transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retransfer on the security interest and foreclosure of the depositary institution’s equity of redemption.”.

(b) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(i) in subparagraph (A)—

(I) by striking “paragraph (10)” and inserting “paragraphs (9) and (10)”;

(II) in clause (i), by striking “to cause the termination, liquidation, or acceleration” and inserting “such person has to cause the termination, liquidation, or acceleration”; and

(C) by striking clause (ii) and inserting the following—

“(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (I);”;

and

(2) in subparagraph (E), by striking clause (i) and inserting the following—

“(i) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (I);”;

(i) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting “Section 1242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,” before “the Corporation”.

SEC. 902. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(I) in subparagraph (A), by striking “other than subparagraph (D)” and inserting “other than subsections (d)(9) and (e)(10);” and

(II) by adding at the end the following new subparagraphs—

(1) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no qualified financial contracts are enforceable in a qualified financial contract of an insured depository institution in default.

(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term "walkaway clause" means a provision in a qualified financial contract that, after calculation of a value of a party’s position or an amount due from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party’s status as a nondefaulting party.

(iii) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by striking “in accordance with paragraphs (9) and (10) after the person has received notice” and inserting “in accordance with paragraphs (9)(A) and (10)”.

(iv) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraphs—

“(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

(I) other than a financial institution for which the conservator or receiver shall receive notice of the appointment of the conservator or receiver of such depository institution.

(ii) after the person has received notice of the appointment of the conservator or receiver; or

(iii) after the person has received notice of the appointment of the conservator or receiver; or

(iv) after the person has received notice of the appointment of the conservator or receiver; or

(2) by inserting after subparagraph (A) the following new subparagraphs—

(1) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depositary institution or the insolvency or financial condition of the depositary institution for which the receiver has been appointed, any contract and related claims, property, and credit enhancement referred to in subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transfer as a member by virtue of the transfer.

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT Counterparties.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking “the conservator and all that follows through the case of a receivership and inserting the following—

“the conservator or receiver shall notify any person who is a party to any such contract that such contract and all that follows through the case of a receivership.

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraphs—

(1) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depositary institution or the insolvency or financial condition of the depositary institution for which the receiver has been appointed, any contract and related claims, property, and credit enhancement referred to in subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transfer as a member by virtue of the transfer.

(D) DEFINITION.—For purposes of this paragraph, the term ‘financial institution’ means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution.”.

(C) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 solely by reason of or incidental to the appointment of a receiver for the depositary institution or the insolvency or financial condition of the depositary institution for which the receiver has been appointed.

(i) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver or, if such person has to cause the termination, liquidation, or acceleration of such contract; or

(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) to or on behalf of such person and any affiliate of such person.

(1) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depositary institution or the insolvency or financial condition of the depositary institution for which the conservator has been appointed, any contract and related claims and property, and credit enhancement referred to in subparagraph (A)(i), the conservator or receiver of such depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of such foreign bank, financial institution, branch or agency, without the consent of the Corporation.

(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under section 11(e)(10) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 solely by reason of or incidental to the appointment of a receiver for the depositary institution or the insolvency or financial condition of the depositary institution for which the conservator has been appointed.

(1) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depositary institution or the insolvency or financial condition of the depositary institution for which the conservator has been appointed, any contract and related claims, property, and credit enhancement referred to in subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transfer as a member by virtue of the transfer.
Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following provisions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is subject to a receivership, bankruptcy or insolvency proceeding for purposes of paragraph (9):

(i) A bridge bank.

(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation by a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person)."

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any arrangement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements and transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those provisions that are themselves qualified financial contracts.".


(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 402) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national or State bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"

and

(C) by redesigning subparagraph (C) (as redesignated to read as follows):

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;"

(2) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract;"

(3) by amending paragraph (14)(A)(ii) to read as follows:

"(ii) means a contract or agreement between 2 or more financial institutions, clearing organizations, or any other clearing organization with which such clearing organization has a netting contract (except as provided in section 11(e)(8)(D) of such Act);"

(4) by striking subparagraph (B) and inserting the following:

"(B) as provided in section 561(b)(2) of title 11, United States Code; or"

and

(5) by adding at the end the following new paragraph:

"(15) PAYMENT.—The term ‘payment’ means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS—

Section 11(e) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of law, paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970."

and

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

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970)."

(c) REGULATORY AUTHORITY—

The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this Act.

(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations are consistent with the regulations and policies of the Federal Deposit Insurance Corporation.
adopted pursuant to the Federal Deposit Insurance Act.

"(d) Definitions.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'frontier bank' have the same meanings as in section 1(b) of the International Banking Act of 1978."

SEC. 907. BANKRUPTCY CODE AMENDMENTS.

(a) Definitions of Forward Contract, Repurchase Agreement, Securities Contract, Swap Agreement, Commodity Contract, and Securities Contract.—Title 11, United States Code, is amended—

(1) in section 101—

(i) by striking "means a contract or agreement" and inserting "means a contract, agreement, or transaction,"—

(ii) by striking "" and inserting ""—

(iii) by striking "" and inserting ""—

(iv) by striking "", or any combination thereof or option thereon;" and inserting "", or any other similar agreement;"; and

(v) by adding at the end the following:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);"

"(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);"

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or"

"(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), or (C), but not to exceed the actual value of such contract on the date of the filing of the petition; and"

"(ii), (iii), (iv), (v), (vi), or (vii); or"

"(iii) any other agreement or transaction that is not a swap agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or"

"(vi) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i) through (v), but do not to exceed the actual value of such contract on the date of the filing of the petition; and"

"(C) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;"

"(ii) any agreement entered into on a national securities exchange relating to foreign currencies;"

"(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;"

"(iv) any margin loan;"

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;"

"(vi) any combination of the agreements or transactions referred to in this subparagraph;"

"(vii) any option to enter into any agreement or transaction referred to in this subparagraph;"

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master agreement, without regard to whether such master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that such master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or"

"(ix) any swap agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i) through (v), but do not to exceed the actual value of such contract on the date of the filing of the petition; and"

"(D) does not include any purchase, sale, or repurchase obligation related to a swap agreement under any transactions referred to in this subparagraph;" and

"(E) in paragraph (48), by inserting "", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission," after "1994"; and

(E) by amending paragraph (53B) to read as follows:

"(53B) 'swap agreement'—

"(A) means—

"(i) any agreement, including the terms and conditions incorporated by reference in such agreement, or in such supplement, which is an interest rate swap, option, future, or forward agreement, including—

"(I) a rate floor, rate cap, rate collar, cross-currency rate swap, or any basis swap;

"(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(III) a currency swap, option, future, or forward agreement;

"(IV) an equity index or an equity swap, option, future, or forward agreement;

"(V) a debt index or a debt swap, option, future, or forward agreement;

"(VI) a credit spread or a credit swap, option, future, or forward agreement;

"(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

"(VIII) a weather swap, weather derivative, or weather option;"

"(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

"(I) is presently, or in the future becomes, a rate floor, rate cap, rate collar, cross-currency rate swap, or any basis swap;

"(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, economic indices or measures of economic risk or value; or

"(III) any combination of agreements or transactions referred to in this subparagraph;"

"(iii) any option to enter into an agreement or transaction referred to in this subparagraph;"

"(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master agreement, without regard to whether such master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that such master agreement shall be considered to be a swap agreement under this subparagraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or"

"(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i) through (v), but do not to exceed the actual value of such contract on the date of the filing of the petition; and"

"(B) does not include any purchase, sale, or repurchase obligation related to a swap agreement under any transactions referred to in this subparagraph;" and

"(D) does not include any purchase, sale, or repurchase obligation related to a swap agreement under any transactions referred to in this subparagraph;" and

"(S) in section 761(4)—
(A) by striking “or” at the end of subparagraph (D); and
(B) by adding at the end the following:

“(F) any other agreement or transaction that is made before the commencement of section 548(d)(2) of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

‘‘(22) ‘financial institution’ means—

(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when such Federal reserve bank, receiver, or conservator is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

(B) in connection with a securities contract, as defined in section 741, an investment company registered under the Investment Company Act of 1940’’;

(2) by inserting after paragraph (22) the following:

‘‘(22A) a ‘financial participant’ means an entity that in the ordinary course of business, for purposes other than speculative trading, enters into a securities contract, commodity contract, or forward contract, or at the time of the filing of the petition, has one or more agreements or transactions referred to in paragraph (1), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $500,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period; and

(3) by striking paragraph (26) and inserting the following:

‘‘(26) ‘forward contract merchant’ means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity business, as defined in section 761 or in any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in any interest trade’’;

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT—Section 559 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

‘‘(38A) ‘master netting agreement’—

(1) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or any individual contract covered thereby and its component part(s) that are not contracts described in any one or more of paragraphs (1) through (5) of section 561(a), or an agreement that is similar to an agreement as described in paragraph (1) with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a); and

(2) ‘master netting agreement participant’—means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

(3) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

(4) any agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

(5) any agreement or transaction referred to in this paragraph; or

(6) any agreement or arrangement or other credit enhancement that is made before the commencement of section 548(d)(2) of title 11, United States Code, is amended—

(1) by striking ‘‘under a swap agreement’’; and

(2) by striking ‘‘in connection with a swap agreement’’ and inserting ‘‘under or in connection with any swap agreement’’.

(i) TERMINATION OR ACCELERATION OF REPO AGREEMENTS—Section 559 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311), by striking ‘‘under a swap agreement’’; and

(2) by adding at the end the following:

‘‘(k) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement’’.

(j) FAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS, AGREEMENTS UNDER MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) in paragraph (1), by striking ‘‘section 561(a)(1)’’ and ‘‘section 561(a)(2)’’ and inserting ‘‘section 561(a)(1), section 561(a)(2), or section 561(a)(3)’’;

(2) in section 561(a)(1), by striking ‘‘section 561(a)(2)’’ and inserting ‘‘section 561(a)(1), section 561(a)(2), or section 561(a)(3)’’;

(3) in section 561(a)(2), by striking ‘‘section 561(a)(1)’’ and inserting ‘‘section 561(a)(1), section 561(a)(2), or section 561(a)(3)’’;

(4) in section 561(a)(3), by striking ‘‘section 561(a)(1)’’ and inserting ‘‘section 561(a)(1), section 561(a)(2), or section 561(a)(3)’’;

(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (28) of subsection (b) shall not be stayed by any court, or by the Federal Reserve System or any agency in any proceeding under this title.”.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Sec-
(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

“§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement;”

(2) in the first sentence, by striking “termination of a swap agreement” and inserting “liquidation, or acceleration of one or more swap agreements”; and

(3) by striking “in connection with any swap agreement” and inserting “in connection with any commodity account at a clearing organization, as defined in section 78q of this title.”

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

“§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

“(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, by reason of normal business practice, arising under any of the kind specified in section 565(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net transactions, payments, dividends, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)

(1) securities contracts, as defined in section 741(7);

(2) commodity contracts, as defined in section 761(4); and

(3) forward contracts;

(4) repurchase agreements;

(5) swap agreements; or

(6) master netting agreements, shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

(b) EXCEPTION.—(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such contractual right without violating any provision of this title, or any order of a court or administrative agency, or normal business practice, to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor (as defined in section 101(40) of the United States).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

“§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.

(I) COMMODITY BROKER LIQUIDATIONS.—

Title 11, United States Code, is amended by inserting after section 767 the following:

“§ 767. Commodity broker liquidation and forward contract merchant, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

“Notwithstanding any other provision of this title, the exercise by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.”

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking “financial institutions,” each place such term appears and inserting “financial institution, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.”

(2) in section 546(e), by inserting “financial participant,” after “financial institution.”

(3) in section 548(b)(2)(B), by inserting “financial participant,” after “financial institution.”

(4) in section 555—

(A) by inserting “financial participant,” after “financial institution.”

(B) by inserting before the period at the end “, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under an amended law, under law merchant, or by reason of normal business practice;” and

(5) in section 556, by inserting “financial participant,” after “financial broker.”

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

“§ 555. Contractual right to liquidate, terminate, or accelerate a swap agreement.

“§ 556. Contractual right to liquidate, terminate, or accelerate a commodity contract or forward contract.”

(B) by amending the items relating to sections 557 and 560 to read as follows:

“§ 557. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

“§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement.”

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

“§ 766. Commodity broker liquidation and forward contract merchant, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.

(B) by inserting after the item relating to section 753 the following:

“§ 753. Stockbroker liquidation and forward contract merchant, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.

SEC. 908. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subpar

(II) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.”
SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.
Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831k-2(a)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide collateral in lieu of a surety bond:

(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), or under an agreement to provide collateral in lieu of a surety bond;

(B) bankruptcy estate funds pursuant to section 364(i)(2) of title 11, United States Code;

(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D) of title 11, United States Code, shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.

SEC. 910. DAMAGE MEASURE.
(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

 If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 556(a), or if a forward contract or commodity contract is liquidated, terminated, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration;"

and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by the following amendments) the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements."

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1) after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 502 of this title shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition."

SEC. 911. SIPC STAY.
Section 8(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ff(b)(2)) is amended by adding at the end the following new subparagraph: "(C) EXCEPTION FROM STAY.—

"(1) In accordance with section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(8) nor any order or decree obtained by SIPIC from the court shall stay or stay the claims of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101 and 741 of title 11, United States Code, or the terms, conversion into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets described as the servicing or time distribution of proceeds to security holders;

"(2) a bankruptcy estate fund;

"(3) a term ‘eligible entity’ means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, government unit, limited liability company, or any other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) the term ‘issuer’ means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

"(5) the term ‘transferred’ means the debtor or a party to a written agreement and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor or a party to the agreement (whether or not reference is made to this title or any section hereof), irrespective and without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.”

SEC. 912. ASSET-BACKED SECURITIZATIONS.
Section 541 of title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

"§ 541. Asset-backed securitizations

If the trustee rejects a swap agreement, commodity contracts, repurchase agreements, securities contracts, for- ward contracts, or a securities clearing agency.

A right to repurchase or to service or supervise the servicing of all or any portion of such eligible assets, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing body of a right, whether or not in writing, arising under common law, under law, or by reason of normal business practices.

SEC. 913. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.
(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act. (b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS
SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.
(a) REENACTMENT.—Chapter 12 of title 11, United States Code, as reenacted by section 199 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, 112 Stat. 2681–610), and amended by this Act, is reenacted.

(b) EFFECTIVE DATE.—Subsection (a) shall be deemed to have taken effect on July 1, 2000.

SEC. 1002. DEBT LIMIT INCREASE.
(a) IN GENERAL.—Section 101(b) of title 11, United States Code, as amended by this Act, is amended—

(1) by striking "$400,000" and inserting "$750,000"; and

(2) by adding at the end the following:

"$750,000 shall be adjusted at the same times and in the same manner as the dollar amounts in section 101(b) of title 11, including the dollar amount in subsection (b) of that section."

(b) APPLICATION OF AMENDMENTS.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).
“(2) provide for the full payment, in de-
dffered cash payments, of all claims entitled
to priority under section 507, but the
claim shall be treated as an unsecured claim that
is not entitled to priority under section 507, but the
debt shall be treated in such manner only if
the debtor receives a discharge; or
“(B) by adding after paragraph (27) the fol-
lowing:
“(B) a health care business—
“(A) means any public or private entity
(without regard to whether that entity is orga-
nized for profit or not for profit) that is
primarily engaged in offering to the general
governmental and other insurance
services—
“(i) the diagnosis or treatment of injury,
deformity, or disease; and
“(ii) surgical, drug treatment, psychiatric,
or obstetric care; and
“(B) includes—
“(i) any—
“(I) general or specialized hospital;
“(II) ancillary ambulatory, emergency, or
surgical treatment facility;
“(III) hospice;
“(IV) home health agency; and
“(V) other health care institution that is
similar to an entity referred to in subclause
(I), (II), or (III), or (IV), and
“(VI) any long-term care facility, including
any—
“(I) skilled nursing facility;
“(II) intermediate care facility;
“(III) flow-through facility;
“(IV) home for the aged;
“(V) domiciliary care facility; and
“(VI) health care institution that is rel-
ed to a facility referred to in subclause
(I), (II), (III), or (V), if that institution is
primarily engaged in offering room, board,
launder, or personal assistance with activi-
ties of daily living and incidentals to activi-
ties of daily living;”;
“(b) PATIENT AND PATIENT RECORDS
DEFINED.—Section 101 of title 11, United States
Code, is amended by inserting after para-
graph (40) the following:
“(40A) ‘patient’ means any person who
obtains or receives services from a health care
business;
“(40B) ‘patient records’ means any written
document relating to a patient or a record
recorded in a magnetic, optical, or other
form of electronic medium;”;
“(c) RULE OF CONSTRUCTION.—The amend-
ments made by subsection (a) of this section
shall not affect the interpretation of section
109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.
“(a) IN GENERAL.—Subchapter III of chapter
3 of title 11, United States Code, is amended by
inserting after paragraph (40) the following:
“§ 351. Disposal of patient records.
“If a health care business commences a case
under chapter 7, 9, or 11, and the trustee
does not have a sufficient amount of funds to
pay for the storage of patient records in the
manner required under applicable Federal or
State law, the following requirements shall
apply—
“(1) The trustee shall—
“(A) promptly publish notice, in 1 or more
appropriate newspapers, that if patient
records are not claimed by the patient or an
insurer or other entity, with a reasonable
notice to the insurance provider (as that
insurance provider to make that claim)
by the date that is 365 days after the date of
that notification, the trustee will destroy
the patient records; and
“(B) during the first 365 days of the 365-
day period described in subparagraph (A),
promptly attempt to notify directly each
patient that the records will be disposed of
and request the insurance record and
appropriate insurance carrier concerning
the patient records by mailing to the
last known address of that patient, or a
family member or contact person for that
patient, and to the appropriate insurance
carrier an appropriate notice regarding the
claiming or disposing of patient records.
“(2) If, after providing the notification
under paragraph (1), patient records are not
delivered at the end of such 365-day period
a written request to each appropriate
Federal agency to request permission from
that agency to deposit the patient records
with that agency, the trustee shall destroy
those records by—
“(A) if the records are written, shredding
or burning the records; or
“(B) if the records are magnetic, optical,
or other electronic records, by otherwise
destroying those records so that those records
cannot be retrieved.”;
“(b) CLERICAL AMENDMENT.—The table of
sections for chapter 3 of title 11, United States
Code, is amended by inserting after the
item relating to section 330 the fol-
lowing:
“§ 351. Disposal of patient records.”;

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR
COSTS OF CLOSING A HEALTH CARE BUSINESS
AND OTHER ADMINIS-
TRATIVE EXPENSES.
“Section 503(b) of title 11, United States
Code, is amended by adding at the end the fol-
lowing:
“(8) the actual, necessary costs and exp-
enses of closing a health care business in-
cluded in liquidation or in bankruptcy by a Federal
agency (as that term is defined in section 551(1) of
section 551(1) of title 11, or a department or agency of a State
or political subdivision thereof, including
any cost or expense—
“(A) in disposing of patient records in
accordance with section 351; or
“(B) in connection with transferring pa-
tients from the health care business that
is in the process of being closed to another
health care business;
“(9) with respect to a nonresidential real
property lease previously assumed under sec-
tion 365, and subsequently rejected, a sum
equal to all monetary obligations due, ex-
cluding those arising from or related to a
failure to operate under any provisions, for
the period of 2 years following the later of the
rejection date or date of actual turnover
of the premises, without reduction or setoff
except that any sum for costs or expenses
as defined in subsection (b) of section
1102 shall be paid to a trustee, if the lessee
actually received or to be received from a
nondebtor, and the claim for remaining sums
due for the balance of the term of the lease
shall be a claim under section 502(b)(6); and’’;

SEC. 1104. APPOINTMENT OF OMBudsMAN TO
ACT AS PATIENT ADVOCATE.
“(a) IN GENERAL.—
“(1) APPOINTMENT OF OMBudsMAN.—Sub-
chapter II of chapter 3 of title 11, United States
Code, is amended by inserting after

“§ 332. Appointment of ombudsman
“(a) IN GENERAL.—
“(1) AUTHORITY TO APPOINT.—Not later than
30 days after a case is commenced by a
health care business under chapter 7, 9, or 11,
the court shall order the appointment of an
ombudsman to monitor the quality of pa-
tient care to represent the interests of the
patients of the health care business, unless
the court finds that the appointment of the
ombudsman is not necessary for the protec-
tion of patients under the specific facts of
the case.
“(2) QUALIFICATIONS.—If the court orders
the appointment of an ombudsman, the
United States trustee shall appoint 1 dis-
terested person, other than the United
States trustee, to serve as an ombudsman,
including a person who is serving as a State
Long-Term Care Ombudsman appointed
under title III or VII of the Older Americans
Act of 1965 (42 U.S.C. 3021 et seq., 3058 et
sec.).
“(b) DUTIES.—An ombudsman appointed
under subsection (a) shall—
“(1) monitor the quality of patient care,
to the extent necessary under the cir-
cumstances, including interviewing patients
and physicians;
“(2) not later than 60 days after the date of
appointment, and not less frequently than
every 60 days thereafter, report to the court,
at a hearing or in writing, regarding the
quality of patient care at the health care
business involved; and
“(3) if the ombudsman determines that the
quality of patient care is declining signifi-
cantly or is otherwise being materially com-
promised, notify the court by motion or
written report, with notice to appropriate
parties in interest, immediately upon mak-
ing that determination.
“(c) CONFIDENTIALITY.—An ombudsman
shall maintain any information obtained by
the ombudsman under this section that
relates to patients (including information
relating to patient records) as confidential
information. The ombudsman may not review
confidential patient records, unless the court
personally reviews a section that restricts
the ombudsman to protect the confiden-
tiality of patient records.”;
“(b) COMPENSATION OF OMBudsMAN.—Section
330(a)(1) of title 11, United States Code, is amended
by adding after the item relating to section 330 the fol-
lowing:
“‘(1) a ‘compensation of ombudsman.’”;
“(c) OMBudSMAN.—Section 332 of title 11,
United States Code, is amended by inserting after
the item relating to section 332 the fol-
lowing:
“‘(1) an ‘ombudsman.’”;

SEC. 1105. DEBtor IN POSSESSION; DUTY OF
TRUSTEE TO REPRESENT PATIENTS.
“(a) IN GENERAL.—Subchapter I of chapter
11, United States Code, is amended by adding
after the end of the following:
“(11) use all reasonable and best efforts to
transfer patients from a health care business
that is in the process of being closed to an
appropriate health care business that—
“(A) is in the vicinity of the health care
business that is closing;
"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.

(b) CONFORMING AMENDMENT.—Section 1190(a)(1) of title 11, United States Code, is amended by striking "sections 704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "paragraphs (2), (5), (7), (8), (9), and (11) of section 704(a)".

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY. Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (29), as added by this Act, the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.”.

TITLe XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS. Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking "In this title—" and inserting "In this title the following definitions shall apply:"

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "or paragraphs (21B) and (33)(A)" and inserting "and inserting paragraph (21B) and (33)(A)");

(4) in each of paragraphs (35A) and (38), by striking "and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "and entering a" and inserting "interested entity, provision of or parting with—"

"(1) property; or

"(2) an interest in property."); and

(6) each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS. Section 104 of title 11, United States Code, as amended by section 322 of this Act, is amended by inserting "$520(b)(3), after "$520(b), each place it appears.

SEC. 1203. EXTENSION OF TIME. Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1,301, or.

SEC. 1204. TECHNICAL AMENDMENTS. Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking "section (c) or (d) of; and

(2) in section 522(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1205. PENALTY FOR PERSONS WHO NEGLECTILY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS. Section 1110 of title 11, United States Code, as so designated by this Act, is amended by striking "attorney’s" and inserting "attorneys’

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS. Section 328(a)(1) of title 11, United States Code, is amended by inserting "a fixed or percentage fee basis," after "hourly basis".

SEC. 1207. EFFECT OF CONVERSION. Section 363(b)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES. Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (5)

SEC. 1209. EXCEPTIONS TO DISCHARGE. Section 523 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking paragraph (15), as added by section 301(e) of Public Law 103-394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14);

(2) in subsection (c), by striking "motor vehicle" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "an insured" and inserting "an individual insured by a".

SEC. 1210. EFFECT OF DISCHARGE. Section 524(a)(3) of title 11, United States Code, is amended, by striking "section 523" and all that follows through "or that", and inserting "section 523, 1228(a)1, or 1238(a)1, or that 

SEC. 1211. PROTECTION AGAINST DISCRIMINATION. Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under"

SEC. 1212. PROPERTY OF THE ESTATE. Section 541(b)(4)(B) of title 11, United States Code, is amended by inserting "section 365 or" before "section 361, United States

SEC. 1213. PREFERENCES. (a) In General.—Section 547 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (d)"; and

(2) by adding at the end the following:

"(1) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider, such transfer shall be considered to be avoided under this section only with respect to the person to whom the transfer of the property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362 "

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as so designated by this Act, is amended by adding at the end the following:

"(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.

"(17) Transfer of Property—Section 541 of title 11, United States Code, as so designated by this Act, is amended by adding at the end the following:

"(c) Notwithstanding any other provision of this title, property that is held by a debtor or that is a corporation described in section 501(a) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only upon the same conditions as would apply if the debtor had not filed a case under this title."

SEC. 1214. POSTPETITION TRANSACTIONS. Section 549(c) of title 11, United States Code, is amended by adding at the end the following:

"(1) by inserting "an interest in" after "transfer of" each place it appears;

"(2) by striking "such property" and inserting "such real property or interest in property";

"(3) by striking the "the interest" and inserting "such interest">

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE. Section 726(b) of title 11, United States Code, is amended by striking "1009."
this section would substantially affect the rights of a party in interest who first ac-
quired rights with respect to the debtor after the date of the petition. The parties who may apply for such relief may appear and be heard in a proceeding under this section include the attorney gen-
eral of the State in which the debtor is in-
corporated, was formed, or does business.

(e) NOTIFICATION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to re-
mand or refer any proceeding, issue, or con-
trovery to any other court or to require the approval of any other court for the transfer of property.

SEC. 1223. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking “20” and inserting “30”.

SEC. 1224. EXTENSIONS.


(1) in subparagraph (A), in the matter fol-
lowing clause (ii), by striking “or October 1, 2002, whichever first occurs”; and

(2) in subparagraph (F)—

(A) in clause (i) 

(i) by striking “or October 1, 2001, or”; and

(ii) by striking “or October 1, 2002, or”;

and

(B) in clause (ii), in the matter following subclause (B) —

(i) by striking “before October 1, 2001, or”;

(ii) by striking “which ever occurs first”;

and

(3) in paragraph (2), by striking the period at the end and inserting the following:

“or October 1, 2003, or October 1, 2004, or October 1, 2005, or October 1, 2006.”

SEC. 1225. TEMPORARY JUDGES.—

(a) APPOINTMENTS.—The following judge-
ships positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) One additional bankruptcy judge for the eastern district of California.

(2) Four additional bankruptcy judgeships for the central district of California.

(3) One additional bankruptcy judge for the middle district of Florida.

(4) Two additional bankruptcy judgeships for the southern district of Florida.

(5) One additional bankruptcy judge for the northern district of Georgia.

(6) Two additional bankruptcy judgeships for the district of Maryland.

(7) One additional bankruptcy judge for the eastern district of Michigan.

(8) One additional bankruptcy judge for the district of New Jersey.

(9) One additional bankruptcy judge for the eastern district of New York.

(10) One additional bankruptcy judge for the district of North Carolina.

(11) One additional bankruptcy judge for the southern district of Mississippi.

(12) One additional bankruptcy judge for the western district of New York.

(13) One additional bankruptcy judge for the eastern district of North Carolina.

(14) One additional bankruptcy judge for the western district of Pennsylvania.

(15) One additional bankruptcy judge for the central district of Pennsylvania.

(16) One additional bankruptcy judge for the district of Puerto Rico.

(17) One additional bankruptcy judge for the eastern district of Virginia.

(b) APPOINTMENT.—The first vacancy occur-
ing in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vac-
cancy—

(A) results from the death, retirement, res-
ignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the ap-
pointment date of a bankruptcy judge ap-
pointed under paragraph (1).

(c) TECHNICAL AMENDMENTS.—Section 303 of the Bankruptcy Judges Act of 1986 (28 U.S.C. 153 note) is amended by adding the following section:

“Sec. 303. Definitions.

This section shall be known as the “Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986.”

SEC. 1226. COMPENSATING TRUSTEES.

Section 362(b)(1) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 561 note) is amended by adding the following clause:

“(3) If a bankruptcy judge, administered by another bankruptcy judge or magistrate judge, has been appointed to serve in such judicial district, the amount of such compensation shall be prorated over the number of months spent by such bankruptcy judge in each such district.”

SEC. 1227. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(1) of title 11, United States Code, is amended to read as follows:

“(b) Reclamation of Goods.—(1) In general.—In a case under this title, the court may, upon the application of the trustee, order the debtor to turn over to the trustee, within a reasonable time, any goods—

(A) that have been sold to the debtor, in the ordinary course of business, or in ordinary course of such seller’s business, to reclaim such goods if the debtor has received such goods while insolvent, not later than 45 days after the date of the commence-
ment of a case under this title, but such sell-
er may not reclaim such goods unless such sell-
er demands in writing reclamation of such goods—

(A) not later than 45 days after the date of receipt of such goods by the debtor; or

(B) not later than 20 days after the date of commencement of the case and any pe-
riod expires after the commencement of the case.

(2) If a seller of goods fails to provide no-
tice in the manner described in paragraph (1), the seller still may assert the rights con-
tained in section 503(b)(7).

(3) If a bankruptcy judge, administered by another bankruptcy judge or magistrate judge, has been appointed to serve in such judicial district, the amount of such compensation shall be prorated over the number of months spent by such bankruptcy judge in each such district.”
(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a bankruptcy case filed under individual Chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1213. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) Minimum Payment Disclosures.—Section 1213(b) of the Truth in Lending Act (15 U.S.C. 1675) is amended by adding at the end the following:

"(1) In the case of an open end credit plan that requires a minimum monthly payment, of not more than 4 percent of the balance on which finance charges are accruing, the following statement, disclosed clearly and conspicuously: ‘Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the minimum payment on a balance of $300 at an annual interest rate of 18% would take 66 months to repay the balance. Making only the required minimum payment may increase the interest you pay and the time it takes to repay your balance. Making a 5% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For more information, call this toll-free number: ___________ (the blank space to be filled in by the creditor).’"

(b) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the minimum payment on a balance of $300 at an annual interest rate of 18% would take 66 months to repay the balance. Making only the required minimum payment may increase the interest you pay and the time it takes to repay your balance. Making a 5% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For more information, call this toll-free number: ___________ (the blank space to be filled in by the creditor).’
Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: the blank space to be filled in by the creditor or the Federal Trade Commission, as applicable. The toll-free telephone number may connect the consumer to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(1).

(ii) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Reform Act of 2001, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions as defined in section 3 of the Federal Deposit Insurance Act, including a Federal credit union or State credit union for purposes of section 301 of the Federal Credit Union Act (12 U.S.C. 1752)), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(1).
(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.”; 

(B) NON-OPEN END CREDIT EXTENSIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

“(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.”; and

(B) in subsection (b), by adding at the end the following:

“(3) In the case of a consumer credit transaction described in paragraph (15) of subsection (a), disclosure that shall be made to the consumer at the time of application for such extension of credit.”;

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1666) is amended by adding at the end the following:

“(e) Each advertisement to which this section applies that relates to a consumer credit transaction secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state—

“(i) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(ii) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.”;

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by subsection (a) and regulations issued under paragraph (1) of this subsection.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO “INTRODUCTORY RATES”.

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c)(6) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(6) ADDITIONAL NOTICE CONCERNING ‘INTRODUCTORY RATES’.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall by that paragraph shall appear clearly and conspicuously:

“(i) if the annual percentage rate of interest that will apply after the temporary introductory period will vary in accordance with an index, state in a clear and conspicuous manner the prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period for which the temporary introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

“(ii) if the annual percentage rate that will apply after the end of the temporary introductory period will vary in accordance with an index, state in a clear and conspicuous manner the prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period for which the temporary introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

“(B) EXCEPTION.—Clauses (i) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

(c) DEFINITIONS.—For purposes of this paragraph:

“(1) IN GENERAL.—In this paragraph—

“(i) the term ‘‘introduction’’ means any information service, system, or access service provider that provides or enables access by multiple users to a computer server, is specifically a service or system that provides access to the Internet and such systems operated or serviced by libraries or educational institutions.”;

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under subsection (a) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. DISCLOSURES RELATED TO LATE PAYMENT PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(12) If a late payment fee is to be imposed due to the failure of the obligor to make a required payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement: The date on which the payment is due is or, if different, the earliest date on which a late payment fee may be charged.

“(B) The amount of the late payment fee to be imposed if payment is made after such date.”;

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under subsection (a) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.
The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 21
Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 21 be discharged from the Committee on Finance and be referred to the Committees on the Budget and Governmental Affairs per the order of August 4, 1977.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of January 30, 2001, appoints the Senator from Virginia (Mr. ALLEN) to read Washington’s Farewell Address on February 26, 2001.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Washington (Mr. MIKULSKI) as Co-Chair of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276k, as amended, appoints the Senator from Connecticut (Mr. DODD) as Co-Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Co-Chair of the Senate Delegation to the North Atlantic Assembly during the 107th Congress.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276g, as amended, appoints the Senator from Connecticut (Mr. DODD) as Co-Chair of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 107th Congress.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Co-Chair of the Senate Delegation to the North Atlantic Assembly during the 107th Congress.

CONGRATULATING THE BALTIMORE RAVENS FOR WINNING SUPER BOWL XXXV

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 15, submitted earlier today by Senators SARBANES and MIKULSKI.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 15) congratulating the Baltimore Ravens for winning Super Bowl XXXV.

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

Mr. MIKULSKI. Mr. President, I ask unanimous consent that the Baltimore Ravens who soared over the Super Bowl winning 34-7.

I also want to honor the city of Baltimore. Baltimore has often been overlooked and under valued.

Baltimore is the comeback city; the crime rate is dropping; test scores are rising; we are building a digital harbor; and now we are Super Bowl champs for the first time since 1971.
We want the world to get to know Baltimore as a dynamic city, a city of communities—that’s unified around our values, our patriotism, and our Ravens, a city with a great football heritage—and a great football future.

I congratulate owner Art Modell, who won his first Super Bowl in 40 years of owning the team; head coach Brian Billick, who won after only 2 years as a head coach; Ray Lewis, named most valuable player; the Ravens defense, one of the best defensive teams ever, making records and Super Bowl history, allowing just 165 points in the 16-game regular season, and had caught four interceptions during the Super Bowl.

The Ravens’ offense and special teams scored big. Quarterback Trent Dilfer threw the first touchdown pass of the game and had no interceptions; Brandon Stokely caught a 38-yard touchdown pass; Jermaine Lewis, a Maryland native and former Maryland Terrapin, returned an 84-yard kick-off to put the game out of reach.

The resolution we are passing today commends the loyalty, community spirit and enthusiasm of the Baltimore fans, applauds the Baltimore Ravens for their high standards of character, perseverance, professionalism, excellence and teamwork, praises the Ravens for their community service, congratulates the Ravens and the New York Giants for a hard-fought, sportsmanlike Super Bowl, congratulates the Ravens and their fans for the Super Bowl victory, and recognizes the achievements of the players, coaches and support staff who made this win possible.

We have been celebrating since Sunday night.

Today we had a parade through Baltimore.

We gave the Ravens the key to our city; they already have the key to our hearts.

I just watched as our colleagues from New York made good on their bet and recited Edgar Allen Poe’s ‘The Raven.’

We want our colleagues to share in our excitement for our Ravens and for our city.

Mr. SESSIONS. I ask unanimous consent that the resolution and preamble be agreed to en bloc, 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 resolution (S. Res. 15) was agreed to.

The preamble was agreed to.

(Review is located in today’s Record under “Senate Resolutions.”)

ORDER FOR WEDNESDAY.

JANUARY 31, 2001

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, January 31. I further ask consent that on Wednesday, immediately following the prayer, 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 the Senate then begin a period of morning business until 10:30 a.m. with Senators speaking for up to 5 minutes each, with the following exceptions: Senator Brownback or his designee, 10 to 10:15 a.m.; Senator Durbin or his designee, 10:15 to 10:30 a.m.

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

Mr. SESSIONS. On behalf of the majority leader, I further ask that following morning business the Senate proceed to executive session to begin consideration of the Ashcroft nomination.

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

PROGRAM

Mr. SESSIONS. Tomorrow the Senate will be in a period of morning business from 10 a.m. to 10:30 a.m. Following morning business, the Senate will resume consideration of Senator Ashcroft’s nomination to be Attorney General of the United States. Under the order, debate will occur throughout the day. It is hoped that we can schedule Senators in an alternating manner throughout the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, January 31, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 2001:

DEPARTMENT OF THE INTERIOR

GALE ANN NORTON, OF COLORADO, TO BE SECRETARY OF THE INTERIOR

ENVIRONMENTAL PROTECTION AGENCY

CHRISTINE TODD WHITMAN, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY
HONORING IRENE FERREIRA

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Irene Ferreira, the current State President of the Cabrillo Civic Clubs of California. The Cabrillo Civic Clubs of California is comprised of fourteen nonprofit Portuguese-American civic clubs whose principles are Americanization, Civic Affairs and Scholarship.

Irene was born in Merced and raised in Fresno, California. As a child, Irene was fortunate enough to learn the Portuguese language and the Portuguese culture.

Irene was an active member of the Fresno County Cabrillo Civic Club No. 10 for several years. In 1989 and 1990 she served as the Fresno County Cabrillo Civic Club No. 10 President. She has also served as the District Governor of District No. 6 for the organization. At the local level, she has served as Chairperson for many various functions. She also served as the State Civic Affairs Chairperson for seven years.

Irene has been married to her husband, Frank, for 36 years. They have two children and three grandchildren.

Mr. Speaker, I rise today to honor Irene Ferreira for her leadership roles in the Cabrillo Civic Clubs of California. I urge my colleagues to join me in wishing Irene Ferreira many more years of continued success.

TRIBUTE TO JUDGE FRANK H. RIDDICK OF MADISON COUNTY, AL

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a man who has served Madison County for many years, Probate Judge Frank Riddick. I would like to recognize the outstanding contributions of Judge Riddick to our community and to the Twenty-Third Judicial Circuit of Alabama.

Judge Riddick has made the Huntsville-Madison County Courthouse a better place with his service to the families and the mentally ill across the county. He has preserved important legal records for our county. His commitment to justice and efficiency is unparalleled.

For his hard work, vision and dedication to the people of Madison County, I feel this is an apt honor. Over his long career both in the courthouse and in the Alabama legislature, he has become a role model for his work ethic. Now as he retires, I wish to thank Judge Riddick for his extraordinary service to his community and this nation.

On behalf of the U.S. Congress, I pay tribute to Judge Riddick and thank him for a job well done. I join his family, friends and colleagues in congratulating him on his retirement. I wish him a well-deserved rest.

IN HONOR OF WATSON RICE LLP ON THE OCCASION OF THE FIRM’S 30TH ANNIVERSARY

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mrs. MALONEY of New York. Mr. Speaker, this year marks the 30th anniversary of Watson Rice LLP, an accounting and consulting firm in the heart of my district that exemplifies the benefits of affirmative action. Today, Watson Rice is one of the nation’s largest and oldest firms owned and managed by diverse partners, with 125 professionals operating in four states and the District of Columbia.

Few would have predicted that back in 1971, in the midst of two fledgling accountants operating in one room, at a shared desk sitting face to face, with a single adding machine and one telephone line, would develop a firm that now earns annual billings approaching $9 million.

Tom Watson and Bob Rice, however, share this American success story. Garnering their first fees from a dry cleaning establishment, a grocery store, and a funeral home, they now operate a formidable enterprise well known today as Watson Rice LLP.

The African-American founders of Watson Rice LLP found opportunity in the pro-active policies of President Carter’s administration that welcomed the services of qualified firms staffed with multicultural professionals. Mr. Watson and Mr. Rice first and foremost reached out to the regional offices of established accounting firms to learn from experienced senior professionals. Mr. Rice recalls that period for the exceptionally generous mentors at Big 8 firms like Deloitte Haskins.

Watson Rice’s first sizable contract, from the U.S. Department of Labor, enabled the firm to move to their own offices in downtown Cleveland and to start adding staff. Business from the U.S. Department of Commerce and from the U.S. Environmental Protection Agency followed, and then from several other Washington agencies.

In 1976, Tom Watson met Ron Thompkins, a Florida-based professional partner in a firm which developed a considerable practice specializing in health care services. This firm later was merged into Watson Rice to mutually strengthen operations in government, nonprofit and joint venture practices. The Miami branch since has doubled its number of staff professionals.

The late 1970s also were a time when Tom Watson first met Bennie Hadnott, a specialist in quality control and training for government auditors. That meeting led to another merger, with Hadnott fully blending into Watson Rice—ultimately to become its Managing Partner based in New York. The firm’s government practice grew rapidly, generating $1 million in fees during the first two years of the new affiliation. Contracts with the Departments of Labor and Energy provided substantial revenue, especially from reviews of oil company pricing practices during the Mideast embargo of petroleum.

The growing New York practice generated an impressive and diverse client roster, including the New York City Health & Hospital Services, Coca-Cola Bottling Company, the NAACP Legal Defense Fund, the NYC Department of Aging, and eight McDonald’s franchises. Hadnott also served on the Mayor’s Financial Committee during the Dinkins Administration of New York City.

In 1982, Watson Rice contracted with the Resolution Trust Corporation to help close Carteret Savings, one of New Jersey’s largest banks. The firm opened offices in Rutherford, NJ, at first for the 60 members of its staff assigned to the program, and later to represent prestigious regional operations, such as the Newark Public Schools, the Urban League, and statewide long-term care provider Bennie Hadnott, while still active in the firm, recently passed its leadership to a new and dynamic managing partner, Raymond P. Jones. The emphasis at the firm continues to be training and excellence, with Watson Rice at the cutting edge of establishing a paperless accounting practice, a leader in its industry. Mr. Speaker, I salute Watson Rice LLP and I ask my fellow Members of Congress to join me in recognizing this firm’s 30th anniversary.

INTRODUCTION OF LEGISLATION ENTITLED, “REPEALING TAXES ON FAMILY VALUES ACT OF 2001”

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am joined by Representatives PHIL CRANE, PORTER GOSS, LEE TERRY, and Majority Leader DICK ARMED in the introduction of legislation that will repeal certain hidden taxes imposed on our American families and values.

In the past two reports to Congress, our country’s National Taxpayer Advocate has urged us to eliminate hidden taxes in the Internal Revenue Code. The National Taxpayer Advocate, unlike any top official at the IRS or Treasury, reports his findings and recommendations directly to Congress without review or revision within the agency or department. In one of our greatest legislative achievements, the “IRS Restructuring and Reform Act of 1998,” Congress strengthened the National Taxpayer Advocate’s independence from the IRS in order to help address taxpayers’ concerns.

The National Taxpayer Advocate can now recommend legislative changes to the tax
code in cases where current law creates inequitable treatment or where change will alleviate barriers to compliance. For the third year in a row, tax code complexity tops the list of taxpayer concerns. Accordingly, the National Taxpayer Advocate has singled out two hidden taxes in the Internal Revenue Code that should be repealed.

The first of these hidden taxes is the phase-out of itemized deductions and personal exemptions. With regard to this hidden tax on our American families and values, our country’s National Taxpayer Advocate has stated in the past that “[n]o other tax issues are taken so personally or with such emotionalism as the phaseout of itemized deductions and the personal exemptions are often seen by taxpayers as being especially unfair, creating a certain amount of resentment and cynicism.” “[A]llowing all taxpayers to retain these deductions and exemptions would go a long way toward reducing burden, increasing fairness, and restoring faith in the tax system.”

The second of these hidden taxes is the “Alternative Minimum Tax” or AMT. With regard to this hidden tax on our American families and values, our country’s National Taxpayer Advocate has described the AMT as “unnoticeable and burdensome.” As a result, the phaseout of itemized deductions and personal exemptions are often seen by taxpayers as being especially unfair, creating a certain amount of resentment and cynicism. “[A]llowing all taxpayers to retain these deductions and exemptions would go a long way toward reducing burden, increasing fairness, and restoring faith in the tax system.”

In this year’s report to Congress, the National Taxpayer Advocate describes the AMT as our nation’s ticking tax time bomb. “Just three years ago, only 600,000 taxpayers were affected by the Alternative Minimum Tax. Over 17 million taxpayers will be subject to the Alternative Minimum Tax by the year 2010. Taxpayers with an adjusted gross income of less than $100,000 will owe 60% of the nation’s Alternative Minimum tax by the year 2010.”

Many taxpayers are required to make several computations just to see if they must figure out their tax under the AMT. Additionally, AMT presents significant compliance and administrative problems for the IRS. Finally, many taxpayers are subject to the AMT. As a result, the phaseout of itemized deductions and personal exemptions are often seen by taxpayers as being especially unfair, creating a certain amount of resentment and cynicism. “[A]llowing all taxpayers to retain these deductions and exemptions would go a long way toward reducing burden, increasing fairness, and restoring faith in the tax system.”

TRIBUTE TO MILTON W. HINTON, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Milton W. Hinton, a community leader who will be honored as a Great Living Cincinnatian by the Greater Cincinnati Chamber of Commerce on February 9, 2001. He was selected for his outstanding community service, business and civic accomplishments, awareness of the needs of others and achievements that have brought favorable attention to the Cincinnati area.

Milton was born and raised in Glassboro, New Jersey, and he has spent the last thirty years in Cincinnati. He earned his bachelor’s and master’s degrees from Glassboro State College, and, in 1969, he received his doctorate in education from Columbia University.

Throughout his life, Milton has been deeply committed to education and to efforts promoting civil rights and improved race relations. He began his teaching career in the Philadelphian and Glassboro public school systems. He then went on to work in the Department of Special Education at Virginia State University. He moved to our area in 1970 after the University of Cincinnati offered him a teaching position. At the University, he has served as a Professor, Department head and Vice Provost.

Milton also has had a strong presence at the National Association for the Advancement of Colored People (NAACP). While in New Jersey he served for five years as President of the Glassboro branch of the NAACP and for an additional eight years as President of the Gloucester County branch. At the Cincinnati chapter of the NAACP, he served as President from 1994 until his recent retirement this past December. Because of his leadership and hard work, the chapter has seen its membership grow from 700 to approximately 3,500; and, with it, the effectiveness of the chapter also has tremendously increased. One of his most noteworthy accomplishments at the chapter is the development of a Citizens Review Panel for the Cincinnati Police Division.

He and his wife, Betti, continue to live in Cincinnati. The have one son, one daughter and two grandchildren. All of us in the Cincinnati area congratulate Milton on being named a Great Living Cincinnatian, and we look forward to his continued leadership in our area.

GUAM FOREIGN INVESTMENT EQUITY ACT

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. UNDERWOOD. Mr. Speaker, today I would like to reintroduce the Guam Foreign Investment Equity Act, which passed the House of Representatives during the 106th Congress. While an agreement was reached with the Treasury Department on the provisions of the bill, the Senate was unable to act on this important legislation before sine die adjournment.

At the outset, I would like to say that this legislation is direly needed, given Guam’s struggling economy and 15 percent unemployment rate. Unlike the rest of the nation, which has experienced unprecedented economic growth and low unemployment rates the last few years, Guam’s economy and tourism industry continues to suffer from the Asian financial crisis, given our island’s close proximity to Asia. Guam is only three flying hours from Japan.

My legislation provides the Government of Guam with the authority to negotiate tax treaties with foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of United States, the legislation amends Guam’s Organic Act, which has an entire tax section that mirrors the U.S. tax code. The legislation does not cost the federal government any money. It simply allows the Government of Guam to lower its withholding rate for foreign investors. While the Congressional Budget Office last year estimated that the bill will result in the loss of revenue for the Government of Guam in the short term, those losses are expected to be offset by the generation of increased tax revenues through increased foreign investments in the long term.

Seventy-five percent of Guam’s commercial development is funded by foreign investors. Currently, under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam’s tax law “mirrors” the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent. Under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term “United States” under these treaties, Guam is not included. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. That means while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term “United States” for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through delinkage, their unique covenant agreements with the federal government in federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

The bill I am introducing today incorporates changes recommended by the Treasury Department to ensure that foreign investors who benefit from this new tax benefit cannot simultaneously benefit from tax rebates under Guam territorial law. My legislation is supported by the Governor of Guam, the Guam Legislature, and the Guam business community. During the 106th Congress, I also worked closely with the House Ways and Means Committee, the Senate Finance Committee, the Senate Energy and Natural Resources Committee, the
This legislation is about national leadership. It shows the States and local communities that the Federal Government will not tolerate violence against our children. And hopefully, they will follow our lead on this issue.

This legislation is supported by the National Office of the Fraternal Order of Police. This legislation is supported by Enforcers Across America, and the family or Matthew Cecchi who never wants another family to face the tragedy they have seen.

Mr. Speaker, this legislation and a similar measure both passed with more than 400 votes on the House floor. On June 16, 1999, it passed as an amendment to juvenile justice, and similar bill passed on May 7, 1996. This is sound legislation that will protect our children, and this Congress should pass it right away.

I urge all of my colleagues to join me in supporting “Matthew’s Law.”

DEATH OF JERRY LEE YEAGLEY

HON. JAMES A. TRAFICANT, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Jerry Lee Yeagley.

Jerry Lee Yeagley was born on May 30, 1943 to Arthur J. and LaRue Mellott Yeagley. He married Rebecca Jones and together they had two sons, Trent and Corey.

Jerry Lee Yeagley was deeply involved in civic affairs. He served as Green Township, Ohio trustee and was in charge of record keeping for Green Township Cemetery. A dedicated individual, he had perfect attendance at Greenford Ruritan Club meetings for 29 years, where he served as director. He was employed at Salem Fruit Growers in Greenford, Ohio and was a former member of the Green Township Volunteer Fire Department.

Jerry Lee Yeagley will be sorely missed in the Greenford community. He was a fine man, thoroughly dedicated to his family and his community. I extend my deepest sympathy to his family and friends.

HONORING MIRIAM COSTELLO

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Miriam Costello for being named Businesswoman of the Year 2000. I urge my colleagues to join me in wishing Miriam Costello many more years of continued success.

TRIBUTE TO CHARLES C. DERAMUS OF PRATTVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a man who has set the standard for public service serving as a role model for Alabama and the greater housing community. Charles C. DeRamus has been responsible for housing almost 25,000 low and moderate income Alabamians helping them to achieve the American Dream. As he retires from his almost 40 year career with the United States Department of Agriculture Rural Development, Charles leaves a legacy of good works and responsible governing.

Charles began his career with USDA when it was known as the Farmers Home Administration. He has been directly involved in the supervision of the Administration in several Alabama counties including Etowah, Chocow, Randolph, and Dallas. He knows Alabama well and has become an expert in rural housing serving as the Rural Housing Chief for the state office from 1983 to 1994. Most recently, he has served as the Single Family Housing Program Director for Alabama overseeing thousands of loans and grants.

Charles’ hard work has made a real difference for families trying to get on their feet and become self-sufficient. I wish to take this opportunity to thank him for his exemplary role as a leader in our community. As he retires, I do want to warn the wildlife of Alabama that DeRamus is a free man, since I know he will spend a great deal of time enjoying hunting and fishing.

I join USDA in commending him for making Alabama a better place to live and raise a family. I share their pride in and gratitude for the accomplishments of Charles C. DeRamus. On behalf of the U.S. Congress, I thank him for a job well done and wish him a well-deserved rest.
IN HONOR OF M. BARRY SCHNEIDER, FOR HIS COMMUNITY SERVICE AS CHAIRMAN OF MANHATTAN COMMUNITY BOARD EIGHT

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Ms. MALONEY of New York. Mr. Speaker, today I pay tribute to M. Barry Schneider, who recently completed his two-year term as Chairman of the Manhattan Community Board Eight, which serves the Upper East Side, Lenox Hill, Yorkville, and Roosevelt Island neighborhoods of Manhattan.

Mr. Schneider has dedicated his effective leadership to serving his community for the last ten years, both as a cofounder of the East Sixties Neighborhood Association, Inc., a community group directed toward improving the quality of life for neighborhood residents, and as a member of Community Board Eight, to which he was appointed by the Manhattan Borough President in 1991.

Within my district in New York City, Community Boards serve a tremendously beneficial advisory role in ensuring that the opinions of members of the community are recognized by the city government when reviewing prospective neighborhood changes dealing with land use and zoning matters. Among other responsibilities, Community Boards also have the important role of making recommendations to the city government in the allocation of the city budget.

In his service to Community Board Eight, Mr. Schneider has consistently and enthusiastically demonstrated his willingness to strive for the improvement of his neighborhood. Prior to becoming Chairman of the Community Board in 1998, Mr. Schneider served as the 2nd Vice Chairman of the Board from 1994–1995, Transportation Committee Chairman from 1994–1997, and as 1st Vice Chairman from 1996–1997.

As the Chairman of Community Board Eight, Mr. Schneider has overseen the realization of many notable community developments. From the dedication of the Central Park Children’s Zoo to saving the Manhattan Eye, Ear, and Throat Hospital, Mr. Schneider’s term can be described as nothing short of a true success.

A former officer in the United States Army and the current owner and president of a successful advertising company, M. Barry Schneider represents the ideal model of leadership and truly demonstrates the honorable American tradition of service to one’s community.

Although his Community Board Eight colleagues can no longer refer to him as “Mr. Chairman,” I have no doubt that Mr. Schneider’s service to his community will continue for years to come.

TRIBUTE TO WILLIAM J. KEATING, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to William J. Keating, a dear friend and community leader who will be honored as a Great Living Cincinnati by the Greater Cincinnati Chamber of Commerce on February 9, 2001. He was selected for this honor because of his outstanding civic and business accomplishments, his awareness of the needs of others and his contributions that have increased the quality of life in Cincinnati and Southwest Ohio.

Bill is a native Cincinnatian, and he has tirelessly worked to make our area a better place to live. He graduated from St. Xavier High School in 1945 where he was an All-American swimmer. Shortly thereafter, he served in the U.S. Navy, lieutenant in the Air Force Reserve, and later was a first lieutenant in the Air Force Reserve. J.A.G. When Bill returned home after World War II, it took him only 4 years to earn his bachelor’s and law degrees from the University of Cincinnati.

Bill has had a most distinguished and successful career. In 1954, he helped to establish one of Cincinnati’s premier law firms, Keating, Muething & Klekamp, P.L.L.; he was elected and served as a judge for the Hamilton County municipal and common pleas courts for nearly a decade. He served as an alderman to Cincinnati City Council for two terms from 1967 to 1970; and he represented the First Congressional District of Ohio from 1970 to 1973.

After two distinguished terms in the U.S. Congress, Bill returned to Cincinnati to run our largest daily newspaper. He was chairman of the Cincinnati Enquirer from 1973 to 1992. During that tenure, he was alternately publisher of the Enquirer, chief executive officer of the Detroit Newspaper Agency, president of the Newspaper Division of Gannett Co., Inc., and Gannett’s executive vice president and general counsel. In addition, Bill served as chairman of the Associated Press from 1987 to 1992.

Bill also as given a great deal of his time to serve on the board of directors for several successful local companies and nonprofits, including Fifth Third Bancorp and Fifth Third Bank; The Midland Company; Metropolitan Growth Alliance; and the Cincinnati Arts Association. Other current and past leadership roles include: chairman of the board of trustees, University of Cincinnati; board of trustees, Xavier University; chairman; Cincinnati Business Committee; and former chairman of the Greater Cincinnati Chamber of Commerce.

Always keeping busy, Bill most recently became chairman of the bid development for Cincinnati 2012, Inc., to help bring the Olympics to Cincinnati in 2012. He is a proud and devoted family man. He and his wife, Nancy, have 5 sons, 2 daughters and 27 grandchildren.

All of us in the Cincinnati area thank him for his outstanding service, and we wish him very best on his current and future endeavors.

PROTECT CALIFORNIA’S COASTLINE WITH A MORATORIUM ON OIL AND GAS DEVELOPMENT

HON. RANDY “DUKE” CUNNINGHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CUNNINGHAM. Mr. Speaker, I rise today to reintroduce legislation to extend the moratorium on oil and gas development in the Outer Continental Shelf (OCS) off the coast of California. This legislation is similar to H.R. 112 from the 106th Congress.

Californians strongly favor continuing this moratorium. The State of California has enacted a permanent ban on all new offshore oil development in state coastal waters. In addition, former Governor Peter Wilson and Governor Gray Davis, and state and local community leaders up and down California’s coast have endorsed the continuation of this moratorium.

I believe that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. A 1989 National Academy of Sciences (NAS) study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. Cultivation of oil and gas off the coast of California could have a negative impact on California’s $27 billion a year tourism and fishing industries.

This legislation focuses on the entire state of California, and would prohibit the sale of new leases and offshore oil and gas development in California, Central California, and Northern California planning areas through the year 2011. New exploration and drilling on existing active leases and on undeveloped leases in the same areas would be prohibited until the environmental concerns raised in 1989 National Academy of Sciences study are addressed, resolved and approved by an independent scientific peer review. This measure ensures that there will be no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

I am proud to be working to protect the beaches, tourism, and the will of the people of California. I ask my colleagues to join me in co-sponsoring this important legislation.

EDITORIAL BY FORMER SENATOR CHARLES PERCY

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Ms. NORTON. Mr. Speaker, former Senator Charles Percy, who lives in Georgetown here in the District of Columbia, is well remembered in the country, and especially here in the District and in Illinois, for very distinguished service in the U.S. Senate during three terms. Senator Percy has resided in Washington, DC, since leaving the Senate. He has served this city as a resident in ways that have made an important difference to his Georgetown community and to the city itself. Senator Percy has also supported the city as an advocate of congressional voting rights and local self-government. He has given outstanding personal service and countless hours of energy and wisdom to his community and has secured funding for his community from Congress. Some of the details of his service are cited in an op ed article by Senator Percy that appeared in the Washington Times on Sunday, January 7, 2001.

The occasion for this Washington Times article arose at a time when I was seeking the return of the vote of D.C. residents in the Committee of the Whole. Senator Percy called
my office and offered to write an op ed article in support of D.C. voting rights. We are pleased and honored to have the support of a distinguished former Senator of the United States. It gives me great pleasure to submit Senator Percy’s op ed article as it appeared in the Washington Times to the CONGRESSIONAL RECORD.

[From the Washington Times, Jan. 7, 2001]

D.C. RESIDENTS DESERVE A WHOLE COMMITTEE HEARING

On January 20th, I will be proud to see an outstanding man and leader of the Republican party occupy the White House as President of the United States. On January 1st, my party will begin the first year, since 1965, almost half a century, with a Republican majority in both houses and a Republican President, but with the pledge from our leadership that issues will be dealt with in a bipartisan way. This is an opportunity for the new Republican government to pay its respects to hometown Washington, D.C. The House is now writing its rules for the 107th Congress. One of those rules should restore the vote in the Committee of the Whole on the House floor to the taxpaying residents of the District of Columbia. As of 1998, the District population was 523,000 which is larger than the population of Wyoming (561,000) and close to that of Alaska (614,000), North Dakota (638,000), and Vermont (591,000), each of whom have votes in the House of Representatives and two votes in the Senate. We’re asking for a vote in the house not the Senate.

Why should a man who served Illinois in the U.S. Senate for 18 years care deeply about Congressional voting rights for D.C. residents after giving for 33 years and loving it a lot to do with it.

My wife Lorraine and I have lived in Georgetown since January 1967 and pay our federal income taxes like our neighbors and fellow citizens. Nine of our ten grandchildren and one great grandchild live in the D.C. area. While in the U.S. Senate I was elected The Founding Vice Chairman of The Kennedy Center with my across the street neighbor in Georgetown, the gifted Roger L. Stevem serving as Founding Chairman. We started with a vacant lot overlooking the Potomac river and created, with wonderful help, one of the greatest centers for performing arts in the world.

Now I am proud to serve in a volunteer capacity as Founding Chairman of The Georgetown Waterfront Park Commission. This is what Senator Colin L. Steven well, now designated as our new Secretary of State in the George W. Bush administration said in a letter to me:

DEAR CHUCK: Congratulations to you for accepting the chairmanship of the Georgetown Waterfront Park Commission. I am confident that under your leadership and with the help of your colleagues and partners, the Commission will achieve its goal of reviving the Georgetown Waterfront that removes an eyesore and adds a place of beauty to the nation’s capital.

Best of luck,

Sincerely,

COLIN.

I have shared the problems and successes of this city with you, and I have shared the anguish of the Americans who live here, who cannot accept disenfranchisement in the Congress simply because they happened to live in the capital of their country.

I was among the two-thirds of the Senate who voted for the Voting Rights Amendment to give the District full congressional voting rights. Unfortunately, this amendment did not receive the required threequarters of the state legislatures. However, when the district’s delegate to Congress, Eleanor Holmes Norton, submitted a legal memorandum in 1993, the House their government and the service in the armed forces to the nation, but not a vote on the floor of the House.

In 1994, some Republicans disagreed when the Democratic leadership allowed all five delegates to vote. However, the District was not considered separately, and many Republicans believed then and believe now that D.C. residents are in a unique position, as District residents are the only Americans who pay federal income taxes but have no congressional voting representation to give them a voice in the committee they operate in every other way like recognizing that it could grant the District voting rights in the Committee of the Whole, where most business on the House floor is conducted, and the courts later agreed. The District had long voted in committees, and the logic for the vote in the Committee of the Whole is compelling. Notwithstanding some limitation, the vote was almost always the equivalent of every House member’s vote. Most important, it gave D.C. residents the opportunity to have an elected member of Congress register their views on the House floor. As my party will begin the first year, since 1965, almost half a century, with a Republican President, but with the pledge from our leadership that issues will be dealt with in a bipartisan way. This is an opportunity for the new Republican government to pay its respects to hometown Washington, D.C. The House is now writing its rules for the 107th Congress. One of those rules should restore the vote in the Committee of the Whole on the House floor to the taxpaying residents of the District of Columbia.

Today, only the District is seeking the return of its vote in the 107th Congress and future Congresses. Immense credit is due to Rep. Tom Davis (R-Va.), Chair of the D.C. Subcommittee, and its Vice-Chair, Rep. Connie Morella (R-Md.), who both testified before the House Rules Committee in favor of D.C.’s vote in the Committee of the Whole.

At the House Rules Committee hearing in September, the decision was made. The District of Columbia’s citizens pay federal taxes... it is the capitol of democracy. They operate in every other way like recognizing that it could grant the District voting rights in the Committee of the Whole, where most business on the House floor is conducted, and the courts later agreed. The District had long voted in committees, and the logic for the vote in the Committee of the Whole is compelling. Notwithstanding some limitation, the vote was almost always the equivalent of every House member’s vote. Most important, it gave D.C. residents the opportunity to have an elected member of Congress register their views on the House floor. As my party will begin the first year, since 1965, almost half a century, with a Republican President, but with the pledge from our leadership that issues will be dealt with in a bipartisan way. This is an opportunity for the new Republican government to pay its respects to hometown Washington, D.C. The House is now writing its rules for the 107th Congress. One of those rules should restore the vote in the Committee of the Whole on the House floor to the taxpaying residents of the District of Columbia.

The Terlecky affidavit is being submitted today to the CONGRESSIONAL RECORD as supporting documentation for my bill H.R. 4105, To Repeal the 22nd Amendment to the Constitution. That bill would create an agency to oversee the U.S. Department of Justice and prosecute those involved in any wrongdoing. Today, when something is amiss in the Justice Department, it investigates itself, much like the fox guarding the henhouse. An independent oversight agency would eliminate the conflict of interest that exists today when wrongdoing occurs in the Justice Department.

STATE OF OHIO, COUNTY OF MAHONING
Affidavit of Michael S. Terlecky

After having been duly sworn in accordance with law, I, Michael S. Terlecky hereby deposes and says:

1. The purpose of this affidavit is to give notice that I am in fear of losing my freedom and or my life because of the reasons set forth below.

2. On December 28, 2000 Congressman James A. Traficant, Jr. hosted the Dan Ryan Talk Radio Show. Congressman Traficant interviewed me on this talk radio show. During the interview, I discussed wrongdoings of FBI SA Robert Kroner, FBI SA Larry Lynch, Mahoning County Sheriff Randall Wellington and others. I allowed Congressman Traficant to interview me so that the truth of what took place over 12 years ago could be revealed.

3. FBI SA Robert Kroner, using his special influence, neutralized me over twelve years ago so I could not reveal the truth about his criminal wrongdoing. I feel he may attempt to do the same again by more drastic tactics. The more drastic tactics are now available to him because Mahoning County Sheriff Randall Wellington and his second in command, newly appointed Major Mike Budd fall directly under his corrupt influence.

4. Sheriff Wellington knows that I know he is corrupt. Newly appointed Major Mike Budd knows I know he is corrupt, and a dangerous man with a gun. Therefore, all three knows I know he is corrupt.

5. Congressman James A Traficant, Jr. has made permission to use the affidavit in any way he deems appropriate.

Further affidavit sayeth naught.

Michael S. Terlecky.

Sworn to and subscribed before me, a notary public, in and for the County of Mahoning, on this 4th day of January, 2001.

HONORING AUSTIN HERRIN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Austin Herrin for saving the life of my constituent and cousin, Tom Radanovich. Herrin’s courage and composure during an emergency situation exemplified heroism.

On the evening of September 19, 2000, Tom Radanovich and a friend were dining at an Applebee’s Restaurant in Clovis, CA. Tom was enjoying a steak. Unexpectedly, a piece of the meat became lodged in Tom’s throat. Tom began to panic and indicated that he was unable to breathe. Austin Herrin, the waiter who had been serving Tom, noticed the commotion and quickly approached Tom. Herrin calmly performed the Heimlich maneuver, which successfully removed the meat from Tom’s throat.

Mr. Speaker, I rise to honor Austin Herrin for his quick action in helping save a life. I urge my colleagues to join me in expressing deep gratitude to Mr. Herrin.

HONORING REV. FRED CORNELL’S FIFTY YEARS IN THE MINISTRY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the fifty years of ministry for the Reverend Fred Cornell, pastor of the Concordia Church of Christ in Belleville, Illinois.

This month, Reverend Cornell is celebrating 50 years in the ministry. Rev. Cornell was ordained on December 27, 1950 and went on to establish himself as a progressive religious leader with a willingness to get involved in the community and speak out on important issues. He was pastor of the First Presbyterian Church of Belleville in 1964, when he was arrested in Mississippi with 26 others helping to register African American voters.

Reverend Cornell grew up in St. Louis, Missouri. His great-great-grandfather served as a Presbyterian Missionary to native Americans in Maine and Pennsylvania in the early 1800’s. Reverend Cornell served three years in the navy and earned a business degree from Washington University in St. Louis. He also worked for Ralston-Purina of St. Louis, Missouri.

HONORING FORTNEY PETER STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. STARK. Mr. Speaker, Medicare and many others pay for prescription drugs on the basis of the average wholesale price (AWP). Unfortunately, the AWP is a completely fictitious price which has been manipulated by a number of drug companies in ways the companies believe will influence physician prescribing practices. Have they succeeded?

While the AWP payment loophole is an abuse of the system, we are concerned that it may be causing unnecessary utilization and prescribing of drugs in a way that can be an abuse of the patient. I would appreciate hearing from medical experts whether the following data can be explained by good medical practice, or whether it is another example of pharmaceutical company success in using price differentials to shape prescribing patterns, which may, or may not, be good for the patient.

For example, in 1995, Medicare paid $3.11 for a unit of the inhalation drug Ipratropium Bromide. That’s exactly what it cost the doctor at wholesale, and total Medicare usage and expenditure on the drug was only $14,426,108.

In 1996, a ‘spread’ developed between what Medicare paid ($3.75 a unit) and what the doctor paid, $3.26 a unit, and utilization went to $47,388,622.

In 1997, Medicare paid $3.50 but doctors only paid $2.15 and utilization doubled, to $96,204,639.

In 1998, the spread increased as Medicare paid $3.34 but doctors could get the drug for $1.70, and utilization doubled again, to $176,887,988. Does anyone really believe that the need for this drug doubled in one year?

The data is just in for 1999, and shows that the spread and usage widened again: Medicare paid $3.34 a unit. Doctors could get the drug for $1.60 a unit, and Medicare spent $201,470,288 for Ipratropium Bromide.

The abuse of the taxpayer in this situation is serious. But what is even more serious is the question that must be raised about the doctor-patient relationship and whether patients can trust doctors to prescribe appropriately when they can make 108% profit on the prescription of a drug?

ELECTION REFORM ACT
HON. THOMAS M. DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. DAVIS of Virginia. Mr. Speaker, I, along with my fellow colleagues, Representatives STEVE ROTHMAN, PATRICK KENNEDY and HEATHER WILSON, DAVID DREIER and ALCEE HASTINGS are pleased to introduce meaningful, bipartisan legislation to reform the administration of our nation’s elections. The Election Reform Act will ensure that our nation’s electoral process is brought up to twenty-first century standards.

The Election Reform Act will establish an Election Administration Commission to study federal, state and local voting procedures and election administration and provide grants to update voting systems. The legislation combines the Federal Election Commission’s Election Clearinghouse and the Department of Defense’s Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, creating one permanent commission charged with electoral administration.

The Commission will be comprised of four individuals appointed by the President, with the advice and consent of the Senate. The Commission will conduct an ongoing study and make recommendations on the “best practices” relating to voting technology, ballot design and polling place accessibility. Under the legislation, the Commission will recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. It is vital that we establish this Commission as a permanent body. Many issues and concerns surrounding election administration require a continual review of ever-changing technologies. A permanent Commission will be best suited to facilitate the sharing of information about new, cost-effective technologies that can improve the way we administer elections in America.

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OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the fifty years of ministry for the Reverend Fred Cornell, pastor of the Concordia Church of Christ in Belleville, Illinois.

This month, Reverend Cornell is celebrating 50 years in the ministry. Rev. Cornell was ordained on December 27, 1950 and went on to establish himself as a progressive religious leader with a willingness to get involved in the community and speak out on important issues. He was pastor of the First Presbyterian Church of Belleville in 1964, when he was arrested in Mississippi with 26 others helping to register African American voters.

Reverend Cornell grew up in St. Louis, Missouri. His great-great-grandfather served as a Presbyterian Missionary to native Americans in Maine and Pennsylvania in the early 1800’s. Reverend Cornell served three years in the navy and earned a business degree from Washington University in St. Louis. He also worked for Ralston-Purina of St. Louis, Missouri.

But found that work to be unsatisfying. He at-
bytery in the 1960s already knew. Time has made obvious what the wise elders would turn to him to lead the organization. Reverend Cornell could not understand why community leadership positions were open to him. Upon knowing Dick could not attend because he knew what work would ensue. Why is it that Dick is the one everybody trusts?

I believe it is not about what he does at all; it is about his presence in who reminds us all of the noble impulses we would love to act upon, but so often choose to ignore in order to satisfy the desires of the ego. Dick has been a role model simply by living his life according to his inner code of honor. In doing so, he has created a culture of stewardship within the Business Council that has begun to spread throughout the community.

Six years ago, the lack of civility was painfully obvious in the public arena. Today, those in the public and community are learning one of the responsibilities of public service is to be positive role models. Five years ago, the different sectors of the community operated in internal and external vacuums, often in competition with one another. Today, seeking collaborative partners is becoming the norm.

Four years ago, expecting merit-based decisions was considered naive. Today, seeking the views of all the stakeholders and deliberating on the merits of an issue is the norm. Dick chairs, which is a national example of excellence and the process of its creation has inspired people throughout the Valley to dream new dreams fully expecting fruition.

While certainly many people have had a hand in the steady transformation of the Fresno area, Dick has played a unique and essential role. He has given of himself to this community for his entire life, to care so deeply about his community and everyone who lives here, has melted the hearts and loosened the resources of everyone who is needed to help a community and more prosperous home for us all.

As Dick steps down as president of the Business Council and passes the new leadership mantle to Ken Newby, it is the appropriate time to publicly thank him for the gift of himself.

Mr. Speaker, I rise to honor Richard “Dick” Johanson for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in congratulating Mr. Johanson many more years of continued success.

Fresno desperately needed to witness a new kind of leader, a community steward, someone who could inspire others to contribute their very highest talents to addressing a myriad of community challenges and problems. Dick was the one everybody trusted.

I believe it is not about what he does at all; it is about his presence in who reminds us all of the noble impulses we would love to act upon, but so often choose to ignore in order to satisfy the desires of the ego. Dick has been a role model simply by living his life according to his inner code of honor. In doing so, he has created a culture of stewardship within the Business Council that has begun to spread throughout the community.

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Mr. Speaker, I rise to honor Richard “Dick” Johanson for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in congratulating Mr. Johanson for his extraordinary service for his community and this nation. On behalf of the U.S. Congress, I pay tribute to Mr. Harbin and thank him for a job well done. I join my wife Joyce, his two children Danny and Sandy, and his three granddaughters in congratulating him on his retirement. I wish him a well-deserved rest.

Mr. RADANOVICH. Mr. Speaker, I would like to present the following Opinion-Editorial that was written by Deborah Nankivel, executive director of the Fresno Business Council. The Opinion-Editorial, printed in the Fresno Bee on December 20, 2000, reads as follows:

JOHANSON’S ‘GIFT’ HAS BEEN SERVICE TO PUBLIC

We all make decisions everyday based upon external signals and usually motivated by achieving specific goals. Much of life is about taking care of daily tasks and making plans for the future.

Then there are those whose path is determined from the inside. Their commitment is to serving and improving the lives of others. Usually these people are invisible in the community. They are the ones who work tirelessly in service professions, the healing arts and serving on countless committees. However, in times of crisis, these people make what is for them a difficult sacrifice, they assume public leadership positions.

For the past five years, such a public servant, Richard Johanson, has led the Fresno Business Council. When he was asked to assume this position he was bewildered. He could not understand why community leaders would want him to lead the organization. Time has made obvious what the wise among us already knew.

Mr. Speaker, I rise today to pay tribute to a man who has served Madison County for 30 years, Mr. Billy Harbin. I would like to recognize the outstanding contributions of Mr. Harbin to our community and to the Twenty-Third Judicial Circuit of Alabama.

Mr. Harbin’s roots are deep within North Alabama. After growing up in Huntsville and graduating from Hazel Green High School, Mr. Harbin played basketball and baseball on scholarship at the University of North Alabama in Florence. After serving his active duty between 1956-58, Mr. Harbin went to work with them at Redstone Arsenal as an instructor with the Ordnance Guided Missile School and Missile Munitions Center and School. Mr. Harbin’s love for his country found a new path when he first ran for Circuit Clerk in 1970. His commitment to justice and efficiency were recognized by the people he served. He ran for re-election four times, each time without opposition. His colleagues appreciated his service as well selecting him to receive the first “Outstanding Circuit Clerk” State of Alabama award. He is also the recipient of the Huntsville/Madison County Jaycee’s “Good Government Award” and the Huntsville/Madison County Bar Association’s “Liberty Bell Award.”

Dick Cornell made a dedication to his community extends beyond his professional duties. He has given of his time and talents to several civic boards of directors including the Salvation Army, Community Bank of North Alabama and Huntsville Hospital. Former Chief Justices of the Alabama Supreme Court judges, the Hon. Howell Heflin and the Hon. C.C. “Bo” Torbert, Jr. have nominated him to several state commissions and to the Board of Directors of the Alabama Judicial College.

For his hard work, vision and dedication to the people of Madison County, I feel this is an apt honor. Now as he retires, I wish Mr. Harbin for his extraordinary service for his community and this nation. On behalf of the U.S. Congress, I pay tribute to Mr. Harbin and thank him for a job well done. I join my wife Joyce, his two children Danny and Sandy, and his three granddaughters in congratulating him on his retirement. I wish him a well-deserved rest.
Throughout her career, Ms. Ostrow worked for the IRS, served as a legislative representative of the Federation of Federal Employees, and worked for the Communications Workers of America. In the late 1940s and 1950s, during the birth of rent control, Ms. Ostrow organized the Tenants’ Jersey Tenants for Rent Control and fought for tenants’ rights for many years afterwards.

After moving to Burlington, Vermont in 1955, Ms. Ostrow became involved in numerous local liberal organizations, including the Vermont ACLU. After her husband’s death in 1967, she moved to my district in New York City, where she became heavily involved in the NAACP, the ACLU, the Workers Defense League, and Americans for Democratic Action. Even in her 80s, Ms. Ostrow was a tireless activist for the rights of the elderly, poor, oppressed, and otherwise downtrodden. She traveled to the New York State Capitol in Albany to lobby for tenant rights. She also staffed a homeless center and circulated political petitions.

A vibrant and caring woman who viewed public service in the same regard as Robert F. Kennedy—she “saw wrong and tried to right it.” I am confident that her legacy will continue through the many individuals she personally touched during her extraordinary life.

THE SOUTHERN CALIFORNIA FEDERAL JUDGESHIP ACT OF 2001

HON. RANDY “DUKE” CUNNINGHAM OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Southern California Federal Judgeship Act of 2001. I am proud to be joined in this effort by my colleagues from San Diego, Representative DUNCAN HUNTER, and Representative DARRELL ISSA. This important legislation will authorize eight additional federal district court judges, five permanent and three temporary, to the Southern District of California.

A recent judicial survey ranks the Southern District of California as the busiest court in the nation by number of criminal felony cases filed and total number of weighted cases per judge. In 1998, the Southern District had a weighted caseload of 1,006 cases per judge. By comparison, the Central District of California had a weighted filing of 424 cases per judge; the Eastern District of California had a weighted filing of 601 cases per judge; and the Northern District of California had a weighted filing of 464 cases per judge.

The Southern District consists of the San Diego and Imperial Counties of California, and shares a 200-mile border with Mexico. According to the U.S. Customs Service, as much as 33 percent of the illegal drugs and 50 percent of the cocaine smuggled into the United States from Mexico enters through this court district. Additionally, the court faces a substantial number of our nation’s immigration cases. Further multiplying the district’s caseload is an agreement between the Immigration and Naturalization Service and the State of California that calls for criminal aliens to be transferred to prison facilities in this district upon nearing the end of their state sentences. All these factors combine to create a tremendous need for additional district court judges.

I hope that all my colleagues will join those of us from San Diego and help the people of Southern California by authorizing additional district court judges for the Southern District of California.

TRIBUTE TO JUDGE NILDA MORALES HORIZowitz

HON. JOSÉ E. SERRANO OF NEW YORK IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. SERRANO. Mr. Speaker, I rise today to congratulate and pay tribute to Nilda Morales Horowitz, and outstanding individual who has dedicated her life to public service. She was inducted on January 18 as a Family Court Judge for Westchester County in New York.

Mr. Speaker, from April 1998 until her recent appointment, Judge Horowitz served as deputy county attorney and family court bureau chief. She was in charge of and responsible for twenty-four attorneys who handled all matters before the Family Courts of Westchester County. She handled the daily review and assignment of all cases involving the Department of Social Services, such as the county’s neglect and abuse referrals, and all juvenile delinquency referrals from the Department of Probation. She was also the supervisor of specialized Domestic Violence Unit within the Family Court Bureau.

Her distinguished career also includes service as a hearing examiner for the New York State Family Court, a Senior Law Judge and Supervising Judge for the New York State Workers’ Compensation Board, and adjunct professor of Public Administration at Hostos Community College, and a lawyer in private practice specializing in public interest law. Judge Horowitz is well known and highly respected by her peers and the different communities she has served for her sensitivity, professionalism, integrity and sound judgment. Her induction brings to the Court an outstanding judge.

Mr. Speaker, I ask my colleagues to join me in commending Judge Nilda Morales Horowitz for her outstanding achievements and in wishing her continued success as Family Court Judge for Westchester County.

INTRODUCTION OF THE POSTMASTERS FAIRNESS AND RIGHTS ACT OF 2001

HON. CONSTANCE A. MORELLA OF MARYLAND IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mrs. MORELLA. Mr. Speaker, today I support our nation’s 28,000 Postmasters by introducing the Postmasters Fairness and Rights Act of 2001.

Under current law, Postmasters are denied the basic right to discuss fundamental issues which impact the quality of mail services provided to your constituents, the management of your local Post Office, and their own compensation. Postmasters suffer from a dysfunctional “consultation process” whereby Postal Headquarters may unilaterally mandate local Post Office operational changes.

The Postmasters Fairness and Rights Act of 2001 seeks to remedy this inequality by enabling Postmasters to take an active and constructive role in managing their Post Office and discussing compensation issues. If the Postmasters and Postal Headquarters are unable to reach an understanding, the Act provides for a neutral outside party to resolve the disagreement. If enacted, the Postmasters Fairness and Rights Act would foster better mail services by allowing Postmasters greater input in operational decision-making, improving Postmaster morale, and making it possible to attract and retain exemplary Postmasters.

This legislation had 238 cosponsors last year. With the support of my colleagues in the 107th Congress, we will be able to move this legislation and finally restore fairness to our nation’s Postmasters.

HONORING MARYLIN RIGG

HON. GEORGE RADANOVICH OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Eastern Madera County Chamber of Commerce President Marilyn Rigg for her years of dedicated service to the community.

Marilyn is a graduate of St. Aloysius Academy, the University of Ohio and the Stonier School of Banking, where her thesis was copyrighted and accepted for inclusion in the National Library.

Ms. Rigg taught school in Virginia for 2 years before moving to Oakhurst in 1970. Marilyn worked for 21 years at Security Pacific Bank, where she held numerous jobs, including branch manager, vice-president of planning and marketing, and vice-president of corporate lending. In 1992, she left Security Pacific to begin a State Farm Agency in Oakhurst.

Marilyn has served as a member and past president of Soroptimist International of the Sierra, chairman of the Oakhurst Fall Festival, chairman of “Oakhurst Goes to the Oscars,” and past board member and treasurer of the Eastern Madera County Chamber of Commerce.

Mr. Speaker, I want to pay tribute to Marilyn Rigg for her active and distinguished community involvement. I urge my colleagues to join me in wishing Marilyn Rigg many more years of continued success.

SOCIAL SECURITY BURIAL BENEFIT

HON. JOHN J. DUNCAN, JR. OF TENNESSEE IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. DUNCAN. Mr. Speaker, today I introduced a bill that would expand eligibility for the Social Security burial benefit.

As you may be aware, prior to 1981, any individual could receive a one-time lump sum of $255 in order to pay funeral expenses. Today, the surviving spouse receives a burial benefit only if the deceased spouse is insured by Social Security.
BROADBAND INTERNET ACCESS

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. ENGLISH. Mr. Speaker, today I am reintroducing the Broadband Internet Access Act, which is a bipartisan bill to encourage the spread of high-speed Internet technology in rural and low-income communities.

Much in the role that canals played at the turn of the 19th century and the railroad played later in the century, the Internet is the critical infrastructure of our age. Communities without access will suffer as jobs and investment moves to connected communities. People in the rural or low-income communities are excluded from the personal and economic benefits of a high-speed information flow—a digital divide. The Broadband Internet Access Act of 2001 addresses the disparity in the availability of high-speed Internet access, also known as broadband services, in the United States.

Underserved communities—typically rural and low-income areas—are lagging seriously behind. The digital divide compromises the enormous gains that could be achieved by the Internet economy. The Internet is a valuable tool and every American should have the opportunity to get up to speed on the information superhighway.

I am submitting a technical explanation of the bill that is designed to stimulate the growth of high-speed Internet services.

BROADBAND INTERNET ACCESS TAX CREDIT

(New Sec. 48A of the Code)

PRESENT LAW

Present law does not provide a credit for investments in telecommunications infrastructure.

EXPLANATION OF PROVISION

The bill provides a credit equal to 10 percent of the qualified expenditures incurred by the taxpayer with respect to qualified equipment with which “current generation” broadband services are delivered to subscribers in rural and underserved areas. In addition, the bill provides a credit equal to 20 percent of the qualified expenditures incurred by the taxpayer with respect to qualified equipment with which “next generation” broadband services are delivered to subscribers in rural, underserved areas, and to residential subscribers.

In the case of a taxpayer that incurs expenditures for equipment capable of serving both subscribers in qualifying areas and other areas, qualified expenditures are determined by multiplying the rate of at least 1.5 million bits per second to the subscriber and at a rate of at least 200,000 bits per second from the subscriber. Next generation broadband services are defined as those that are capable of serving the transmission of signals at a rate of at least 22 million bits per second to the subscriber and at a rate of at least 5 million bits from the subscriber. For purposes of determining whether equipment is qualified, taxpayers will be permitted to substantiate their satisfaction of the required transmission rates through statistically significant test data, determinations required in the past to substantiate the transmission rates, by providing evidence that all relevant subscribers were provided with a written guarantee that the required transmission rates in at least 99 out of 100 attempts. It is intended that this standard would be satisfied if a subscriber utilizing broadband services through the equipment is able to receive the specified transmission rates in at least 99 out of 100 attempts.

In the case of a satellite communications carrier, qualified equipment is equipment that extends from the last point of switching to the outside of the building in which the subscriber is located. In the case of a commercial mobile service carrier, qualified equipment is equipment that extends from the customer side of the mobile switching office to the outside of the building in which the subscriber is located. In the case of a satellite carrier or other wireless carrier (other than a telecommunications carrier), qualified equipment is equipment that extends from the transmission/reception antenna to the outside of the building in which the subscriber is located.

Although a taxpayer must incur the expenditures directly in order to qualify for the credit, the taxpayer may provide the requisite broadband services either directly or indirectly. For example, if a partnership constructs qualified equipment or otherwise incurs qualified expenditures, but the requisite services are provided by one or more of its partners, the partnership will be eligible for the credit (assuming the other requirements of the bill are satisfied). It is anticipated that the Secretary will issue regulations or guidance demonstrating how the requirements of the bill are satisfied in such situations.

EFFECTIVE DATE

The provision is effective for expenditures incurred after December 31, 2001.
TRIBUTE TO MR. TIMOTHY P. RYAN, BOARD OF TRUSTEES, LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special leader in my district. Timothy P. Ryan has served the Livermore Valley Joint Unified School District for over two decades. Mr. Ryan has successfully worked for the betterment of the entire school community as President of the Livermore Board of Trustees, Board Clerk, member of President of the Alameda County School Boards Association, and President of the Tri-Valley Special Education Local Plan Area Board, and the Regional Occupational Program Board.

Timothy Ryan has served admirably as a leader and advocate for our children and our community. He has helped Livermore Valley Joint Unified School District through some of the most difficult times. Mr. Ryan has proven to be an effective member of the Board, always seeking resolution to Board differences by discovering the wide areas of agreement. His fairness and his Irish humor continues to win over groups.

I take great pride in honoring Timothy P. Ryan’s dedication and leadership. His hard work has improved the opportunities for all students throughout the District. Under his direction, Livermore Valley Joint Unified School District has served as a model for schools in Alameda and Contra Costa Counties and throughout the State of California. I believe that school districts across the country should follow Timothy Ryan’s example and take the opportunity to learn from his successful and innovative ways.

A TRIBUTE TO HAROLD H. GRAY

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. SCHAFFER. Mr. Speaker, It is my privilege to stand before this great House to honor a man from Colorado’s Fourth Congressional District. On January 30, 2001, Mr. Harold H. Gray, of Brush, Colorado, will celebrate his 100th birthday.

Born in the small farming town of Braddyville, Iowa, Mr. Gray and his family moved to the Eastern Plains of Colorado while he was just a small boy, to accommodate for his ailing mother’s respiratory problems. During his young and formative years, Harold learned many valuable lessons while helping out with his family’s businesses. These lessons prepared him for an active community role of prudent leadership. Whether working at his father’s grocery store in Loveland, or at the Riverdale Ranch, near the South Platte River, Harold learned to meet the challenges of small-town commerce along with the difficulties of ranch life.

As an adult living in Brush, Colorado, Harold became a business man, whose dedication to community was marked by great accomplishment. Owner of the Carroll Motor and Carroll Oil companies, Harold was an active participant in the Colorado Auto Dealers Association, Colorado Auto Dealers Insurance Trust along with the Colorado Ford Dealers Advertising Association. Furthermore, he was part of a committee for the Brush Rodeo and the Brush Racing Association. As a result, he joined the Board of Directors and was voted President of the Centennial Race Track. Harold’s other community activities have included the Brush Chamber of Commerce Highway 71 committee, Brush Industrial Park, Rotary Club and the Brush Methodist Church.

Mr. Gray’s contributions have been significant. Truly he represents the rural values of Colorado’s Fourth Congressional District—hard-work and commitment to the community. Please join me in wishing Harold H. Gray a magnificent 100th birthday. May he enjoy this day and those to come with his family and friends.

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I have named Mineola High School in Garden City Park as School of the Month in the Fourth Congressional District for January 2001. I am a proud graduate of Mineola High School in 1962.

I especially want to commend John R. Lewis, Principal of Mineola High, and Dr. Harry Jaroslav, the Superintendent of Schools for the Mineola School District.

I loved my time at Mineola High and my solid education there prepared me for the rest of my life. I still use the lessons I learned at Mineola.

Unique opportunities await Mineola High students. They can participate in the Work Experience Program for school credit, while simultaneously earning a paycheck. The Student Service Center harnesses the energy and devotion of students to their community. Within the center, they can volunteer at the Children’s Museum, the Ronald McDonald House and nursing homes, just to name a few. Also, programs such as the leadership council and peer support and mediation foster student-to-student involvement.

Each year, I present an award in the name of my late husband, Dennis McCarthy, to a Mineola High School student who has struggled through adversity and difficult times and made the best of it. This award is one of the things I do to keep Dennis’ memory alive. At Mineola High, there are so many special students it’s so hard to choose!

Mineola High has received numerous awards in recognition of the school’s excellence, including the Eleanor Roosevelt Community Service Award, Newsday’s Long Island High School of the Year for Community Service and the New York State Governor’s Commendation. All of the awards demonstrate the school’s dedication to involving students in the community.

In 2000, 84 percent of Mineola’s senior class went to college, 57 percent to 4-year colleges. Of the last graduating class, 55 percent of all students received Regents seals on their diplomas, including 14 students who earned Regents diplomas with honors.

The outstanding academic record and the dedication of Mineola’s administrators and staff demonstrate it is indeed a school of the month and a school vital to Long Island’s future.

HONORING EDNA GARABEDIAN,
BORIS NIXON, AND DIANE NIXON

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Edna Garabedian, Boris Nixon, and Diane Nixon for their contributions to the California Opera Association.

The California Opera Association was incorporated as a California non-profit corporation May 4, 2000. The association is dedicated to enhance public awareness of the role of arts in California through activities and services in the field. In addition to forming partnerships with community organizations, California Opera Association will participate in local, regional, national and international events designed to enhance good will and to support and encourage civic and community growth.

Edna Garabedian is one of the founding directors of the California Opera Association. She is a world-renowned Mezzo-Soprano who has performed throughout the U.S. and Europe. Ms. Garabedian was the founder of the Fresno International Grand Opera and has held the distinction of chairperson of voice and opera at several major universities.

Boris Nixon is a featured cellist with the Fresno Philharmonic Orchestra. He has performed with various symphony orchestras throughout the United States and he is also one of the founding directors of the California Opera Association. Mr. Nixon has collaborated with the Music Performance Trust Fund of America and Young Audiences of America to stress the importance of keeping music in the schools and expanding work and career opportunities for professional musicians.

Diane Nixon is an educator and musician, who is currently completing her pre-med requirements to become a physician. Ms. Nixon is also a founding director of the California Opera Association and has traveled extensively throughout the United States and Europe attending and studying International Operas and Special Arts Festivals for the disabled. Her goal is to focus on integrating and embracing the often-neglected populations, such as the disabled, disadvantaged and elderly, into the creation and consumption of the performing arts.

Mr. Speaker, I want to congratulate Edna Garabedian, Boris Nixon and Diane Nixon for their contributions to the California Opera Association. I urge my colleagues to join me in wishing Ms. Garabedian, Mr. Nixon and Ms. Nixon many more years of continued success.
IN HONOR OF THE 100TH ANNIVERSARY OF THE NEW YORK JUNIOR LEAGUE

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

MRS. MALONEY. Mr. Speaker, today I pay tribute to the New York Junior League (NYJL) on the occasion of its 100th Anniversary.

The NYJL is a remarkable organization, dedicated to training women for leadership in serving their communities. The Junior League is committed to promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers.

The NYJL was founded by Mary Harriman, a 19-year-old New Yorker and Barnard College student, to unite young women and provide an organized means for them to give back to their communities. Originally called the Junior League for the Promotion of Settlement Movements, the organization was inspired by the settlement movement started by Jane Addams 13 years earlier. The NYJL quickly boasted 80 members. The new organization’s first beneficiaries were residents of the New York College Settlement on the Lower East Side. Recognizing the success of NYJL, other areas of the country began to form their own Junior Leagues. Today there are 296 Junior Leagues in the United States, Canada, Mexico and the United Kingdom.

Eleanor Roosevelt joined the NYJL at the age 19. Her volunteer activities included serving as a dance teacher for young girls living in a Lower East Side settlement house. She later acknowledged that the experience played an important role in developing her social conscience and her commitment to public service.

Today, Junior League volunteers are engaged in helping a wide range of New Yorkers, including children, the elderly, victims of domestic abuse and prisoners. The NYJL teamed up with the Legal Aid Society Community Law Offices in East Harlem to help domestic violence survivors obtain divorces. As its 85th Anniversary project, NYJL created Milbank Houses, which provides transitional housing for homeless families. Junior League volunteers continue to provide education on subjects including living skills, nutrition and job-hunting. NYJL volunteers paired up with Victim Services to provide temporary emergency shelter victims of domestic violence through Project Debbie. Volunteers recruit hotels to donate unused rooms for one to three nights to women and children in need of a safe haven until permanent arrangements can be made.

Ms. Speaker, I am delighted to congratulate the New York Junior League on its 100th Anniversary and I wish them many more years of successful service to my community.

TRIBUTE TO BILL EASTERLING OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the life and legacy of Mr. Bill Easterling of Huntsville, Alabama. On December 28, 1999, Bill Easterling, a Huntsville Times columnist and friend of our larger community succumbed to his 18-month struggle with cancer. Our community mourned the loss of this man respected throughout North Alabama for his generosity, talented writing and love of his fellow man.

The blessed life of Bill Easterling was filled to the brim with his writing. For 22 years, he shared his talents with the Huntsville Times in the capacities of sports writer, editor, and columnist. When he began writing the Times community column, he opened up new people and places and a lot of old ones too for all the community to learn from and take pride in. Lee Roop, one of Bill’s colleagues, had this to say about Bill, “Bill Easterling had a talent for people, too. He was gifted with the ability to touch them. He was comfortable being up close where life is shared in all its emotions.” John Pruett, a sports writer for the Times, expressed that Bill “commanded respect without seeking it, inspired loyalty without demanding it and exuded self-assurance without making a show of it.” Mrs. Christine Richard eloquently wrote “Bill Easterling’s death leaves a void in the lives and hearts of so many people—who those who knew him personally and those who only knew him through his columns.”

Bill Easterling’s words of wisdom and insight will live on in his columns and books. During his prolific career, Bill wrote an award-winning children’s book, Prize in the Show and published two books, One Cold Day and A Locust Leaves its Shell. He expressed his sympathy to Bill’s family, his wife Pat, his children Leigh and Mike, step-children, Victor and Natalie and grandchildren Caroline and Ellie.

On behalf of the people of Alabama’s 5th Congressional District, I join them in celebrating the extraordinary life and honoring the memory of a man who filled his 60-years with a love of God, his community, and his family. I send my condolences to his family, colleagues and friends.

GUAM WAR CLAIMS REVIEW COMMISSION ACT

HON. ROBERT A. UNDERWOOD
OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. UNDERWOOD. Mr. Speaker, today, I’d like to reintroduce a bill which passed the House of Representatives during the 106th Congress dealing with the property of the people of Guam during World War II. While the bill received bi-partisan support, the Senate was unable to act on the bill before sine die adjournment.

Legislation regarding Guam war restitution has been introduced. Guam Delegate to Congress, beginning with Guam’s first Delegate Antonio Won Pat, and including my predecessor, General Ben Blaz. The measure I introduce today is a careful compromise that incorporates many Congressional and Department of Interior recommendations that have been made over the years. The legislation amends the Organic Act of Guam and provides a process for U.S. restitution to Guamanians who suffered compensable injury during the occupation of Guam by Japan during World War II. Compensable injury includes death, personal injury, or forced labor, forced march, or internment. The bill establishes a federal commission to review the relevant historical facts and determine the eligible claimants, the eligibility requirements, and the total amount necessary for compensation.

There is a lot of historical information available to show that the United States had every intention of remedying the issue of war restitution for the people of Guam at the urging of the Acting Secretary of the Navy to the House of Representatives, the Guam Meritorious Claims Act was enacted which authorized the Navy to adjudicate and settle war claims in Guam for property damage for a period of one year. Of course, in excess of $5,000 for personal injury or death were to be forwarded to Congress. Unfortunately, the act never fulfilled its intended purposes due to the limited time frame for claims and the preoccupation with the local population to recover from the war, resettle their homes, and rebuild their lives.

On March 25, 1947, the Hopkins Commission, a civilian commission appointed by the U.S. Navy Secretary, issued a report which revealed the flaws of the 1945 Guam Meritorious Claims Act and thus stated that the Act be amended to provide on the spot settlement and payment of all claims, both property and for death and personal injury.

Despite the recommendations of the Hopkins Commission, the U.S. government failed to remedy the flaws of the Guam Meritorious Act when it enacted the War Claims Act of 1948, legislation which provided compensation for U.S. citizens who were victims of the Japanese war effort during World War II. Because Guamanians were not U.S. citizens when the occupation of Guam by Japan during World War II began, and because the War Claims Act was enacted, but were U.S. nationals, they were not eligible for compensation. Guamanians finally became U.S. citizens in 1950 under the Organic Act of Guam.

In 1962, there was another attempt by Congressman Rick Lazio to address the remaining U.S. citizens and nationals that had not received reparations from previous enacted laws. Once again, however, Guamanians were inadvertently made ineligible because policymakers assumed that the War Claims Act of 1948 included them. Thus, Guam was left out of the 1962 act.

The reason the legislation involves the U.S. government is because under the 1951 Treaty of Peace between the U.S. and Japan, the treaty effectively barred claims by U.S. citizens against Japan. As a consequence, the U.S. inherited these claims, which was acknowledged by Secretary of State John Foster Dulles when the issue was raised during consideration of the treaty before the Committee on Foreign Relations in 1952.

My legislation does not provide compensation. It simply establishes a federal process to review the relevant historical facts and determine the eligible claimants, the eligibility requirements, and the total amount necessary for compensation. Moreover, considering that the island of Guam had a small population of 22,250 during the nearly 3 years of occupation during the war, and given the available territorial and federal records on this matter, I anticipate that...
Mr. MCGOVERN. Mr. Speaker, on October 19, 2000, in a ceremony held at Ft. Benning, Georgia, Ranger Albert V. Clement (Major Ret. Deceased) of Fall River, Massachusetts, was inducted into the Ranger Hall of Fame.

The Ranger Hall of Fame was formed to honor and preserve the spirit and contribution of America’s most extraordinary Rangers. The members of the Ranger Hall of Fame Selection Board take great care to ensure that only the most extraordinary Rangers are inducted. By any standard, Major Albert Clement was an outstanding choice to receive this honor.

Major Clement joined the U.S. Army in June 1941 in response to ominous signs of a pending world conflict. He fought for forty-one months in the Pacific Islands as a machine gunner and expert demolitionist. Shortly after the Korean War started, he volunteered to fight there as a Ranger, but was promoted and selected to remain at Fort Benning as an instructor. Shortly thereafter, he volunteered again, was assigned to the 32nd Infantry, and was chosen to organize and lead a raiding platoon against menacing enemy forces entrenched in the Iron Triangle. Major Clement’s Raiders turned the enemy tide and filled a critical void left by the formerly assigned 2nd Ranger Company. Within four months he was promoted to master sergeant and granted a permanent commission.

In 1960, Major Clement and two Special Forces professionals were called to affect a daring rescue in the Congo. The country had just won its independence and was in a state of crisis. Mutiny and rebellion were rampant, and hundreds of missionaries and doctors were being held hostage and threatened with rape, torture and death. In three weeks, 239 people were rescued and safely evacuated from various tribal areas, with Major Clement leading the way. The mission ranks as a huge special operations success story.

Following retirement, Major Clement worked for the local school board and later entered into a commercial fishing venture. As a machine gunner in the Pacific, a Ranger at Fort Benning, a Raider in Korea or a Green Beret in the Congo, he was destined to live his retired life as he had served—in the adventurous outdoors. He died on Friday, October 16, 1998, after suffering for several years with cancer. He concluded his life of selfless service in quiet dignity.

HONORING MAJOR ALBERT V. CLEMENT

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001
Lord, help us to keep in mind the causes of this slaughter: greed, dishonesty, selfishness, The desecration of innocence. Lord, help us to set these out...

As we celebrate the hundred years since his birth and mourn his death (September 20th, 1971), Hellenes have been singing Seferis’ stanza of hope put to music by Theodorakis: A little farther
We will see the almond trees blossoming
The marble gleaming in the sun
The sea breaking into waves
A little farther
Let us rise a little higher.

He died during the time of the brutal military dictatorship in Greece. Having denounced the regime on March 29, 1963, he became a synonym for millions of Greeks who hated the junta and knew of his poetry.

We truly thank the Honorable Vasilis Philippou and the Honorable Dimitris Platis for sharing with us the wonderful works and history of George Seferis.

TRIBUTE TO MAJOR BEN W. STUTTS OF CHEROKEE, AL

HON. ROBERT E. (BU) CRAMER, JR. OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a fallen soldier from my district, Maj. Ben W. Stutts. Major Stutts is a true hero of our district and I am pleased that his family will receive the Purple Heart today for his extraordinary acts of bravery and his lifetime commitment to our armed services.

Born in Cherokee, Alabama, Major Stutts first entered the Army Reserves after finishing Florence State College and the ROTC program. He served as a military police officer before traveling to Ft. Hood, Ft. Devereaux, Korea and finally Redstone Arsenal as an infantry officer.

Major Stutts’ bravery was put to the test in May of 1963 when his helicopter on a routine mission along the Korean Demilitarized Zone inadvertently landed in North Korea. Held captive for a year in North Korea, Major (then Captain) Stutts courageously endured his situation and held onto his faith, his patriotism and his love of his family.

While his family met with the Army and their representatives in Congress and his fate was uncertain, Major Stutts’ perseverance served as inspiration for his family and friends anxiously awaiting his homecoming. Stutts’ widow Mary and his sons Gregory, Michael and Bruce deserve our recognition for the sacrifices they have endured these many years. As his family accepts this Purple Heart today, I pay tribute to Major Seferis for his family and friends.

Lord, help us to remember these things. In the name of the Lord who loves us, Amen.

While we do not believe in the propriety of the Peltier pardon, it is possible for a president to grant reprieves and pardons for offenses against the United States. Not since Gerald Ford ascended to the presidency and promptly pardoned former President Richard Nixon for any Watergate crimes has an American president been faced with so many previous acts of bravery and his lifetime commitment to our armed services.
Mr. RADA NOVICH. Mr. Speaker, I rise today to honor Terry Meehan for being named “Realtor of the Year” by the Fresno Association of Realtors for the year 2000. The “Realtor of the Year” is awarded to an individual who promotes the professionalism of the Fresno Association of Realtors and has made available the programs and services that allow members to conduct their business with integrity and competency. Ms. Meehan led the Fresno Association of Realtors and Fresno Multiple Listing Service into the future with an Internet based M.L.S. system allowing realtors to use the latest technology for their clients.

Terry is a graduate of Cal State Fullerton and holds the two highest real estate designations: Graduate of the Realtor Institute and Certified Residential Specialist. Terry has been a full-time real estate broker for over 20 years in Fresno and Clovis, CA. She specializes in residential real estate sales and serves as relocation director at Realty Concepts.

She currently serves as President of the Fresno Association of Realtors M.L.S. chairperson and serves as a State Director for the California Association of Realtors.

Mr. Speaker, I want to congratulate Terry Meehan for being named “Realtor of the Year” by the Fresno Association of Realtors. I urge my colleagues to join me in wishing Ms. Meehan many more years of continued success.

HONORING ROBERTO PÉREZ

HON. GEORGE RADA NOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. RADANO VICH. Mr. Speaker, I rise today to pay tribute to Roberto Perez for his years of dedicated service to the community. Roberto grew up in Atwater, CA and graduated from Atwater High School in 1973. He studied accounting and business administration at Merced Junior College. After college, he served for six years as a security specialist in the U.S. Air Force. After leaving the military, Roberto became a real estate agent and financial officer for his family’s business working alongside his father, Joe Perez, owner of the Atwater Tile Company and La Nita’s Restaurants.
Roberto’s interest in the community has led him to become involved in several organizations. In 1978, he became a member of Livingston Lodge and was elected as the worshipful master in 1993. In 1979, he became a member of the Scottish Rite of Fresno and Shriner’s Freeway where he rose to the assistant executive director general Tehran Temple. He joined the Merced/Mariposa Shriner Club in 1979 and served as president in 1998. After many years as a member of the Mariposa Masonic Lodge he was elected as worshipful master in 1998 and reelected in 1999. He is a former Grand Master of the State of California Freemasonry for the year 1999–2000. Roberto has been active in his local Chamber of Commerce. He has served on the board of directors and was elected in 2000 as president of the Mariposa County Chamber of Commerce.

Roberto is married to Amy. They have two children, Katrina and Roberto Jr.

Mr. Speaker, I want to pay tribute to Roberto Perez for his active and distinguished community involvement. I urge my colleagues to join me in wishing Roberto Perez many more years of continued success.

TRIBUTE TO NANCY J. SPIKER’S RETIREMENT

HON. TIM HOLDEN
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. HOLDEN. Mr. Speaker, I wish to pay tribute to Nancy J. Spiker, who recently retired from the U.S. Department of Agriculture. Ms. Spiker is the State Director for USDA’s Rural Development Mission Area in Pennsylvania. That appointment by President Clinton caps a nearly 40-year career of service dedicated to improving the quality of life in rural America.

While most of Ms. Spiker’s career in USDA was spent in her native Maryland, I have had the good fortune to work with her since she came to the Pennsylvania state office in February 1993. She arrived as the Chief of Community and Business Programs, and among her accomplishments is the complete turnaround of the state’s performance in the programs under her leadership. These programs were critical to rural Pennsylvanians, especially in my district. Yet, before he arrived, Pennsylvania had been regularly turning back much of its funding allocations for programs that provided clean water and safe waste disposal and rural communities, created and saved rural jobs, and financed essential community facilities, such as hospitals, schools, and emergency services. As a direct result of Ms. Spiker’s leadership, Pennsylvanians now receive the full benefit of funding available, plus additional funds derived from national reserves. Many rural communities, including my district, have benefited from her resolve and her hard work.

Nancy Spiker has exemplified “public service” in the finest sense of the term. She has vigorously protected taxpayers’ interests. At the same time, she ensured that those who need financial assistance learned of USDA’s programs and got whatever help they needed to navigate the application process. Whether it was starting the first minority-owned steel business in Pennsylvania, opening a shelter for battered women in a rural community, or helping the residents of a small town ravaged by acid mine drainage get clean drinking water for the first time in decades, Ms. Spiker has consistently gone the extra mile. She didn’t just spend taxpayers’ money; she invested it wisely in projects that have touched thousands of lives over her career.

As Assistant State Director, Ms. Spiker helped the Pennsylvania Rural Development staff successfully implement a major reorganization, and was instrumental in retraining staff to maintain service to the public. As State Director, she led what has become one of the most robust state operations in Rural Development, and completed a personal journey that began in 1961 as a file clerk.

Mr. Speaker, I know my colleagues will join me in congratulating Nancy for her exemplary career in civil service, and a lifetime of lasting achievements in rural America.

TRIBUTE TO THE RETIRED ROBERT T. HEALEY

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. PALLONE. Mr. Speaker, I rise today to honor the life of Robert T. Healey of Burlington County, New Jersey. Mr. Healey is a son of the Great Depression and like the great souls that showed America a better way during that time, his life has been one of resilience. In 1954, Mr. Healey received his Jurist Doctor degree from University of Pennsylvania Law School. Mr. Healey was admitted to the bar in all state and federal courts in New Jersey. He was also admitted to the practice of law in the U.S. Supreme Court and the Third Circuit Court of Appeals. He recently retired as senior partner of Healey, Mueller and Tyler to give full time interest to several “Viking” business ventures in which he serves as Chairman and Chief Executive Officer. He has chaired the National Coalition to Save Jobs in Boating, the Atlantic City Marine Expo and is the President of the New Jersey Boat Builders Association.

Mr. Healey has also worked in several philanthropic ventures throughout his life. He is the President and principal benefactor of Living Bridges International, a nonprofit foundation working to assist needy-at-risk children. The foundation has helped build two schools in Mexico and helps provide 2400 hot meals per day for Mexican children. Mr. Healey has also been very active in his church and civic duties and has served as the vice-chairman of the Lumberton Township Economic Development Authority.

The honorable Mr. Robert Healey is now a hearty retired grandfather with seven grand-children and resides with his wife and three children at Gleneyare Farms in Lumberton, New Jersey. The wise philosopher Socrates once said, “Alone life is not worth living. Mr. Healey, I salute you in saying that your examined life, dear sir, was truly worth living.”
lines as transmission pipelines ignores the integral role of gathering systems in production and the different functional and physical attributes of gathering lines as compared to transmission pipelines.

Not surprisingly, the United States Court of Appeals for the Tenth Circuit held that natural gas gathering systems are subject to a seven-year cost recovery period under current law regardless of ownership. The potential for costly audits and litigation, however, still remains in other areas of the country. Given that even a midsize gathering system can consist of 1,200 miles of natural gas gathering lines, and that some companies own as much as 18,000 miles of natural gas gathering lines, these assets represent a substantial investment and expense.

The IRS should not force business to incur any more additional expenses as well. My bill will ensure that these assets are properly treated under our country’s tax laws.

I urge my colleagues to join me as cosponsors of this important legislation.

RECOGNIZING MR. HENRY L. (HANK) HECK, JR. FOR HIS 32 YEARS OF SERVICE TO THE ASSOCIATED PENNSYLVANIA CONSTRUCTORS

HON. BUD SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. SHUSTER. Mr. Speaker, I am pleased to have this opportunity to recognize a man from my home State of Pennsylvania who has dedicated 32 years of his life to enhancing the quality of life of all Pennsylvanians by working to improve the safety and reliability of the Nation’s surface transportation network. Henry L. (Hank) Heck, Jr. has been with the Associated Pennsylvania Constructors since 1969 and has been executive vice president of the association since 1980. Over these past many years, both Hank and I have worked toward similar goals and fought similar battles—myself in the U.S. Congress and Hank on behalf of his association’s members throughout the Keystone State. Anyone who knows Hank holds a great respect and admiration for his association’s State chapter affiliates in supporting ARTBA’s pursuit to increase federal investment in our Nation’s transportation infrastructure. Hank’s accomplishments also include service as past president of the Pennsylvania Society of Association Executives, the American Society of Highway Engineers (Harrisburg Chapter), and the Harrisburg Trade Association Executives. He also currently serves as treasurer of the Pennsylvania Highway Information Association.

A man does not simply lead by his title alone, and Hank has exemplified what it means to be a true leader and a strong advocate for transportation infrastructure throughout Pennsylvania.

Over the years, I have considered Hank to be both a trusted friend and a knowledgeable advisor. Although many will most certainly miss Hank’s everyday presence, his impact on the construction industry will be felt for many years to come. I would like to thank Hank for his commitment and service to the Commonwealth of Pennsylvania over the past 32 years and I respectfully request that the House join me in wishing Hank the very best as he begins his retirement with his wife, Jody, and their family at his side.

JANUARY CITIZEN OF THE MONTH

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I have named Joseph DiGiorgio, Army veteran and co-founder of the Mineola Volunteer Ambulance Corps as Citizen of the Month in the Fourth Congressional District for January 2001.

Joseph exemplifies the American spirit of patriotism and community activism. He served his country and came home to serve his community.

A resident of Mineola for 50 years—since 1955—Joseph served in the Army during World War II with distinction, receiving many commendations for courage under fire in England, France, Belgium, Holland, and Germany. Joe has a strong interest in veterans’ issues and is an active member of Disabled American Veterans (DAV) and the Veterans of Foreign Wars (VFW).

Never one to slow down, Joe’s service to his country carried over to his community. He and his wife Louise stated the Mineola Volunteer Ambulance Corps in 1977 at their kitchen table at 116 Jerome Avenue, known as the “Mineola White House.” Together they raised funding through citizen contributions and grants.

In the beginning, calls to the ambulance service were answered from homes. Today, the Mineola Ambulance Corps responds to over 1,300 calls per year.

The Mineola Ambulance Corps has grown from one basic life support ambulance to three Advanced Life Support Ambulances, equipped with modern life-saving equipment, administered by over 70 paramedics, EMT’s and other emergency-trained people.

I congratulate and thank Joseph, his wife Louise, his daughter Joanne for their community activism and loyal service to Long Island.

A TRIBUTE TO DR. JACK MACKEY

HON. BOB SCHAFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. SCHAFER. Mr. Speaker, today I rise to honor a man who has, throughout his entire carrier as a physician, embodied the values of rural America—hard work and dedication. On December 1, 2000, Dr. Jack Mackey of Sterling, CO, after more than four decades of ardent service, retired and closed his medical practice.

As a young man, Jack Mackey joined the Army entering corporate practice. Shortly thereafter, he was stationed in Denver at Fitzsimmons Army Base, for a stint of three years. Following his honorable discharge from the Army, he attended and ultimately graduated from the University of Denver and University of Colorado Medical School.

While completing his education, Jack gained valuable experience as an intern at St. Lukes Hospital in Denver. Afterwards he launched into a private practice in Nebraska. Dr. Mackey then moved to Sterling, CO, where he established a glowing reputation for his devotion, care and concern for humanity. He traveled long distances throughout the eastern plains, treating many patients on numerous house-calls.

Dr. Jack Mackey has provided excellent care and the gift of good health to many residents of Colorado’s Fourth Congressional District. I ask my colleagues of this great House to join me in extending a special “thanks” to Dr. Mackey. May God’s Blessings continue to be with him as he begins what we all hope will be a long and certainly a well deserved retirement.

CONGRATULATING EDWARD AND PEGGY PESTANA

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. RANDANOVICH. Mr. Speaker, I rise today to congratulate Edward and Peggy Pestana as they celebrate their 50th wedding anniversary. Edward and Peggy Pestana were married on December 16, 1950 in Riverside, California.

In 1949, after graduating from San Leandro High School, Edward enlisted in the U.S. Air Force where he proudly served as a gunner, boom operator, instructor/evaluator, and recruiter until he retired in 1971 as senior master sergeant. In 1975, Edward earned his bachelor of arts degree in psychology from La Verne College. Then, for 14 years he worked as a social worker and conservator investigator for Merced County.

Peggy graduated from Hayward High School in 1949. In 1965 she began her career as a textbook clerk, which she continued for 25 years at three different school districts. Edward and Peggy Pestana retired together in 1991 and live at home in Mariposa. Since their retirement, the couple has traveled extensively around the world. They are still active docents at the Mariposa History Center. Peggy also participates in two programs to help the underprivileged: the Brown Bag and the Commodities programs.

Edward and Peggy have three sons and seven grandchildren.

I urge my colleagues to join me in wishing them many more years of continued happiness.
Mr. SHUSTER. Mr. Speaker, at the end of this month, I am retiring from Congress after being fortunate enough to represent the 9th District of Pennsylvania for 28 years, most recently as chairman of the House Committee on Transportation and Infrastructure. I am proudest of my efforts to improve the nation’s transportation system, especially highways, transit, and airports.

In 1988, I introduced the Transportation Equity Act for the 21st Century, which guaranteed that revenue from highway users will be used to fund transportation improvements. This landmark legislation, TEA-21, will result in a $219 billion investment in highway and transit systems by 2003.

And last April, President Clinton signed into law my Aviation Investment and Reform Act of 1995. This landmark aviation law modernizes the airline industry and eliminates “deadweight” losses due to inefficient pricing and capacity controls. The law makes aviation safer, cheaper, and better for passengers. It also reduces airline congestion and delays, while allowing airlines to grow and improve services. The new law does not need federally mandated competition guidelines—it needs more investment, and it needs to be driven by the market. But the Administration has consistently opposed it and now wants to roll back key gains.

I believe Justice is quite capable of ensuring that these mergers benefit the traveling public. But I think it would be a mistake to regulate the airlines, as suggested by some well-meaning lawmakers. The airline industry does not need federally mandated competition guidelines—it needs the gates, terminals, runways and traffic control systems that will allow it to grow. Even though many carriers have come and gone in the 20-plus years since airlines were deregulated, average fares have dropped 40 percent in constant dollars—proof of healthy competition in the skies.

In 1968, the City entered into a Consent Decree with the Environmental Protection Agency that would allow it to grow. The FAA still lacks funding to modernize the air traffic control system, and we remain woefully short of airport capacity to serve the 660 million passengers who fly each year, a number that has more than doubled since 1978.

In recent months, there has been considerable discussion about how consolidation in the airline industry will affect the future of air travel, particularly in the wake of proposed mergers between United Airlines and US Airways, and American Airlines takeover of TWA. I am pleased that we have taken steps to preserve that network. And I hope that the new Administration and Congress will make the same effort to enhance our nation’s system of air travel.

New Bedford Makes Progress on Clean Water

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. FRANK of Massachusetts. Mr. Speaker, we often hear tales of woe from local officials and it is important that we remain cognizant of these, so that we can act to correct policy mistakes and other circumstances that cause undue stress to the people who have the important job of running our municipalities. But it is also important to note when a result of cooperation among the various offices of government, we get something right. I was pleased to receive from the Mayor of New Bedford, MA, Fred Kalisz, an interesting discussion of how cooperation at all three levels has resulted in a policy involving the cleaning of New Bedford Harbor which has had beneficial environmental and economic effects, without having an excessively harsh financial impact on the citizens of that area. I submit the following instructive discussion from Mayor Kalisz into the Congressional Record.

(From the City of New Bedford, Office of the Mayor)

The City of New Bedford Wastewater Improvements Funding History

The City of New Bedford is an old coastal community on the South Coast of Massachusetts, approximately 50 miles south of Boston. Considered by many as the gateway to Cape Cod, Martha’s Vineyard and the Islands.

New Bedford’s colorful history is intimately tied to the sea. As one of three deepwater ports in the State of Massachusetts, and home to the second largest fishing fleet in the country, New Bedford’s history, past and future is tied to the sea and the stewardship of its resources. The City occupies a land area of 19 square miles and has a mean elevation of 50 feet above sea level. Established in 1787, New Bedford was incorporated as a City in 1847.

The New Bedford wastewater collection system was originally constructed in the late 1870’s as a sanitary sewer system to discharge wastewater directly into the City’s inner harbor and Clark’s Cove. Between 1910 and 1920, the City expanded the system by adding a main interceptor, conveying wastewater through a new abandoned screen house, into an outfall, discharging into Buzzards Bay.

In 1972, the City added a primary treatment facility located on Fort Rodman, at the southernmost tip of New Bedford, to economic and financial burden for the City and its citizens. The City entered into negotiations with the Commonwealth of Massachusetts and the Massachusetts State Reinvestment Fund. Those negotiations required immediate compliance with the secondary wastewater treatment requirements of the Federal Clean Water Act of 1972 (the “CWA”) and the Massachusetts Clean Water Act (the “Massachusetts Act”).

In 1987, the City entered into a Consent Decree which began implementing the Consent Decree Improvement Program (CIP designed to comply with regulatory mandates of the CWA and the Massachusetts Act. CIP costs identified by the Decree totaled nearly $225 million and were projected to increase typical household sewer bills from less than $20 per year to over $100 per household. This court action put the City on schedule to improve its collection and treatment systems through the planning, design, and construction of approved collection and treatment facilities.

The cost of complying with the mandates of the Consent Order represented a major economic and financial burden for the City and its citizens. The City entered into negotiations with the Commonwealth of Massachusetts and the Massachusetts State Reinvestment Fund. Those negotiations resulted in the Commonwealth agreeing to finance the City’s total obligation through the SRF on a subsidized basis, in effect, at zero percent interest rate. This financial structure enabled the City to move forward.

In total, the City of New Bedford completed twelve major wastewater related infrastructure projects, involving nearly two million dollars, to comply with Federal and State clean water mandates ending decades of deferred maintenance and environmental neglect. Today, New Bedford boasts its heritage of the sea with renewed commitment to the stewardship of its resource.

Thousands of acres of shellfish beds, closed for decades, are now open, creating jobs and providing tangible evidence to the success of a community committed to environmental protection.

However, these efforts came at great cost for resident sherd pressed to afford the resources necessary to end these decades of neglect. To a community that experienced double digit unemployment, and a blue-collar workforce with a median family income of less than $20,000 per year, New Bedford initiated and raised money in a depressed economy to support this Herculean effort.

The community viewed original rate projections for the initial projects as untimely with despair. They could ill afford the enormous expense of the commitment before them, help was needed, and New Bedford could not do it alone.

In July of 1988, the City of New Bedford established and adopted the first sewer fee in
the municipalities’ history, equal to 34 cents per thousand gallons of water discharged into the sewer system. By January 1994 this rate had increased to $3.55 for the same thousand gallons. A further increase, based on project engineering estimates and financial considerations, rates were expected to approach $6.00 per thousand gallons by the year 1999.

The Massachusetts Water Pollution Abatement Trust (The Trust) was established in March 1993. Utilizing Federal grant money, the Trust established a State Revolving Fund that provided zero interest loans for sewer related infrastructure improvements for municipalities faced with mandates to meet environmental regulations.

This form of Federal and State support of capital improvement project has become a critical component for municipalities to move progressively forward in achieving environmental goals.

In the case of the City of New Bedford, this support has enabled the community to complete every project outlined in their facilities plan to provide infrastructure capabilities for industrial, commercial and residential growth, while meeting clean water mandates and environmental commitments.

As a result of our efforts, New Bedford is the first community to take advantage of ex- temporary growth, while meeting clean water mandates and environmental commitments.

In the case of the City of New Bedford, this support has enabled the community to complete every project outlined in their facilities plan to provide infrastructure capabilities for industrial, commercial and residential growth, while meeting clean water mandates and environmental commitments.

As a result of our efforts, New Bedford is the first community to take advantage of extending Revolving Fund debt and amortizing those commitments out over 30 years. Thus extending the term of the SRF debt to reflect the useful life of the financed projects, while minimizing impacts to rates. A community that once faced sewer fees that were unaffordable has completed the largest sewer related capital improvement program in its history, without breaking the back of the ratepayers.

This is testament to Federal, State and Local governments forming partnerships to solve problems.

ELLIS ISLAND MEDALS OF HONOR AWARDS—CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY ON ELLIS ISLAND, NY, MAY 6

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO, annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation’s largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year’s recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. “Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations,” said NECO Chairman William Denis Fugazy. “In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the

new immigrants who arrive on American soil seeking opportunity.”

Mr. Fugazy added, It doesn’t matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity—ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here.

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America’s unique cultural mosaic. To date, approximately 1,300 American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has founded the Forum’s Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment. This year alone, NECO’s efforts have helped save the lives of twelve infants from around the world.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO’s member organizations select the final nominees, who are then considered by the Board of Directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executive, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

Congratulations to the 2000 Ellis Island Medals of Honor recipients.

MEDAILIST LIST: ELLIS ISLAND 2000
Richard A. Abdo, Business Leader, Lebanese.
Anthony R. Abraham, Business/Communit Leader, Lebanese.
Dr. William A. Athens, Physician/Surgeon, Hellenic.
Nelson Viriato Baptista, Business Leader, Portuguese.
Amin J. Barakat, M.D., Physician, Lebanese.
Edward J. Bergaasi, Business Leader, Italian.
Bharat B. Bhatt, Business Leader, Indian.
Norman P. Blake, Jr., Business Leader, English/German.
Gunter Blobel, M.D., PhD, Scientist, German.
Jules J. Bonaventura, Business Leader, Italian.
Patricia R. Brandrup, Business Leader, English.
Art Buchwald, Syndicated Columnist, Austrian/Hungarian.
Gerald L. Cafesjian, Investor/Philanthropist, Armenian.
Dr. Vincent J. Calamia, Physician & Business Leader, Italian.
Charles V. Campisi, Chief of Internal Affairs, Italian.
Carlos H. Cantu, Business Leader, Mexican.
Elvira M. Carota, M.D., Physician/Educator/Humanitarian, Italian.
David E.A. Carson, Business Leader, English.
Frank Carucci, Educator, Italian.
Margo Catsimatidis, Advertising Exec./Philanthropist, Russian.
Leonard A. Coccia, Attorney, Italian.
Michael Chakeres, Business Leader, Hellenic.
Alvah H. Chapman, Jr., Business/Community Leader, English.
Dr. Ben John Chen, Community/Busines Leader, Chinese.
George C. Chrysis, Community/Busines Leader, Hellenic.
Sam C. Chung, Banker, Korean.
John R. Climaco, Attorney, Italian.
Vance D. Coffman, Business Leader, German/English.
Paul F. Cole, Labor Leader, Irish/German.
Evanthia Condakas, Community Leader, Hellenic.
James Costaras, Educator, Hellenic.
Stephen J. Dannhauser, Esq., Attorney, German/Irish.
Jane DeCuzzi, NYC Commissioner, Italian/British.
James F. Demos, Community Leader, Hellenic.
Walter E. Dunn, Jr., Labor Leader, Irish.
John P. Dunn, Law Enforcement Officer, Irish.
Jean C. Emond, M.D., Surgeon/Humanitarian, Canadian.
Gastena Enders, Author/Community Leader, Italian.
Jack W. Eugster, Business Leader, Swiss.
John D. Feerick, Lawyer, Irish.
Steven Fisher, Business Leader, Russian.
John S.T. Gallagher, CEO Healthsystem, Columbian/Italian.
John E. Gallaghar, Sr., Business Leader, Irish.
Laurence W. Gay, Business Leader, Italian/Irish.
Louis C. Generali, Business Leader, Italian.
Liz Giordano, Business/Community Leader, Italian.
Alain Harvey Goldfield, Business Leader, Austrian.
Milton Gralla, Publisher, Polish.
Hans G. Hamchatt, Attorney, German.
Michael Haratunian, Business Leader, Armenian.
Dr. L.P. Hinterbuechner, Educator/Physician, Slovak.
Dr. Eugene M. Holuka, Dip. of Internal Medicine, Ukrainian.
James J. Houlihan, Business Leader, Irish.
Raffy A. Hovanessian, M.D., Community Leader, Armenian/Lebanese.
Henry J. Humpreys, Community Leader, Irish/English.
Hon. Charles J. Hynes, District Attorney, Irish.
James S. Iray, Business Leader, Polish/Hungarian.
Jay S. Jacobs, Business/Civic Leader, English/German.
Dr. William A. Athens, Physician/Surgeon, Hellenic.
Thomas H. Jacobson, Business Leader, Norwegian.
Willie James, Labor Leader, African.
Albert Joseph, Business Leader, Lebanese.
William H. Joyce, Business Leader, Swed/Irish.
Mr. CALVERT. Mr. Speaker, I am honored today to pay tribute to a man who has given time and time again to the children, parents and communities of Riverside, CA. An individual whose dedication and selfless public service has made Riverside a better place to live and work. Dr. Damon Castillo, Jr. is one of these individuals and much, much more.

On January 20, 2001 Dr. Castillo was honored as the outgoing President of the Greater Riverside Hispanic Chamber of Commerce. In his capacity as President, Damon brought his belief that in partnership with the local businesses and the communities our schools can build a solid foundation of literacy knowledge permitting all students to succeed well into the next millennium.

Dr. Damon Castillo, Jr. has 29 years of experience in the field of education, including teaching, administration, personnel management and district superintendent. As Superintendent of the Alvord Unified School District in Riverside, a district serving almost 17,000 students, Damon oversaw the passage of a school bond in the amount of $57 million. That school bond measure, combined with state funds, allowed the Alvord Unified School District to receive a total of $100 million for modernization and growth needs. Additionally, during his position as superintendent the district was recognized by the state as a “Model Continuation School.” One elementary school was also recognized as a California Distinguished School—the first in the district’s history.

Damon’s history of involvement in the community have also included: Member of the Board of Directors of the United Way of the Inland Valleys, President-elect of the Arlington Rotary Club, Member of the Riverside City Council’s Downtown Specific Plan Committee and as a member of my Hispanic Task Force. Recognitions have included the 1998 Inland Empire Hispanic Image Awards, 1998 Greater Riverside Hispanic Chamber of Commerce Community Service Award, 1999 Minority Male Award and the 1999 Presidential Citation for Educational Leadership.

His outstanding work to promote Hispanic businesses, community organizations and students of the Inland Empire make me proud to call him a community member and fellow American. I know that all of the Inland Empire, including myself, are grateful for his contributions to the health of our community and salute Damon as the outgoing 2000 President. I look forward to continuing to work with him for the good of the Inland Empire in the future.
H.R. 134 WILL PROVIDE COMPENSATION FOR VETERANS EXPOSED TO RADIATION

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mrs. MINK of Hawaii. Mr. Speaker, on January 3, 2001, I introduced H.R. 134 to enable veterans exposed to radiation to be considered for medical assistance without regard to their particular level of exposure. The bill also expands the definition of radiation-risk activity to include veterans exposed to residual contamination.

The destroyer U.S.S. Brush entered the waters of the Kwajalein Atoll in the Marshall Islands, an area contaminated with radiation from a large number of ships that had served as targets during two atmospheric nuclear tests. Crew members of the U.S.S. Brush ate fish and drank water distilled from the bay and crew members made trips to the target vessels to retrieve souvenirs. There was no dosimetry data collected on the U.S.S. Brush or at the Kwajalein Atoll to determine levels of exposure. No safety precautions were taken to prevent exposure and the crew was unaware of the dangers of ionizing radiation.

Veterans who served on the U.S.S. Brush now suffer from a number of diseases that can be linked to radiation exposure. However, their disability claims have repeatedly been denied because they were not onsite participants in an atmospheric nuclear test and they were exposed to low levels of ionizing radiation.

Congress has assisted veterans exposed to radiation in the past. In 1988 Congress passed the Radiation-Exposed Veterans Compensation Act (Pub. L. 100-321). This law covered veterans which participated in a radiation risk activity. The law has three definitions of radiation risk activity. They include: Onsite participation in a nuclear detonation, occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945 and ending on July 1, 1946, and internment as a prisoner of war in Japan during WWII which resulted in the opportunity to ionizing radiations comparable to that of veterans occupying Hiroshima or Nagasaki. Clearly, this language does not cover those veterans exposed to radiation while in the service of their country.

VA claims that lab tests on these veterans show that levels of residual radiation are not sufficient to sustain their claims for disability. However, these dose levels were based on lab tests, not data collected on sight at the Kwajalein Atoll. This is important because Congress has previously concluded that determining the level of exposure, unless collected onsite, is a futile exercise. Disability claims must be considered without regard to whether any particular level of radiation was measured for that individual especially when exposure is not denied.

Congress must ensure that veterans exposed to ionizing radiation either on site or residually be eligible for benefits. With H.R. 134 radiation veterans do not have a realistic chance of proving their disability claim. I urge my colleagues to support our veterans by co-sponsoring H.R. 134.

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to honor Scott Flores, the outgoing chairman of the Denver Hispanic Chamber of Commerce, who has made significant contributions to the Hispanic community and to Colorado as a whole.

The Denver Hispanic Chamber flourished under his leadership. It has been recognized not only as the Regional Hispanic Chamber of the Year for a nine-state region, but also as the leading large Hispanic Chamber of Commerce in the country, highlighting its important leadership role in the local and national Hispanic community.

During the past year, Scott Flores has been the individual most responsible for uniting the seven Hispanic Chambers throughout Colorado into a single Colorado Hispanic Chamber of Commerce and at a time when this alliance is still in the development phase, it has the potential to unite Colorado Hispanics economically and socially. This new organization could help strengthen existing businesses and establish new ones. Additionally, this new organization will likely be partnered with the United States Hispanic Chamber of Commerce, which could help to foster cultural unity and stimulate further achievements on the part of the Hispanic community in Colorado.

Mr. Speaker, I am proud to recognize Mr. Scott Flores for his efforts. I have no doubt that his work with the Denver Hispanic Chamber will continue to benefit our economy and improve American equality and social justice.

HONORING BILL NORTH, PRESIDENT, JURUPA VALLEY CHAMBER OF COMMERCE

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of California’s Inland Empire and the nation is unparalleled. The Inland Empire has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Mr. Bill North is one of these individuals.

On January 27, 2001, Bill North was honored by the Jurupa Valley Chamber of Commerce after his term as the in-house installation dinner, not only for being the singular individual in the Chamber’s history to serve three consecutive terms as President of the Jurupa Valley Chamber of Commerce. I look forward to continuing to work with him for the good of the community well into the future.

A SALUTE TO JACK MCLAUGHLIN HONORING HIS YEARS OF SERVICE WITH THE BERKELEY UNIFIED SCHOOL DISTRICT

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Ms. LEE. Mr. Speaker, I rise in honor today to salute Berkeley Unified School District’s Superintendent, Jack McLaughlin, for his years of service to the school district and city of Berkeley.

Superintendent McLaughlin has thirty-seven years of service in California’s public school system to his credit, with twenty-six of those years as a district superintendent throughout the state. Additionally, he has also served as a teacher, Principal and Assistant Superintendent. Dr., McLaughlin is leaving Berkeley Unified to become Nevada State’s Superintendent of Public Instruction.

Dr. McLaughlin has made a positive and profound impact on the students and faculty of
PROTECTING THE MILITARY
HEALTH CARE BENEFITS OF
LONG-MARRIED MILITARY
SPOUSES FOLLOWING DIVORCE

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mrs. MINK of Hawaii. Mr. Speaker, today I am introducing legislation extending eligibility to use the military health care system and commissary stores to un-remarried former spouses of a member of the uniformed services in certain circumstances. The legislation is identical to H.R. 475 which I introduced in the 106th Congress.

Current law provides health and commissary benefits to un-remarried former spouses who meet the 20/20/20 rule—those who were married to military personnel for at least 20 years, whose spouse served in the military for at least 20 years, and whose marriage and spouse's military service overlapped for 20 years.

A problem that frequently arises is that many members who retire upon attaining 20 years of service were married a year or two after entering active duty. The overlap of their service and marriage is just short of 20 years. Thus regardless of the subsequent length of marriage the spouse can never meet the criteria requiring the 20 year overlap.

The bill would eliminate this current inequity by extending to un-remarried former spouse's medical care and commissary benefits if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years.

This inequity affects not only individuals in my district, but spouses in every district across the Nation. Since the introduction of H.R. 475 last Congress, I have received letters and phone calls from Massachusetts, Idaho, California, Ohio, Arizona, Florida, Washington, Maryland, Kansas, and Utah.

The Department of Defense has stated that by providing a more liberal entitlement to these individuals, we would "tax" the Department's resources thus increasing the budgetary requirements. Well, I say it is worth it when I read about a woman from Arizona who was married to her husband for 36 years, but because she married him 1 year after his initial enlistment, she missed the 20-20-20 rule by 11 months. These stories are tragic, and we must correct this unfairness.

I urge my colleagues to join as cosponsors of this legislation.

TRIBUTE TO DONNA NIEHOUSE, OUTGOING PRESIDENT, LAKE ELSINOIRE VALLEY CHAMBER OF COMMERCE

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of Lake Elsinore is exceptional.

Lake Elsinore has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Donna Niehouse is one of these individuals.

On January 20, 2001, Donna Niehouse was honored as the outgoing 1999–2000 President of the Lake Elsinore Chamber of Commerce. Donna's efforts over the past two years as President of the Lake Elsinore Chamber of Commerce led to the Chamber's financial stability through her sound judgement and leadership. Additionally, Lake Elsinore has seen the growth of the monthly Street Fairs and Cruise Nights held in the historic downtown Lake Elsinore—leading the Chamber's ability to turn over the operation of these events to the Downtown Merchants Association.

The leadership of Donna Niehouse has also led to the Economic Development Committee’s returning to their original concept of monthly luncheons, now one of the most highly attended events in the community, and the establishment of the Chamber website. Donna has been instrumental in strengthening the bonds between the Chamber, City and business community.

Donna's work to promote the businesses, schools and community organizations of the City of Lake Elsinore make me proud to call her a community member and fellow American. I know that all of Lake Elsinore is grateful for her contribution to the betterment of the community and salute her as she departs the Lake Elsinore Valley Chamber of Commerce after two years of service. I look forward to continuing to work with her for the good of our community in the future.

PEACE AND QUIET OF THE PARKS NEED CONTINUED PROTECTION

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, the new Administration is reviewing some of the actions of their predecessors. That is understandable and in some cases may be appropriate.

But I am concerned about reports that the review may lead to actions to delay or undo important recent initiatives to protect the public health and safety and the quality of our environment.

For example, the Forest Service recently completed development of new rules for the management of the remaining roadless areas in the national forests. They are sound, balanced rules to protect these areas that are so important for fish and wildlife, clean water, recreation, and other values. They should be allowed to stand.

Similarly, the National Park Service has acted to reduce the noise and other adverse effects on some parks by snowmobiles and aircraft. Here again, it would be a mistake to simply discard the work that has been done to respond to some very real problems.

As the Denver Post noted in a recent editorial, "the Park Service didn’t react arbitrarily. The agency held extensive public hearings, conducted numerous scientific studies, and invited tens of thousands of written citizen comments. . . . the Park Service was responding to a public outcry, so the new policies in fact largely emerged from the grassroots. . . . Our beloved national parks must be preserved for future generations . . . the ban on loud, intrusive machines in these awe-inspiring wonderlands should remain."

Mr. Speaker, I agree, and for the benefit of our colleagues, I am submitting the full Denver Post editorial for inclusion in the RECORD.

[From the Denver Post, Jan. 29, 2001]

Don’t Disrupt Parks Policy

President Bush should stand up to the narrow political interests who would wreck the tranquility of our national parks.

For years, visitors to Yellowstone and Grand Canyon National parks often complained about snowmobiles in Yellowstone, and airplane and helicopter flights over the Grand Canyon. Clearly, the National Park Service had to craft a new policy responding to numerous citizens infuriated by the noise, pollution, wildlife harassment and inappropriate machine use. In Yellowstone, for instance, visitors couldn’t even hear Old Faithful’s great roar over the constant whine of hundreds of snowmobiles.

But the Park Service didn’t react arbitrarily. The agency held extensive public hearings, conducted numerous scientific studies and invited tens of thousands of written citizen comments.

Based on that input, the Park Service imposed the bans on Grand Canyon aircraft flights and snowmobiles and aircraft.

However, some conservative Western politicians want President Bush to discard these thoughtful policies. In a Dec. 27 letter, U.S. Rep. Jim Hansen, a Utah Republican, told Bush he should overturn a host of Clinton administration public land policies. At the top of Hansen’s promachinewish list: the ban on Grand Canyon aircraft flights and snowmobiles in Yellowstone and other national parks.
Hansen wrongly asserts that these policies were imposed top-down and would harm good stewardship of our public lands. Nothing could be further from the truth. IN both the Yellowstone and Grand Canyon cases, the Park Service was responding to a public outcry, so the new policies in fact largely emerged from the grassroots.

Moreover, most people who visit either park don’t use the machines. Instead, they walk, hike, ski, ride horses or mules, or take the family car, public transportation or, in Yellowstone, the quieter snow coach tours.

By contrast, of the 130,000 miles of snowmobile trails in the continental United States, only 670 miles are in the national parks. The ban on loud, intrusive machines in these awe-inspiring wonderlands is still possible to find a little peace and quiet. Please don’t ruin that irreplaceable experience at our national parks. The ban on loud, intrusive machines in these awe-inspiring wonderlands should remain.

A TRIBUTE IN MEMORY OF DR. BENJAMIN MAJOR, OAKLAND, CALIFORNIA

HON. BARBARA LEE OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Ms. LEE. Mr. Speaker, it is with a great sense of loss that I rise to pay tribute to Dr. Benjamin Major, a prominent Bay Area physician, who passed on January 4, 2001, in Kensington, California.

Dr. Major was a graduate of Fisk University and graduated from Meharry Medical College at the age of 21. After completing an internship and residency in Obstetrics and Gynecology at Homer G. Phillips Hospital in St. Louis, he served honorably as a Captain in the United States Air Force Medical Corp.

Dr. Major began his private practice in Oakland in 1953 and eventually opened The Arlington Medical Group in 1957.

Dr. Major was active in the community and the field of medicine locally, nationally and internationally. During his career, he was a consultant Obstetrician to the City of Nairobi and the Family Planning Association of Kenya through the World Health Organization, was a diplomat of the American Board of Obstetrics and Gynecology and a Fellow of the American College of Obstetrics and Gynecology.

He later received a Ford Foundation mid-career scholarship in 1969 and obtained a Master of Public Health in Maternal Child Health from UC Berkeley in 1970.

Even though he retired from practice in 1987, he continued to serve as a consultant and instructor in family planning at several agencies and facilities throughout Northern California.

Additionally, Dr. Major served the community by being a member of several organizations. His memberships include the American College of Obstetrics and Gynecology, the National Medical Association, the California Medical Association, the Golden State Medical Association, the Sinkler-Miller Medical Association, the St. Luke’s Society, the National Family Planning Council, the NAACP, and the Sigma Pi Phi Fraternity.

Dr. Major’s contributions throughout the world and at home will remain his lasting legacy. My thoughts and prayers are with his family, friends, patients and colleagues this day.

COMPENSATION FOR VETS DISABLED WHILE IN VA CARE

HON. PATSY T. MINK OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce an important piece of legislation to allow veterans disabled by treatment or vocational rehabilitation to receive compensation from the day they were disabled while under VA care.

The occurrence of medical malpractice in which veterans are disabled while under Veterans Affairs’ care is rare compared with the total number of veterans served every year. In 1997, the last year in which data was available, there were 186,000 patients treated and 32,640,000 outpatient visits at VA medical centers at a cost of $17.149 billion. There are 173 VA medical centers, more than 391 outpatient and outreach clinics, 131 nursing home care units and 39 domiciliaries.

Without this new legislation, veterans who run VA hospitals, clinics and nursing care units, many veterans would never receive the care available to them. However, it is clear that the care provided is not always of the highest quality. Worse than inadequate care are the instances in which veterans receive care that leaves them further disabled.

Since 1990, 9,597 administrative malpractice claims were filed by veterans with VA and 2,134 were settled. The total amount paid in claims settled was nearly $1.73 million. During the same time period, 2,064 veterans filed their claims against VA. 626 of these court claims were dismissed, the U.S. won 272, and plaintiffs won 129 court claims for a total of $65,858,110. The VA settled 1,315 VA cases out of court by VA, in the amount of $253,464,632.

In 1958 Congress established section 1151 of title 38, United States Code, Benefits for Persons Disabled by Treatment or Vocational Rehabilitation. Along with section 1151, section 5110 of the same title established the effective date of an award for disability incurred during administrative or vocational rehabilitation. These two sections ensured that veterans disabled by their treatment received compensation. This was the fair and right thing to do.

A close review of these sections reveals an inconsistency. While the United States Code allowed compensation for veterans disabled by treatment or vocational rehabilitation, it established an arbitrary cut off date of one year to deny individuals full compensation. Individuals who are unable or not aware of this arbitrary application date for medical malpractice claims should not be denied full compensation for administrative or vocational rehabilitation. These two sections ensured that veterans disabled by their treatment received compensation. This was the fair and right thing to do.

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of the Inland Empire make me proud to call him a community member and fellow American. I know that all of the Inland Empire, including myself, are grateful for his contribution to the betterment of our community and salute Robert as JEEP’s outgoing 2000 Chairman. I look forward to continuing to work with him for the good of our community in the future.

IN MEMORY OF HENRY B. GONZALEZ

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, last November I heard with great regret of the death of the father of our colleague from Texas, Representative GONZALEZ. And I listened with great interest to the remarks of the many Members who spoke about their memories of our colleague’s father who had served here in the House of Representatives.

The accomplishments, the character, the leadership of Henry B. Gonzalez are also well known to many Coloradans—as is shown by a column by Ivanhoe Latimer, a Visionary Leader in Henry B. ‘s in a recent edition of the Colorado Daily, a newspaper published in Boulder, Colorado.

For the benefit of our colleagues, I am submitting a copy of that column, for inclusion in the RECORD.

[From the Colorado Daily, Jan. 19, 2001]

AMERICA LOST A VISIONARY LEADER IN HENRY B. ‘

(BY YOLANDA CHAVEZ LEYVA)

Henry B. Gonzalez, 84 died on Nov. 28 in a San Antonio hospital.

Henry B., as he was affectionately known, was a fierce fighter for the poor. Throughout almost half a century of public service, he dedicated himself to civil rights and social justice.

Gonzalez, who served 37 years in the House of Representatives before retiring in 1996, was the first Mexican American from Texas elected to that position. Although he stated that his politics were not shaped by his ethnicity, his championing of issues such as voting rights and economic opportunity made him a hero to many Mexican Americans.

His career helped open the door to other Mexican-American politicians. According to political scientist Rodolfo Rosales, Gonzalez’ election was “a cornerstone” in the creation of a middle-class Mexican-American leadership.

Gonzalez was known for his controversial standing as the lead Democrat to take on Republicans and members of his own Democratic Party to defend his principles. He advocated the impeachment of Presidents Reagan and Bush for the 1983 invasion of Grenada and the Iran-Contra scandal, respectively. He also investigated their friendly dealings with Iraq and Saddam Hussein prior to the 1990 Invasion of Kuwait.

During his tenure on the powerful House Banking Committee, he led the investigation into the savings and loan scandals of the 1980s, which implicated five Democratic senators. In 1993, he was one of two Mexican-American representatives who voted against NAFTA. The other one was Rep. Matthew Martinez of Calif.

Over the years, Henry B. survived many challenges to his political leadership. His political astuteness was unquestioned, his charisma obvious.

As significant as his individual achievements were, however, it is important to understand the community from which Henry B. emerged. Gonzalez was a much a product of the Mexican-American community’s dream of justice as a champion of its cause.

Henry B. was born to immigrant Mexican parents. He graduated from St. Mary’s Law School in 1943. After working as a probation officer and deputy director of the Bexar County Housing Authority, he was elected to the San Antonio City Council in 1953 as a result of a grassroots campaign.

Henry B. came of age in a Texas that regarded Mexican-American second-class citizens. Texas Rangers and other law-enforcement agencies kept Mexican Americans “in line” through intimidation and violence. The Southern legacy of segregation was still thriving, although both African Americans and Mexican Americans continually challenged the status quo. The poll tax worked to keep the poor from participating in the political process. Education was but a dream to many. In 1950, only one in 10 Mexican Americans graduated from high school in Texas. Less than one in 100 finished college, according to historian Rodolfo Acuna. Poverty and racism had closed the school door to the majority of Mexican-American children.

In San Antonio, where Henry B. grew up, the streets of the barrios remained unpaved. Health care for the poor was negligible. Tuberculosis and other diseases were rampant. Despite the poverty and second-class citizenship, a dream of justice lived. In the 1930s, thousands of Mexican-American workers took to the San Antonio streets demanding better working conditions.

In the 1940s and ’50s, Mexican Americans used the Texas courts to demand equality. In the 1948 Delgado vs. Bastrop Independent School District case, the court ruled that the segregation of Mexican-American children in schools violated the 14th Amendment. In the 1954 case of Hernandez vs. The State of Texas, the court ruled that qualified Mexican Americans could not be excluded from juries.

Gonzalez built on these victories. Following election of the state Senate in 1956, he opposed efforts by other Texas legislators to maintain segregated schools. When legislators introduced bills to withhold funds from integrated schools following the 1954 Brown vs. Board of Education decision, Gonzalez responded with a now-famous filibuster.

Henry B. was often called “a man of the people,” and his defense of the common folk is well-known. He was, however, also a man who emerged from the people with a dream: a dream of social justice and equality.

A SALUTE TO MARY KING HONORING HER YEARS OF SERVICE AS AN ALAMEDA COUNTY SUPERVISOR

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Ms. LEE. Mr. Speaker, I rise in honor today to salute Mary King for her years of service to the citizens of Alameda County and in honor of her retirement as Chair of the Alameda County Board of Supervisors.

Mary King served three terms on the Alameda County Board of Supervisors and was the first African-American woman to serve on this governing body. Prior to joining the Board of Supervisors, King was an Independent Consultant to the Board managing the ground operation for the County’s sales tax initiative campaign—Measure B. Previously, she served as an Assistant to Oakland’s City Manager, Henry Gardner, Chief of Staff to Oakland Mayor Lionel Wilson, and was an aide and later Chief of Staff to California State Legislator Bill Lockyer, California’s current Attorney General.

During her tenure as a county Supervisor, Mary King served on a diverse and impressive array of boards and commissions. These bodies include California Attorney General’s Commission on Hate Crimes, Association of Bay Area Governments, Bay Area Air Quality Management District, Alameda County Transportation Authority, Public Protection Committee, Metropolitan Transportation Commission (MTC), Joint Powers Authority of the Network Associates Coliseum (formerly the Alameda County-Oakland Coliseum), the MTC’s Bay Bridge Task Force, San Francisco Bay Conservation and Development Commission, Alameda County Democratic Central Committee, Democratic National Pardon Committee, and the Center for Ethics and Social Policy of the Graduate Theological Union at UC Berkeley.

In addition, during her tenure as Supervisor, Mary King worked to save health care services for residents by creating a hospital authority model, implemented the Model Neighborhood Program, and developed a major land use approach to the County General Plan. I proudly join her many friends and colleagues in thanking and saluting Mary King for her years of service to the community and her commitment to bettering the lives of the citizens she served. Thank you Mary.

SOFT MONEY BAN

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that would prohibit the use of soft money to influence any campaign for federal office.

Since 1997, it has been illegal for corporations to donate money for campaigns for federal office. Since 1947, labor unions have not been allowed to donate money directly for campaigns. Finally, since 1974, individuals have not been allowed to contribute more than $1,000 to a federal candidate.

Soft money emerged as a vehicle to get around these campaign finance laws. Political parties now receive unlimited contributions by corporations, labor unions, and wealthy individuals. Huge amounts of soft money have invaded our political system. My bill places the same limits on the contributions to the National Parties as is currently in effect for contributions made to a federal office. We should ban soft money this year and restore the people’s faith in our political process.
RECOGNIZING LOIS B. KRIEGER FOR 25 YEARS OF SERVICE—WESTERN MUNICIPAL WATER DISTRICT’S REPRESENTATIVE ON THE METROPOLITAN WATER DISTRICT BOARD OF DIRECTORS

HON. KEN CALVERT OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. CALVERT. Mr. Speaker, I take to the floor today to recognize the outstanding career of Lois Krieger, who retired after 25 years as Western Municipal Water District’s representative on the Metropolitan Water District Board of Directors on January 1. Throughout the towns and cities across our nation, there are individuals who are willing to step forward to dedicate their talents and energies to make life better for their friends and neighbors. The citizens of Riverside, CA, are fortunate to have had such an individual in Lois.

Lois began her career in 1976, when she was appointed to succeed her father, Howard Krieger. At that time Lois Krieger already possessed a deep understanding and dedication to the region’s complex water affairs from her years traveling with her father to public utility hearings and water affairs meetings. It was precisely that commitment to these issues that spurred her election as the first woman, in the district’s 60-year history, to chair the Metropolitan Water District (MWD) Board, serving from 1989 to 1993.

MWD is the water provider from the Colorado River and northern California, to supplement the local supplies within southwestern California, and provides water, waste water disposal and water resources management to the communities within a 510 square mile area of western Riverside County.

In addition to her work on the MWD’s Board of Directors, Lois also served as the first woman president of the Association of California Water Agencies (ACWA), a California statewide association of 435 public water agencies responsible for the delivery of most of the water in the state. In that capacity, Krieger considers Water for All Californians, the governing policy of ACWA, as her chief accomplishment while President. Additionally, Lois has served as: a member on boards of directors of the Water Education Foundation, the California Water Resources Association, the Colorado River Resources Coalition; a western delegate to the municipal caucus of the National Water Resources Association; and a member of the University of California at Riverside Chancellor’s agricultural advisory council and Women’s Hall of Fame.

Lois Krieger’s leadership has led to numerous awards and recognitions. The highlights include: the Los AngelesYWCA’s Silver Achievement Award for public service in 1990; the Riverside YMCA’s Women in Achievement Award for public and community service in 1990; and the U.S. Bureau of Reclamation’s Citizen Award for her commitment to the needs of the water community in 1993.

Mr. Speaker, Lois’ work to preserve and strengthen southern California’s water resources has been critical to the future viability of our communities, region and state. I know that all of the Inland Empire is grateful for her contributions to the betterment of the community and salute Lois as she retires from the Municipal Water District’s Board of Directors. I look forward to continuing to work with her for the good of the Inland Empire and southern California in the future.

HONORING MARTIN LUTHER KING, JR.

HON. MARK UDALL OF COLORADO IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Dr. Martin Luther King, Jr. America is a country of many faces and we take pride in our nation’s diversity. America is known as the “great melting pot” because it has welcomed many people from all over the world to share in living the American dream. Unfortunately, reality is often different than the dream for many Americans.

The reality has often been ugly. Segregation was a blight on our nation that deprived millions of people equality in this country and was often used as a tool to oppress people and keep them from living up to their full potential. The system kept many people in the shackles of poverty. America needed a bold leader who, despite hardships and violent attacks, would continue to fight for justice.

In 1955, Dr. King was a young, dedicated leader who, despite hardships and violent attacks, would continue to fight for justice. In 1955, frustration at the system of segregation boiled over in Montgomery, Alabama when Rosa Parks refused to give up her seat on a city bus to a white passenger. She was consequentially arrested. Her act sparked a citywide boycott of the bus system by African-Americans that lasted more than a year. The boycott elevated an unknown clergyman named Martin Luther King, Jr., to national prominence and resulted in the end to segregation on city buses. Dr. King continued to promote peaceful protest and inspired a generation of Americans to work to end segregation and to fight for equality. His dedication to the cause of ending a broken system andpromoting peaceful protest and inspired a generation of Americans to work to end segregation and to fight for equality. His dedication to the cause of ending a broken system and promotion of Americans to work to end segregation and to fight for equality.

In 1964, Dr. King was awarded the Nobel Peace Prize for his work to preserve and strengthen southern California’s water resources has been critical to the future viability of our communities, region and state. I know that all of the Inland Empire is grateful for her contributions to the betterment of the community and salute Lois as she retires from the Municipal Water District’s Board of Directors. I look forward to continuing to work with her for the good of the Inland Empire and southern California in the future.

HON. BARBARA LEE OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, January 30, 2001

Ms. LEE. Mr. Speaker, I rise today to pay special tribute to a group of extraordinary women leaders from Uganda, who, as part of a globally-focused program entitled CALLING THE CIRCLE, are currently on a 12-day visit to the great state of California.

These women leaders, who come from various regions of Uganda, represent two of the largest Ugandan NGOs that are focused on women’s issues and leadership building: Action for Women in Development (or ACFODE) and the Forum for Women in Democracy (or FOWODE). In collaboration with ACFODE and FOWODE and other community organizations in Uganda, the Women’s Intercultural Network, a Northern California-based NGO, is CALLING THE CIRCLE between women of Uganda and the U.S. to strengthen democratic values throughout civil society. The goal of this collaboration is to develop mechanisms and models for joint advocacy, leadership development, and democracy building across cultural and digital divides. Their vision is to build a “virtual grassroots network” between Ugandan and U.S. women for on-going discussion, information exchange, and worldwide collaboration.

There are already some important highlights from this trip, not the least of which was a welcome tea that was hosted by the Japanese Consul-General at his official residence. At this truly multi-cultural and international gathering, the women from Uganda were able to meet and talk with Japanese and Japanese-American women who represented a wide range of organizations, professions, and experiences. Consul-General Tanaka, gave a gracious welcome to the women and expressed his country’s commitment and interest in the continent of Africa. Along with Mr. Tanaka’s welcome, Mayor Willie L. Brown, Jr., of San Francisco, proclaimed Sunday, January 21 as “Uganda Women’s Day” in the city and county of San Francisco.

Furthermore, while here in the United States, the Uganda women will join their American sisters at issue forums, roundtable meetings and social gatherings to discuss and deliberate on issues that impact women across the globe. Some of these topics included health, mentoring women for leadership, democracy building, as well as economic and environmental justice.

In closing Mr. Speaker, let me say how proud I am that one of the Bay Area’s own NGOs, the Women’s Intercultural Network, has been the force behind this global effort to link grassroots women leaders and organizations across digital and cultural divides. We often think of the Bay Area and Silicon Valley as the world’s leader in producing technology, but how we must also acknowledge that the Bay Area is playing an important role in producing the next generation of women leaders throughout the world.
HONORING THE 75TH ANNIVERSARY OF THE POLISH AMERICAN RADIO PROGRAM OF PHILADELPHIA

HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. BORSKI. Mr. Speaker, today I recognize an important milestone honoring a valuable service to the Polish American community in Philadelphia, PA and its surrounding region. This year marks the 75th anniversary of the Polish American Radio Program of the Philadelphia area. This radio broadcast has served as an invaluable communication tool for the Polish American community. It serves as an important medium in which to share common views and ethnic pride.

The first broadcast took place in April 1925 on Broad Street in Philadelphia on 860 AM Radio. Since that time there have been many daily and weekly hosts of the program who offered various types of entertainment to Polonia. Many in Philadelphia remember the long time daily radio program host Theodore Przybyla, who passed away in 1982 at the time of the war was imposed in Poland and the Solidarity Union was crushed.

Following Mr. Przybyla’s death, Michael Blichasz and Barbara Ilincik worked tirelessly with radio management at WTEL 860 AM Radio to maintain the daily radio program. They gathered the support and hard work of the Polish religious community, the Polish American organizations, fraternal organizations, veterans groups, local businesses and individual supporters who recognized the valuable service provided to the Polish American community. After 72 years of programming at WTEL 860 AM, a programming change shifted broadcast of the Polish American radio program to its current home on station WNWR 1540 AM, where it proudly serves as the only Polish American broadcast program heard 7 days a week.

The program can also be heard live over the Internet during regular broadcast times at www.WNWR.COM.

Sustaining a radio program for 75 years is a wonderful achievement marked by strong dedication to purpose. Longtime hosts Michael Blichasz and Barbara Ilincik, and those being commended for their expertise in hosting a radio program that fulfills its mission to inform, unite, entertain and present news and information about activities taking place in the Polish American community and in Poland.

Mr. Speaker, as a Polish American, I too have felt personal pride in the struggles of Poles who have fought oppression and witnessed democracy return to their native land. For the thousands of Polish Americans who live in Philadelphia, this Polish American broadcast has been a wonderful resource to follow developments in the homeland and share in the ethnic pride of strong people who fought communism and won.

Mr. Speaker, I am proud to recognize the Polish American Radio Program of Philadelphia for its 75 years of outstanding service to the community.

LEGISLATION REGARDING THE DIRECTOR OF THE INDIAN HEALTH SERVICE

HON. GEORGE R. NETHERCUTT, JR.
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. NETHERCUTT. Mr. Speaker, I am pleased to introduce legislation today with the gentleman from Michigan (Mr. KILDEE) and the gentleman from Arizona (Mr. HAYWORTH) to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services. Companion legislation is also being introduced today in the other body by the gentleman from Arizona (Mr. MCCAIN).

The Indian Health Service (IHS) is the lead agency in providing health care to the more than 550 Indian tribes in the United States. Services ranging from facility construction to pediatrics assist approximately 1.3 million American Indians and Alaska Natives each year. The IHS currently falls under the authority of the Public Health Service within the Department of Health and Human Services (HHS). The IHS Director is the top administration official charged with carrying out the federal trust responsibility for IHS, but he does not report to the HHS Secretary.

Designating the IHS Director as an Assistant Secretary of Indian Health would afford IHS a stronger advocacy function within HHS, and allow for increased representation during the budget process. Currently the ability of the IHS to affect budgetary policy is limited, in part by the Director’s inability to directly participate in budget negotiations. It is also important to note that an Assistant Secretary leads the Bureau of Indian Affairs (BIA) although the IHS budget exceeds that of BIA.

This legislation has the strong support of the American Indian and Alaska Native community. I urge my colleagues to cosponsor this bill.

TRIBUTE TO JOHN DENVER, OUT-GOING PRESIDENT, PERRIS VALLEY CHAMBER OF COMMERCE

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of the City of Perris is exceptional. The City of Perris has been fortunate to have dynamic and dedicated business and community leaders who willingly and unfailingly give time and talent to make their communities a better place to live and work. John Denver is one of those individuals.

On January 26, 2001, John Denver was honored as the outgoing 1999–2000 President of the Perris Valley Chamber of Commerce. Most significantly, John’s leadership over the past two years as President of the Perris Valley Chamber of Commerce demonstrated to the community the value of united and thoughtful leadership. Additionally, Mr. Denver put numerous hours into the Perris community’s re-development, Student of the Month and Wake Up Perris programs.

John Denver’s dedication to promoting the businesses, schools and community organizations of the Perris Valley make me proud to call him a community member and fellow American. I know that all of Perris Valley are grateful for his contribution to the betterment of the community and hope he departs the Perris Valley Chamber of Commerce after two years of service. I look forward to continuing to work with him for the good of our community in the future.

REVIEW BY CONGRESS OF PROPOSED CONSTRUCTION OF COURT FACILITIES, H.R. 254

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide for the review by Congress of proposed construction of court facilities.

I am introducing this measure in response to my frustrating experience with a proposed Federal courthouse project for Orange County, New York.

In April of this year, the Judicial Council of the Second Circuit voted to rescind its prior 1992 approval for construction of a Federal courthouse in Orange County, New York.

This project began in 1991, when then chief judge of the U.S. District Court of the Southern District of New York, the Honorable Charles L. Brient, requested the Board of Judges to study future planning for court facilities west of the Hudson River. Subsequently, in June 1992, the Board of Judges of the Southern District found that there was a need for a courthouse to meet the growing demands in the mid-Hudson valley region of New York, and voted unanimously to authorize the chief judge to apply to the Judicial Council of the Second Circuit for approval of a Federal courthouse west of the Hudson.

Following approval of the Judicial Council of the Second Circuit on July 23, 1992, the matter was referred to the Court Administration and Case Management Committee of the Judicial Conference of the United States. The committee reported favorably and voted unanimously in a March 1993 session of the Judicial Conference of the United States to “seek legislation on the court’s behalf to amend title 28 of the U.S. Code, section 112(B) to establish a place for holding court in the Middletown/Wallkill area of Orange County or such nearby location as may be deemed appropriate.”

Accordingly, during the 104th Congress, Public Law 104–317 was approved designating that “Court for the Southern District shall be held at New York, White Plains, and in Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.”

In an attempt to proceed forward in an expeditious manner the Administrative Office of the Courts and the U.S. General Services Administration, both concurring with the need for a courthouse in Orange County, determined that a facility could and should be constructed and paid through GSA’s current funding.

This project had and still has clear evidence denoting the growth population and economic
activity in Dutchess, Orange, and Sullivan Counties in New York State, as well as steady increases in caseload from the Mid-Hudson Valley Region. In fact, current statistics suggest that the need is even greater now than previously ascertain that the Congress. The number of cases has increased from 301,800 in 1996 to 309,100 in 1996.

Furthermore, it should be noted that while Congress may have acquiesced in the closure of some courthouses which have become redundant, based on considerations of economy and efficiency, I know of no situation where a court has refused to provide judicial services at a location designated by statute, where both the need exists and there is strong local support for the service. Such was and still is clearly the case with regard to the Orange County courthouse project.

Accordingly, it is now current practice, as denoted by title 28 of the U.S. Code, for the U.S. Administrative Office of the Courts and the GSA to develop a rolling five year plan denoting the need for courthouse construction. I believe it is important for Congress to have a say in this important matter.

The legislation which I am introducing today will require the Director of the Administrative Office of the United States Courts to submit for approval to the Congress a report setting forth the court’s plans for proposed construction. Thereafter, Congress will have legislative discretion to disapprove of the proposed construction.

It has become apparent to me after the experience I have had with both the Board of Judges of the Southern District and the Judicial Council of the Second Circuit that an imperialistic attitude among many of our Federal judges prevail.

The decision as to whether or not to move forward with construction of a court facility is no longer being based upon existing evidence and discussion but instead upon the personal thoughts of the judges involved.

This legislation will end that practice by enabling Congress to properly assert its role in the construction of needed new courts.

Mr. Speaker, I submit a full copy of the text of H.R. 254 to be included at this point in the RECORD.

H.R. 254
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL REVIEW OF NEW CONSTRUCTION FOR FEDERAL COURTS.

(a) In general.—Section 462 of title 28, United States Code, is amended by—

"(1) by inserting before the period at the end the following:—"

"(A) in subsection (b), by inserting after the period at the end the following:—"

"(1) in subsection (b), by inserting after the period at the end the following:—"

"(2) in subsection (c), by inserting before the period at the end the following:—"

"(3) (1) in subsection (g), by striking the period at the end and inserting the following:—"

"(2) in subsection (g), by striking the period at the end and inserting the following:—"

"(3) in subsection (g), by striking the period at the end and inserting the following:—"

"(2) (A) in subsection (b), by inserting after the period at the end the following:—"

"(B) in subsection (b), by inserting after the period at the end the following:—"

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INTRODUCTION OF A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. DELAHUNT. Mr. Speaker, I am today introducing legislation to abolish the Electoral College and provide for the direct popular election of the President and Vice President of the United States.

Until our recent national crash course in the federal election process, most Americans saw the Electoral College as a harmless anachronism. Since the founding of our nation over a century, the nation watched as the oath of office was administered to an elected president who failed to secure a plurality of the votes cast. The Constitution is clear, and I do not question the lawfulness or legitimacy of electing a president under these circumstances. Indeed, I join all patriotic citizens in wishing our new president well. But we must also ask—as many of my constituents have—whether an electoral system that met the needs of the time is still compatible with democratic values. This is not a partisan question. Indeed, I first raised it on the eve of the election, when it looked as though the shoe might be on the other foot—when many were predicting that the candidate of my own party might prevail with a minority of the popular vote. And the answer to that question is far more important than the political fortunes of any one candidate or party.

The Electoral College presents a troubling contradiction for our democracy in at least two respects. First, and most obviously, it cannot be squared with the principle of majority rule. To award the presidency to the loser of the popular vote undermines respect for the system and compromises the new president’s mandate to govern.

Second, the right of the Electoral College is inconsistent with the principle of “one person, one vote.” This is because the system by which electors are assigned gives disproportionate weight to less populous states. Massachusetts has one electoral vote for every 500,000 people, while Wyoming has only 100,000. In other words, a vote cast in Wyoming counts three times as much as a vote cast in Massachusetts.

Some defend the Electoral College because it carries the weight of constitutional authority. I agree that the Constitution should be amended only rarely and with great care. But the system designed by the framers for electing the president has already been amended, by the 12th and 22nd Amendments. And until ratification of the 17th Amendment in 1913, the U.S. Senate was elected not by the people, but by state legislatures. Few would argue that the original purpose of the Electoral College retains any relevance today. It reflected a time as much as a vote cast in Massachusetts.

Some of my constituents believe that the Electoral College presents the only practical way to ensure a political compromise, the only way to get both parties to work together. “I hope you understand,” I told him afterward. “We’ll see; for now, the ball is in both our courts.”

CHRISTIANS THANKS SIKH IN INDIA: DR. GURMIT SINGH AULAKH COMMENDED

HON. DAN BURTON OF INDIANA IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, on January 17 a group of Christians in India known as the Persecuted Church of India issued a statement commending the protection that Sikhs have provided to Christians in India from India’s government persecution.

Father Dominic Immanuel appeared on Star News to thank the Sikhs community for protecting Christians from Indian government persecution. As you know, the Christians in India have undergone a wave of violence and terror by militant Hindu nationalists associated with the pro-Fascist RSS, the parent organization of the ruling BJP. This violence has taken the form of church burnings, rape of nuns, murders of priests, and attacks on Christian...
schools and prayer halls. Graham Staines and his two little boys were burned to death in their jeep while they slept. Earlier, in 1997, police broke up a Christian religious festival with gunfire. No one has ever been punished for these activities. Instead, there have been Indian officials who have been quoted as saying that even in India Muslims must either be a Hindu or be subservient to Hinduism. Last year RSS leader Kuppa Halli Sathiramaiah called for a ban on foreign churches.

Interestingly, the article mentions Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan, for his lobbying efforts here on Capitol Hill. The Sikhs and Christians are suffering from the same kind of terror. More than 250,000 Sikhs have been murdered by the Indian government since 1984, according to Inderjit Singh Jajee’s “The Politics of Genocide”. The Indian government has also killed more than 200,000 Christians in Nagaland. According to Amnesty international, there are about 50,000 Sikhs held in Indian jails as political prisoners without charge or trial. In November, Indian police with heavy sticks called lathis attacked 3,200 Sikh religious pilgrims at a railroad station on the Indian-Pakistani border. These pilgrims were attempting to get to Nankana Sahib in Pakistan to celebrate the birthday of the first Sikh guru, Guru Nanak. Only 800 managed to get to the celebration. In July, police arrested Rajiv Singh Randhawa, the only witness to the September 1995 kidnapping of human-rights activist Jaswant Singh Khalra, while he was trying to go to a peti- tion to the British Home Minister in front of the Golden Temple, the holiest Sikh shrine that the Indian government brutally attacked in June 1984. Mr. Khalra was killed in police custody about six weeks after he was kidnapped. More than five years later, no one has been punished. Now the Indian police are harassing the only witness. In March, according to the findings of two independent investigations, the Indian government murdered 35 Sikhs in the village of Chitti Singhpora.

In addition to its persecution of Christians, Sikhs, and other minorities, India has worked aggressively to thwart several U.S. foreign policy goals. Not only did it vote against the United States at the United Nations more often than any country except Cuba, but in 1999 the Indian Defense Minister led a meeting with the ambassadors from Iraq, Cuba, Libya, Russia, Serbia, and China in which the parties discussed setting up a security alliance “to stop the U.S.”

We should stop U.S. aid to India until the oppression of Christians, Sikhs, Muslims, and other minorities ends and human rights are observed. We must also put the United States on record in support for the freedom movements in Kashmir, Nagalim, Kashmir, and the other nations seeking their freedom from India, through a free and fair plebiscite. That is the democratic way and the way that world powers do things. These measures will help bring peace, freedom, stability, prosperity and dignity to all the people of the subcontinent.

Mr. Speaker, I would like to submit a statement issued by the Persecuted Church of India that discusses the efforts that Sikhs have made on behalf of India’s Christian community. I commend this statement to anyone who would like to better understand the plight of minorities in India.

PERSECUTED CHURCH OF INDIA—JANUARY 17, 2001—THE SIHK RUSH TO PROTECT THE CHRISTIANS

A few days ago when the attacks against the Christian missionaries in Rajasthan took place, Pr. Domnic Simon went on record on Star News to acknowledge the protection that the Sikh community was providing to the persecuted Christians of Haryana and elsewhere to get recognition to the much maligned Sikh minorities. We had earlier reported the incidents wherein the nuns were protected by the Sikhs at the time of the attacks. All the cases have gone unreported. Pr. Dominic did great justice to the Sikhs when he underlined incidents in rural Haryana where the helpless Christians had to hide with the Sikhs during the attacks by the Hindu fascists. He quoted the incidents in Panipat, Sonarpur and Ganganore where the Christians have been saved by the Sikhs, many a time risking their own lives as the Hindu terrorists struck. The recognition is too little for the community whose plight was ignored by the Christians as they too had been under the influence of the Hindu nationalist lies against the Sikhs.

THE LEGACY OF SADHU SUNDER SINGH

Sadhu Sunder Singh was one of the greatest Christian leaders known in Punjab, more particularly the districts like Ludhiana has a considerable concentration of Christians. The Sikhs themselves have been involved in terrorism and ethnic cleansing. A vast number of their youth had been annihilated in the anti-Sikh riots and fake encounters. Thousands of innocent Sikh youth are persecuted in jails as undertrials. The anti-Sikh crackdown saw the flight of thousands of Sikhs abroad. When the recent wave of anti-Christian persecution started, one Christian bishop recognized the injustice done to the Sikh minority by the Christians. Bishop Philepse Mar Chrysostom, the Mar Thoma Metropolitan, wrote that it was due to our apathy during the earliest atrocities against other (minorities) that this danger has be-fallen us. The community which we did injustice has hatred against us. In fact Gurmeet Singh Aulakh, the Sikh leader in the U.S. was one of the first persons to lobby against the Christian persecution in the U.S. Congress by the Hindu fundamentalists.

THE ANTI-SIKH MOVEMENT

One of the reasons for the insurrection in Punjab was the attempt by the Hinduists to brand Sikhism as a part (or panth) of Hinduism. The RSS went on to call the Sikhs “Kosadhari Hindus”. History says that the no Sikh participated in the drafting of the constitution. As a result, the Hindu nationalists branded them as “Hindus”. The governments finally accepted the independent identity of the Sikhs apart from the Hindu. Recently the Hindu majoritarians revived the old tension by once again branding the Sikhs as part of Hinduism. The Sikhs are idol-haters and do not like to be branded as part of their worship forms. The Sikh community warned with one voice that any attempt by the Hinduists to carry the Guru Granth Sahib to the temples will be met with all the resistance. The tension in Punjab has increased manyfold due to the upsurge in the activities of RSS, VHP and the Bajrang Dal. There are reports of the burning of a Bajrang Dal chadar close to Amritsar. As per an article that appeared in the Hindu, the Bajrang Dal is giving fierce arms training to their cadres. They have the blessings of the government. The formation of the new organization Rashtriya Sikhs Sangatana (RSS) by the Rashtriya Swayamsevak Sangh (RSS) has angered the Sikhs and this has once again brought most Sikhs to a single platform. The majoritarian ambitions of the Hindutva forces in Punjab are sure to lead to doom.

CONCLUSION

At this instance we can only pray for peace in Punjab. We pray that good sense prevails with the majoritarians and they do not do any more harm to the Christian community. We also thank the valiant but unsung Sikh heroes and heroines who have and are risking their own lives to save the defenseless Christians in Haryana, Punjab and else-where from the atrocities of their Hindu orga- nizations.

TRIBUTE IN HONOR OF TEXAS COMMUNITY LEADER SAM FLORES UPON HIS RETIREMENT

HON. CIRIO D. RODRIGUEZ OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor a true public servant and long-time colleague, Mr. Sam Flores of Seguin, TX. After 36 years of working for the Seguin City Council, Mr. Flores retired the beginning of this year after devoting half of his life to the council and most of his life in the service of others. He is an inspiration for us all.

Mr. Flores was born in San Marcos, TX, during the Roaring Twenties, but grew up during the difficult years of the Great Depression. A young Flores soon learned the value of hard work as the middle child of seven raised during this trying time. As soon as he was physically capable of manual labor, Flores was thrust into the life of an adult migrant worker, traveling from California to Minnesota as the seasons changed. When only 17, he dropped out of school to join the Marines. His six-year career was distinguished, and included serving as a Platoon Sergeant in the Korean War and aiding in the evacuation of Shanghai by Ameri- canos during the communist revolution in China.

After finishing his time with the Marines, Flores continued his formal education and earned a degree in education from Southwest Texas State University in 1955. Four years later Sam Flores had earned his Master’s degree in school administration, was married to Velia Flores, and moved to her hometown of Seguin, TX. For the next 35 years Flores would serve the Harlandale ISD. He taught regular and special education classes to elemen-tary and secondary school students. He distinguished himself as the first Hispanic Prin- cipal for the Harlandale ISD. He then became the Director for Special Education for six school districts. Even after this extensive ca-reer, Mr. Flores, knowing the value of educa-tion, works for the Seguin school district as the Attendance Officer.

Flores did not limit himself to his teaching vocation, but also took an active interest in other aspects of the community. Flores helped others. And it was both the small and large things that made an impact, everything from helping a single mother fill out a college appli- cation to working for the establishment of the Seguin Housing Authority, from assisting an elderly widow with her Social Security to help- ing establish the Seguin Boys Club. We owe
Congressman Ayres now rests in Arlington National Cemetery, among the men and women who supported and served. It is a fitting resting place for a tireless fighter for his fellow veterans, for a true public servant.

HONORING THE KOŚCIUSZKO HOUSE IN HISTORIC PHILADELPHIA

HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. BORSKI. Mr. Speaker, today I recognize an important milestone in Polish-American history, the 250th anniversary of the opening of the Kosciuszko House in historic Philadelphia. The house, at 3rd and Pine Streets, serves as a National Historic Site and a National Memorial to American Revolutionary War hero and Polish freedom fighter, General Thaddeus Kosciuszko.

In the mid-1960s, Edward Pinkowski, a Philadelphia historian, after hours of research, discovered that the house was Kosciuszko’s home during the Revolutionary War. In October 1967, the Pennsylvania Historical Commission officially designated it as the residence of Kosciuszko by placing a marker on the building and designating it as a historic site. Between 1967 and 1970, Polish American Congress Eastern Pennsylvania District President Henry Wyszynski, coordinated a national campaign and designated the Kosciuszko House as a National Memorial. In 1970, philanthropist Edward Piszek joined the effort by purchasing the building and successfully helping to persuade the 91st Congress to introduce legislation establishing the Thaddeus Kosciuszko Home as a National Historic Site.

In October 1972, after a long, well-organized national campaign, a federal law was passed for the nation to accept the house from Mr. Piszek as a gift. At that time, the government appropriated $992,000 to develop the site as a National Memorial. The goal was to be administered by the National Park Service of the U.S. Department of the Interior.

After three years of historical restoration work was completed, the adjoining house was purchased by Mr. Piszek and donated to the U.S. Government to provide space to accommodate tourists.

On February 4, 1976—the 230th anniversary of Thaddeus Kosciuszko’s birth—the Kosciuszko House was opened to the public and became an official site of the United States National Park System.

Mr. Speaker, since its opening 25 years ago, the Kosciuszko House has been open to thousands of people who have gained a valuable insight into the role this Polish freedom fighter played in America’s fight for freedom. It stands along with Independence Hall and the Liberty Bell as a stirring symbol of Philadelphia’s honored role as the birthplace of America.

Since 1967, the Polish American Congress has sponsored a tribute ceremony to honor Kosciuszko on the first Saturday of February so all people can pay tribute to this Revolutionary War hero.

This year, on the 250th anniversary of the Kosciuszko House and the 255th anniversary of Kosciuszko’s birth, I am proud to recognize the dedication of proud Polish Americans whose efforts led to the preservation of this important historic treasure as a National Historic Site.
I would like to make note of two additional changes to current law proposed by this bill. As already noted, in the past appropriations were made available from the Abandoned Mine Reclamation Fund to the Rural Aban-
doned Mine Program (RAMP), an Agriculture Department program. No such appropriations have been made for four fiscal years now. I find this disappointing. While the Inter-
ior Department and the States from the very beginning were against RAMP funding, con-
tending it was duplicative of their efforts, this in my view and in that of many others was not the case. One different purpose involving a closer working relationship with landowners and sought to address re-
clamation projects on a more holistic basis. An-
other problem that also dogged Ramp was the fact that while it is an Agriculture Department program, its appropriations were being made out of an Interior Department trust fund by the Interior Appropriations bill. Obviously, Interior officials had little interest in this arrangement and so beginning in 1995 we have not been able to obtain funding for RAMP. In my view, this situation will not change if the status quo is maintained in the legislation. I am introducing today would authorize RAMP for general fund appropriations rather than out of the Abandoned Mine Reclamation Fund so that funding can be pursued through the Agri-
culture Department’s Natural Resources Con-
servation Service’s budget.

Finally, this legislation also seeks to lift the restriction that interest accrued in the Aban-
doned Mine Reclamation Fund can only be transferred to what is known as the Combined Benefits Fund for unassigned beneficiaries. The exceptions to this rule involv-
ing interest would be available to keep faith with the promise made by the federal government many years ago to guarantee health care benefits for certain tired coal miners.

In introducing this legislation I do not purport to suggest it offers perfect solutions. It is a fact that the draft bill has been available for review by the affected States and tribes for 10 months now and I thank them for their com-
mments. It has also been reviewed by the Citi-
zens Coal Council, a coalfield-based environ-
mental group. And, it has been reviewed by the American Lung Association, segment of industry, certainly, though, we have a long legislative process ahead of us and I look forward to working with interested Members of Congress on this mat-
ter.

I submit the following detailed section-by-
section analysis of the “Abandoned Mine Lands Reclamation Reform Act of 2001” for inclusion in the RECORD.

SECTION-BY-SECTION ANALYSIS OF THE “ABAN-
dONED MINES LAND RECLAMATION REFORM ACT OF 2001”

Section 1 provides for a short title. Section 2, amendments to title IV—
Subsection (a)(1) strikes form the purposes of Abandoned Mine Reclamation Fund and the use of funds for abandoned mine land research projects conducted by the Bureau of Mines. The bureau no longer is in existence.

Subsection (a)(2) clarifies that all interest accrued to the Abandoned Mine Reclamation Fund is for the purpose of making transfers to the Combined Benefits Fund.

Subsection (b)(1) extends the authorization to assess reclamation fees from 2004 to 2011.

Subsection (b)(2) modifies the provision of current law requiring the redistribution of grant amounts not expended within three years after being awarded. Amounts redistribute should be expended on the histor-
ic coal production supplemental grant program rather than any funding category as under current law. (Note: this provision has never been enforced.)

Subsection (b)(3) strikes the reservation of reclamation fees and interest for the Rural Abandoned Mine Program. An amendment made by this subsection requires the Sec-
retary to insure strict compliance with the priorities set forth in section 403(a) in the ex-
pending of funds until certification of the comple-
tion of all eligible coal abandoned mine reclamation projects is made.

Subsection (b)(4) contains two technical and conforming amendments.

Subsection (b)(5) rewrites section 402(g)(4) relating to the eligibility of certain post Aug-
ust 4, 1977 sites for expenditure of funds under the Abandoned Mine Reclamation Fund. Current law allows such expenditures on certain sites abandoned after August 4, 1977, but prior to a State or Tribe receiving approval of this permanent program or where a surety company insolvency resulted in abandoned coal mine lands and waters. The amendment made by this pri-
mary strikes the latter situation as such sites are no longer prevalent.

Subsection (b)(6) increases the amount of reclamation fees dedicated to the historic-
cal production supplemental grant program from 40% to 60% of the Secretary’s 50% share of the Abandoned Mine Reclamation fund (total of the total). This subsection also in-
cludes a technical and conforming amend-
ment.

Subsection (b)(7) eliminates the set-aside of 10% of annual grants for purposes of ex-
penditure after September 30, 1995, as the provision is no longer relevant. Amendments in this subsection lift the provisions relating to the 10% set-aside for acid mine drainage abatement and treatment by elimi-
nating Secretarial approval of such expendi-
tures and provisions requiring consultation with the Soil Conservation Service and the Bureau of Mines.

Subsection (b)(8) provides that the expend-
itures for projects for priority 1 and 2 projects certified as priority 3 may only be made in conjunc-
tion with the expenditure of funds for pri-
ority 1 or 2 projects or in association with the remaining operational funds to the certifi-
cation of the completion of all eligible coal abandoned mine reclamation projects is made (other amendments eliminate priority 3 from section 405 and transfers it to the post-certification program).

Subsection (b)(9) extends the authorization level for minimum program States to post-
certification priority 3 sites.

Subsection (b)(10) lifts restrictions relating to the transfer of interest to the Combined Bids Fund.

Subsection (b)(11) is a technical and con-
forming amendment relating to the amend-
ment made by subsection (b)(9).

Subsection (c)(1) clarifies the term “general welfare” from priority 1 and 2 and strikes priorities 3 thru 5.

Subsection (c)(2) makes a technical and conforming amendment and includes a require-
ment that amendments to the AML In-
ventory are subject to the approval of the Sec-
retary.

Subsection (d) makes a technical and con-
forming amendment.

Subsection (e) authorizes the Rural Aban-
doned Mine Program. An amendment made by this subsection requires the Sec-
retary to assure strict compliance with the prior-
ities set forth in section 403(a) in the expend-
iture of funds.

Subsection (f) updates requirements relating to the title IV.

Subsection (g) updates section 409 pri-
marily by including references to Indian
tribes, clarifying that annual grants may be used for projects under the section excluding amounts received under the historic coal production supplemental grant program, and clarifying that States and Tribes rather than the Secretary make expenditures under the section subject to the approval of the Secretary. Provision is made allowing continued eligibility under section 409 after a State or tribe has certified the completion of all coal priority 1 and 2 projects but has not yet completed other remaining coal projects under section 411.

Subsection (h) rewrites the section 411 certification program in two significant ways. First, it allows the Secretary or a third party (in addition to a State or Tribe as under current law) to seek the certification of the completion of all coal priorities on eligible lands and waters. Second, provision is made to require certification after the completion of coal priority 1 and 2 projects. Once this occurs, a State or Tribe would commence other remaining coal projects eligible under section 404 (former priority 3 projects) prior to undertaking non-coal projects. Provisions relating to non-coal projects remain unchanged from current law.

Subsection (i) strikes a moribund provision in section 413.

Section 3, free-standing provisions—

Subsection (a) provides that reclamation fees credited to the Rural Abandoned Mine Program but not appropriated in the past be available for historic coal production supplemental grants. An amendment also provides for the transfer of interest not transferred in the past to the Combined Benefit Fund.

Subsection (b) requires the Secretary to review all additions to the AML Inventory made since December 31, 1996. Provision is made deeming projects listed in the inventory under the “general welfare” standard as being ineligible under section 408(a) and may only be carried out under section 411(c)(1). Provision is made for the Inspector General to evaluate the review and together with the Secretary report the results to committees of the House and Senate. Provision is also made requiring the Inspector General to conduct an annual review of any amendments to the inventory.

Subsection (c) is a savings clause noting that nothing in the legislation affects any State or Tribal certification made before the date of enactment of the bill.

FEDERAL EMPLOYEE DEPENDENT CARE ASSISTANCE PROGRAM.

H. R. 252

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing legislation, which will benefit Federal employees around the country. This bill will provide our Federal employees with a benefit that many of their counterparts in the private sector enjoy.

The time has finally arrived for the Federal Government to become more competitive with the private sector in offering qualified employees competitive benefits and pay while the Federal Government has seen its top workers flee for the higher paying jobs of the private sector.

By providing employees with the opportunity to participate in the Dependent Care Assistance Program (DCAP), we are giving parents more flexibility and choices when it comes to paying for child care. DCAP is similar to a medical savings account in that an employee can choose to set aside a portion of their income without it being taxed, for the sole purpose of paying for child care expenses. This type of program is used widely in the private sector and it is high time for Federal Employees to be able to use this program as well.

Moreover, this legislation sets an example for those businesses that do not offer similar benefits to their employees. For years, the Federal government has been a model for the private sector especially in the area of employee provided health care benefits and coverage of medical procedures and it is our hope that this legislation will inspire more businesses to offer similar benefits to their employees.

Accordingly, I am pleased to be sponsoring this legislation and I am confident that by offering our Federal employees this benefit, we will help to create a more family friendly Federal Government.

Mr. Speaker, I submit a full copy of this Text of H.R. 252 to be inserting at this point in the RECORD:

H. R. 252

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

SECTION 1. DEPENDENT CARE ASSISTANCE PROGRAM FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 87 the following:

"CHAPTER 88—DEPENDENT CARE ASSISTANCE PROGRAM

§ 8801. Definitions

(a) For the purpose of this chapter, ‘employee’ means—

(1) an employee as defined by section 2105 of this title;

(2) a Member of Congress as defined by section 2106 of this title;

(3) a Congressional employee as defined by section 2107 of this title;

(4) the President;

(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of the office at the time of his resignation;

(6) an individual first employed by the government of the District of Columbia before October 1, 1987;

(7) an individual employed by Gallaudet College;

(8) an individual appointed by a county committee established under section 590(h)(b) of title 16;

(9) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838); and

(10) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 4 of the Presidential Transition Act of 1963, as amended (78 Stat. 151), who immediately before the date of such appointment was an employee as defined under any other paragraph of this subsection; but does not include—

(A) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or

(C) an employee excluded by regulation of the Office of Personnel Management under section 7716(b) of this title.

(b) For the purpose of this chapter, ‘dependent care assistance program’ has the meaning given such term by section 129(d) of the Internal Revenue Code of 1986.

§ 8802. Dependent care assistance program

The Office of Personnel Management shall establish and maintain a dependent care assistance program for the benefit of employees.".
HIGHLIGHTS

Senate confirmed the nominations of Gale Ann Norton, to be Secretary of the Interior, and Christine Todd Whitman, to be Administrator of the Environmental Protection Agency.

See Final Résumé of the 106th Congress and History of Bills of the Second Session of the 106th Congress.

Senate

Chamber Action

Routine Proceedings, pages S655–S834

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 203–221, S. Res. 15, and S. Con. Res. 5–6. Pages S706–07

Measures Passed:

Congratulating Baltimore Ravens: Senate agreed to S. Res. 15, congratulating the Baltimore Ravens for winning Super Bowl XXXV. Pages S833–34

Washington's Farewell Address Agreement: Notwithstanding the Resolution of the Senate of January 24, 1901, a unanimous-consent agreement was reached providing that the Senate convene at 12:00 noon on Monday, February 26, 2001; that immediately following the prayer, the disposition of the Journal and the Pledge of Allegiance to the Flag, the traditional reading of the Washington’s Farewell Address take place; and that the Chair be authorized to appoint a Senator to perform this task. Page S833

Nomination Agreement: A unanimous-consent agreement was reached providing for the consideration of the nomination of John Ashcroft, of Missouri, to be Attorney General of the United States, on Wednesday, January 31, 2001. Page S834

Appointments:

Washington’s Farewell Address: The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of January 30, 2001, appointed Senator Allen to read Washington’s Farewell Address on February 26, 2001. Page S833

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed Senator Murray as Co-Chair of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 107th Congress. Page S833

Mexico-U.S. Parliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Dodd as Co-Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress. Page S833

North Atlantic Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Biden as Co-Chairman of the Senate Delegation to the North Atlantic Assembly during the 107th Congress. Page S833

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, the report of the program entitled “Rally the Armies of Compassion”; to the Committee on Finance. (PM–2) Page S705

Nominations Confirmed: Senate confirmed the following nominations:

By 75 yeas 24 nays (Vote No. EX. 6), Gale Ann Norton, of Colorado, to be Secretary of the Interior. Pages S660–66, S834

By unanimous vote of 99 yeas (Vote No. EX. 7), Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency. (Prior to this action, Senate discharged the Committee on Environment and Public Works.) Pages S655–60, S686, S834

Messages From the President: Page S705

Messages From the House: Page S705
Communications: Pages S705–06
Executive Reports of Committees: Page S706
Statements on Introduced Bills: Pages S707–85
Additional Cosponsors: Pages S785–86
Amendments Submitted: Pages S787–88
Authority for Committees: Page S788
Additional Statements: Pages S704–05
Privileges of the Floor: Page S788
Record Votes: Two record votes were taken today. (Total—7) Page S686
Adjournment: Senate met at 10:03 a.m., and adjourned at 7:14 p.m., until 10 a.m., on Wednesday, January 31, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on Page S834.)

Committee Meetings

(Committees not listed did not meet)

COMMISSION ON 21ST CENTURY PRODUCTION AGRICULTURE REPORT
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the Report from the Commission on 21st Century Production Agriculture, outlining the recommendations of the Commission with regard to the role of the Federal Government in support of production agriculture in the future, recent key developments in farm policy, and the current state of the farm economy, after receiving testimony from Keith Collins, Chief Economist, Department of Agriculture; and Barry L. Flinchbaugh, Kansas State University, Manhattan, on behalf of the Commission on 21st Century Production Agriculture, who was accompanied by several of his associates.

U.S. ECONOMY SECTOR ANALYSIS
Committee on the Budget: Committee concluded hearings to examine how ongoing developments in the financial, agricultural, and energy sectors will impact the domestic economic outlook, after receiving testimony from James E. Glassman, JP Morgan Chase and Company, New York, New York; Robert E. Young II, Food and Agricultural Policy Research Institute, Columbia, Missouri; Matthew R. Simmons, Simmons and Company International, Houston, Texas; and Peter S. Fox-Penner, The Brattle Group, Inc., Washington, D.C.

NOMINATION
Committee on Finance: Committee concluded hearings on the nomination of Robert B. Zoellick, of Virginia, to be United States Trade Representative, after the nominee, who was introduced by Senators Warner and Allen and Congressman James Moran, testified and answered questions in his own behalf.

NOMINATION
Committee on the Judiciary: Committee ordered favorably reported the nomination of John Ashcroft, of Missouri, to be Attorney General of the United States.

House of Representatives

Chamber Action
Bills Introduced: 69 public bills, H.R. 244–312; 3 private bills, H.R. 313–315; and 8 resolutions, H.J. Res. 5–6; H. Con. Res. 13–17, and H. Res. 23, were introduced. Pages H108–11
Reports Filed: Reports were filed as follows:
  Report on the Activities of the Committee on the Budget during the 106th Congress (H. Rept. 106–1055) and
Permanent Select Committee on Intelligence: The Speaker announced the appointment of Representatives Bereuter, Castle, Boehlert, Bass, gibbons, LaHood, Cunningham, Hoekstra, Burr, and Hutchinson to the Permanent Select Committee on Intelligence. Page H77
North Atlantic Assembly: The Speaker announced the appointment of Representative Bereuter, Chairman, and Representatives Regula, Roukema, Hefley, Gillmor, Goss, Ehlers, and McInnis to the United States Group of the North Atlantic Assembly. Page H77
Committee Resignation: Read a letter from Representative Hutchinson wherein he submitted his resignation from the Committee on Government Reform. Pages H77–78
Recess: The House recessed at 2:17 p.m. and reconvened at 5:30 p.m. Page H79
Suspension—Federal Firefighters Retirement Age Fairness Act: The House agreed to suspend the rules and pass H.R. 93, amended, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers by a yea and nay vote of 401 yeas with none voting “nay”, Roll No. 5.

Member Sworn: Representative Lipinski presented himself in the well and was administered the oath of office by the Speaker.

Presidential Message—Armies of Compassion: Read a message from the President wherein he transmitted the blueprint for his program to “Rally the Armies of Compassion” and support the heroic works of faith-based and community groups across America—referred to the Committees on Ways and Means, Judiciary, Education and the Workforce, Government Reform, and Financial Services and ordered printed (H. Doc. 106–36).

Motion to Suspend the Rules on Wednesday, Jan. 31: Agreed that the Speaker be authorized on Wednesday, January 31 to entertain a motion to suspend the rules and agree to H. Con. Res. 14, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

Committee Meetings
No Committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 31, 2001
(Committee meetings are open unless otherwise indicated)

Senate
Committee on the Budget: to hold hearings on the issues of the budget and the economic outlook of the United States, 10:30 a.m., SD–608.
Committee on Energy and Natural Resources: to hold oversight hearings to examine the impact of California’s electricity crisis on the West, 9:30 a.m., SH–216.
Committee on Indian Affairs: to hold an organizational business meeting to elect the Chairman and Vice Chairman; and to consider committee budget resolution and rules of procedure for the 107th Congress, 9:15 a.m., SR–485.

House
Committee on Energy and Commerce, to hold an organizational meeting, 1 p.m., 2123 Rayburn.
Committee on the Judiciary, to hold an organizational meeting, 4 p.m., 2141 Rayburn.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th>January 6 through November 22, 1999</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>162</td>
<td>137</td>
<td>162</td>
</tr>
<tr>
<td>Time in session</td>
<td>1,183 hrs., 57'</td>
<td>1,125 hrs.</td>
<td>1,183 hrs.</td>
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<tr>
<td>Congressional Record:</td>
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<tr>
<td>Pages of proceedings</td>
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<td>2,557</td>
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<td>122</td>
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<td>2</td>
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<td>3</td>
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<tr>
<td>Bills in conference</td>
<td>30</td>
<td>10</td>
<td>40</td>
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<tr>
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<td>657</td>
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<tr>
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<td>132</td>
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<td>18</td>
<td>21</td>
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<td>70</td>
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<td>Simple resolutions</td>
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<td>Special reports</td>
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<td>12</td>
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<td>Vetoes overridden</td>
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</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 227 reports have been filed in the Senate, a total of 488 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

<table>
<thead>
<tr>
<th>January 6 through November 22, 1999</th>
<th>Civilian nominations, totaling 437, disposed of as follows:</th>
<th>Other Civilian nominations, totaling 2,822, disposed of as follows:</th>
<th>Air Force nominations, totaling 6,234, disposed of as follows:</th>
<th>Army nominations, totaling 5,429, disposed of as follows:</th>
<th>Navy nominations, totaling 6,590, disposed of as follows:</th>
<th>Marine Corps nominations, totaling 2,128, disposed of as follows:</th>
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<tbody>
<tr>
<td></td>
<td>Confirmed .................................................</td>
<td>274</td>
<td>Unconfirmed .............................................................</td>
<td>142</td>
<td>Withdrawn ...............................................................</td>
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<td></td>
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<td>6,219</td>
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<td>Unconfirmed ..................................................</td>
<td>15</td>
<td>Confirmed .................................................................</td>
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<td></td>
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<td>Total confirmed ..........................................................</td>
<td>22,468</td>
<td>Total unconfirmed .....................................................</td>
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<td>Total Returned to White House ................................</td>
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Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY
January 24 through December 15, 2000

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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<td>Bills in conference</td>
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<tr>
<td>Measures passed, total</td>
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<td>1,573</td>
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</tr>
<tr>
<td>House joint resolutions</td>
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<td>Senate concurrent resolutions</td>
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<td>Measures reported, total</td>
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<td>House joint resolutions</td>
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<td>4</td>
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</tr>
<tr>
<td>Senate concurrent resolutions</td>
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</tr>
<tr>
<td>House concurrent resolutions</td>
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</tr>
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<td>Simple resolutions</td>
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<td>208</td>
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<tr>
<td>Simple resolutions</td>
<td>152</td>
<td>280</td>
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</tr>
<tr>
<td>Quorum calls</td>
<td>6</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Yea-and-nay votes</td>
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<td>359</td>
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</tr>
<tr>
<td>Recorded votes</td>
<td>..</td>
<td>241</td>
<td></td>
</tr>
<tr>
<td>Bills vetoed</td>
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<td>6</td>
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</tr>
<tr>
<td>Vetoes overridden</td>
<td>0</td>
<td>1</td>
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</table>

DISPOSITION OF EXECUTIVE NOMINATIONS
January 24 through December 31, 2000

Civilian nominations, totaling 479 (including 142 nominations carried over from the First Session), disposed of as follows:
- Confirmed .................................................. 250
- Unconfirmed ............................................ 18
- Withdrawn ............................................... 13
- Returned to White House ........................... 198

Other Civilian nominations totaling 2,022 (including 778 nominations carried over from the First Session), disposed of as follows:
- Confirmed .................................................. 2,021
- Unconfirmed ............................................ 1

Air Force nominations, totaling 5,784 (including 15 nominations carried over from the First Session), disposed of as follows:
- Confirmed .................................................. 5,781
- Returned to White House ........................... 3

Army nominations, totaling 6,605 (including 204 nominations carried over from the First Session), disposed of as follows:
- Confirmed .................................................. 6,045
- Unconfirmed ............................................ 2
- Returned to White House ........................... 358

Navy nominations, totaling 5,595 (including 10 nominations carried over from the First Session), disposed of as follows:
- Confirmed .................................................. 5,588
- Returned to White House ........................... 7

Marine Corps nominations, totaling 2,827 (including 1 nomination carried over from the First Session), disposed as follows:
- Confirmed .................................................. 2,827

Summary

Total nominations carried over from First Session ............................ 1,150
Total nominations received this session ........................................ 22,162
Total confirmed ...................................................... 22,512
Total unconfirmed .................................................... 21
Total withdrawn ..................................................... 13
Total Returned to White House .................................................. 766
HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(106th Cong., 2nd Sess.)
S. 1287, to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes. Vetoed Apr. 25, 2000.


H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. Vetoed Nov. 4, 2000.

<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>To amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.</td>
<td>H.R. 3293</td>
<td>Nov. 10 1999</td>
<td>Res</td>
<td>House 2000</td>
<td>Senate 25 2000</td>
<td>May 25 2000</td>
<td>106–214</td>
</tr>
<tr>
<td>To provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.</td>
<td>H.R. 2484</td>
<td>July 12 1999</td>
<td>Res</td>
<td>House 2000</td>
<td>Senate 8 2000</td>
<td>June 20 2000</td>
<td>106–217</td>
</tr>
<tr>
<td>To designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the &quot;Harry S. Truman Federal Building&quot;.</td>
<td>H.R. 3639</td>
<td>Feb. 10 2000</td>
<td>TI</td>
<td>House 2000</td>
<td>Senate 8 2000</td>
<td>June 20 2000</td>
<td>106–218</td>
</tr>
<tr>
<td>To convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.</td>
<td>S. 291</td>
<td>Jan. 21 1999</td>
<td>ENR</td>
<td>House 1999</td>
<td>Senate 25 1999</td>
<td>June 20 1999</td>
<td>106–220</td>
</tr>
<tr>
<td>To authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.</td>
<td>S. 356</td>
<td>Feb. 3 1999</td>
<td>ENR</td>
<td>House 1999</td>
<td>Senate 25 1999</td>
<td>June 20 1999</td>
<td>106–221</td>
</tr>
<tr>
<td>To require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.</td>
<td>S. 777</td>
<td>April 13 1999</td>
<td>Agr</td>
<td>House 2000</td>
<td>Senate 4 1999</td>
<td>June 20 1999</td>
<td>106–222</td>
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<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
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</tr>
<tr>
<td>To authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.</td>
<td>S. 2722</td>
<td>June 13 2000</td>
<td></td>
<td></td>
<td></td>
<td>June 16 2000</td>
<td>June 20 223</td>
</tr>
<tr>
<td>To amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.</td>
<td>H.R. 2559</td>
<td>July 20 1999 Agr</td>
<td>Agr</td>
<td>Aug. 1999 5 Mar. 2000</td>
<td>300 1999</td>
<td>Sept. 29 2000 Mar. 23 2000</td>
<td>June 20 224</td>
</tr>
<tr>
<td>To authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.</td>
<td>H.R. 3642</td>
<td>Feb. 10 2000 BS</td>
<td>BHUA</td>
<td></td>
<td></td>
<td>June 13 2000 May 2 2000</td>
<td>June 20 225</td>
</tr>
<tr>
<td>To provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.</td>
<td>H.R. 4387</td>
<td>May 4 2000 GRO</td>
<td></td>
<td>June 12 2000</td>
<td>664 2000</td>
<td>June 12 2000 June 14 2000</td>
<td>June 27 226</td>
</tr>
<tr>
<td>To make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.</td>
<td>S. 1967</td>
<td>Nov. 18 1999 Res</td>
<td>IA</td>
<td>June 13 2000</td>
<td>307 2000</td>
<td>June 19 2000 June 14 2000</td>
<td>June 29 228</td>
</tr>
<tr>
<td>To regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.</td>
<td>S. 761</td>
<td>Mar. 25 1999 CST</td>
<td></td>
<td>July 30 1999</td>
<td>131 Feb. 2000</td>
<td>June 16 2000 Nov. 19 2000</td>
<td>June 30 229</td>
</tr>
<tr>
<td>To amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.</td>
<td>H.R. 4762</td>
<td>June 27 2000 WM</td>
<td></td>
<td></td>
<td></td>
<td>June 28 2000 June 29 2000</td>
<td>July 1 230</td>
</tr>
<tr>
<td>To redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building”.</td>
<td>H.R. 642</td>
<td>Feb. 9 1999 GRO</td>
<td>GA</td>
<td>June 21 2000</td>
<td>Nov. 18 1999</td>
<td>June 23 2000 July 6 231</td>
<td></td>
</tr>
<tr>
<td>To designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “Thomas J. Brown Post Office Building”.</td>
<td>H.R. 2307</td>
<td>June 22 1999 GRO</td>
<td>GA</td>
<td>June 21 2000</td>
<td>Nov. 8 1999</td>
<td>June 23 2000 July 6 234</td>
<td></td>
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<td>Title</td>
<td>Bill No.</td>
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<td>Date Reported</td>
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<tr>
<td>To designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the “Jay Hanna ‘Dizzy’ Dean Post Office”.</td>
<td>H.R. 2460</td>
<td>July 1, 1999</td>
<td>GRO</td>
<td>June 21, 2000</td>
<td></td>
<td>Oct. 12, 1999</td>
<td>July 6, 236</td>
</tr>
<tr>
<td>To redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station”.</td>
<td>H.R. 2952</td>
<td>Sept. 27, 1999</td>
<td>GRO</td>
<td>June 21, 2000</td>
<td></td>
<td>Mar. 8, 2000</td>
<td>July 6, 238</td>
</tr>
<tr>
<td>To designate the United States Post Office located at 575 East Bay Street in Charleston, South Carolina, as the “Marybelle H. Howe Post Office”.</td>
<td>H.R. 3018</td>
<td>Oct. 5, 1999</td>
<td>GRO</td>
<td>June 21, 2000</td>
<td></td>
<td>Mar. 8, 2000</td>
<td>July 6, 239</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the “Les Aspin Postal Office Building”.</td>
<td>H.R. 4241</td>
<td>April 11, 2000</td>
<td>GRO</td>
<td>June 21, 2000</td>
<td></td>
<td>June 6, 2000</td>
<td>July 6, 242</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.</td>
<td>H.R. 3051</td>
<td>Oct. 7, 1999</td>
<td>Res</td>
<td>June 22, 2000</td>
<td></td>
<td>Nov. 17, 2000</td>
<td>July 10, 243</td>
</tr>
<tr>
<td>To make appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.</td>
<td>S. 1309</td>
<td>June 30, 1999</td>
<td>LHR</td>
<td>June 26, 2000</td>
<td></td>
<td>Nov. 19, 2000</td>
<td>July 10, 244</td>
</tr>
<tr>
<td>To provide for the preemption of State law in certain cases relating to certain church plans.</td>
<td>S. 1515</td>
<td>Aug. 5, 1999</td>
<td>Jud</td>
<td>June 26, 2000</td>
<td>697</td>
<td>Nov. 19, 2000</td>
<td>July 10, 245</td>
</tr>
<tr>
<td>To amend the Radiation Exposure Compensation Act, and for other purposes.</td>
<td>S. 4425</td>
<td>May 11, 2000</td>
<td>App</td>
<td>May 11, 2000</td>
<td>614</td>
<td>May 18, 2000</td>
<td>July 13, 246</td>
</tr>
<tr>
<td>To authorize the acquisition of the Calleyma Calera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.</td>
<td>S. 986</td>
<td>May 6, 1999</td>
<td>Res</td>
<td>July 10, 2000</td>
<td>671</td>
<td>Nov. 19, 2000</td>
<td>July 26, 249</td>
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<td>Date introduced</td>
<td>Committee</td>
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<tr>
<td>To authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.</td>
<td>H.R. 3544</td>
<td>Jan. 27 2000</td>
<td>BFS</td>
<td></td>
<td></td>
<td>May 23 2000</td>
<td>July 13 2000</td>
</tr>
<tr>
<td>To provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.</td>
<td>H.R. 3591</td>
<td>Feb. 8 2000</td>
<td>BFS</td>
<td></td>
<td></td>
<td>April 3 2000</td>
<td>July 13 2000</td>
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<td>Bill No.</td>
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<tr>
<td>To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.</td>
<td>H.R. 4040 (S. 2420)</td>
<td>Mar. 21, 2000</td>
<td>GRO, AS-H</td>
<td>Mar. 21, 2000</td>
<td>610</td>
<td>May 25, 2000</td>
<td>106–265</td>
</tr>
<tr>
<td>To designate the Federal facility located at 1501 Emmet Street in Charlottesville, Virginia, as the “Pamela B. Gwin Hall”.</td>
<td>H.R. 1729</td>
<td>May 6, 1999</td>
<td>TI, EPW</td>
<td>April 13, 2000</td>
<td>587</td>
<td>May 3, 2000</td>
<td>106–266</td>
</tr>
<tr>
<td>To designate the United States border station located in Pharr, Texas, as the “Kika de la Garza United States Border Station”.</td>
<td>H.R. 1901</td>
<td>May 20, 1999</td>
<td>TI, EPW</td>
<td>April 13, 2000</td>
<td>586</td>
<td>May 3, 2000</td>
<td>106–267</td>
</tr>
<tr>
<td>To designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the “Adrian A. Spearm Judicial Training Center”.</td>
<td>H.R. 4608</td>
<td>June 8, 2000</td>
<td>TI, EPW</td>
<td>June 22, 2000</td>
<td>689</td>
<td>June 27, 2000</td>
<td>106–268</td>
</tr>
<tr>
<td>To designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the “James H. Quillen United States Courthouse”.</td>
<td>S. 1027</td>
<td>May 12, 1999</td>
<td>Res, ENR</td>
<td>Sept. 6, 2000</td>
<td>805</td>
<td>Sept. 22, 2000</td>
<td>106–270</td>
</tr>
<tr>
<td>To establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.</td>
<td>S. 1374</td>
<td>July 15, 1999</td>
<td>Res, ENR</td>
<td>July 17, 1999</td>
<td>748</td>
<td>Sept. 22, 2000</td>
<td>106–272</td>
</tr>
<tr>
<td>To amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.</td>
<td>S. 1937</td>
<td>Nov. 17, 1999</td>
<td>Res, Enr</td>
<td>Sept. 6, 2000</td>
<td>820</td>
<td>Sept. 22, 2000</td>
<td>106–273</td>
</tr>
<tr>
<td>To provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.</td>
<td>S. 2869</td>
<td>July 13, 2000</td>
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</tr>
<tr>
<td>To authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.</td>
<td>S. 2460</td>
<td>April 25, 2000</td>
<td>IR, FR</td>
<td>June 12, 2000</td>
<td></td>
<td>Sept. 19, 2000</td>
<td>106–276</td>
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<tr>
<td>Title</td>
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<tr>
<td>To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.</td>
<td>H.R. 4919 (S. 2901)</td>
<td>July 24 2000</td>
<td>IR</td>
<td>FR</td>
<td>July 20 2000</td>
<td>351</td>
<td>July 24 2000</td>
</tr>
<tr>
<td>To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.</td>
<td>H.R. 5193</td>
<td>Sept. 18 2000</td>
<td>BES</td>
<td>BHUA</td>
<td>Sept. 19 2000</td>
<td></td>
<td>Sept. 28 2000</td>
</tr>
<tr>
<td>To amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.</td>
<td>S. 430</td>
<td>Feb. 22 1999</td>
<td>Res</td>
<td>ENR</td>
<td>Mar. 22 1999</td>
<td>489</td>
<td>May 22 2000</td>
</tr>
<tr>
<td>To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.</td>
<td>H.R. 999</td>
<td>Mar. 4 1999</td>
<td>TI</td>
<td>EPW</td>
<td>Apr. 19 1999</td>
<td>98</td>
<td>Apr. 22 1999</td>
</tr>
<tr>
<td>To amend the Act entitled &quot;An Act relating to the water rights of the Ak-Chin Indian Community&quot; to clarify certain provisions concerning the leasing of such water rights, and for other purposes.</td>
<td>H.R. 2647</td>
<td>July 29 1999</td>
<td>Res</td>
<td>IA</td>
<td>May 2 2000</td>
<td>598</td>
<td>May 9 2000</td>
</tr>
<tr>
<td>To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.</td>
<td>H.R. 4700</td>
<td>June 20 2000</td>
<td>Jud</td>
<td></td>
<td>July 20 2000</td>
<td>769</td>
<td>July 24 2000</td>
</tr>
<tr>
<td>To designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the &quot;Lance Corporal Harold Gomez Post Office&quot;.</td>
<td>S. 1295</td>
<td>June 28 1999</td>
<td>GRO</td>
<td>GA</td>
<td>Nov. 4 1999</td>
<td></td>
<td>Nov. 19 1999</td>
</tr>
<tr>
<td>To provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.</td>
<td>H.R. 4931</td>
<td>July 24 2000</td>
<td></td>
<td>GRO</td>
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<tr>
<td>To give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes.</td>
<td>H.R. 2773</td>
<td>Aug. 5 1999</td>
<td>Res</td>
<td>July 17 2000</td>
<td>739 2000</td>
<td>July 24 2000</td>
<td>Oct. 3 2000</td>
</tr>
<tr>
<td>To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.</td>
<td>H.R. 1143</td>
<td>March 17 1999</td>
<td>IR FR</td>
<td>April 12 1999</td>
<td>82 1999</td>
<td>April 13 1999</td>
<td>Oct. 3 2000</td>
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<tr>
<td>To increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes.</td>
<td>H.R. 5362</td>
<td>Oct. 3, 2000</td>
<td>Jud</td>
<td></td>
<td>Oct. 6, 2000</td>
<td>Oct. 10, 2000</td>
<td>Oct. 17, 2000</td>
</tr>
<tr>
<td>To amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.</td>
<td>S. 1198</td>
<td>June 9, 1999</td>
<td>GRO</td>
<td>GA</td>
<td>Oct. 3, 2000</td>
<td>May 9, 2000</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the &quot;Vicki Coceano Post Office Building&quot;.</td>
<td>H.R. 3985</td>
<td>Mar. 15 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>July 11 2000</td>
<td>Oct. 6 2000</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the &quot;Matthew Mack Robinson Post Office Building&quot;.</td>
<td>H.R. 4157</td>
<td>Apr. 3 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>July 12 2000</td>
<td>Oct. 6 2000</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 601 Vassar Street in Reno, Nevada, as the &quot;Barbara F. Vucanovich Post Office Building&quot;.</td>
<td>H.R. 4169</td>
<td>Apr. 4 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>July 12 2000</td>
<td>Oct. 6 2000</td>
</tr>
<tr>
<td>To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.</td>
<td>H.R. 4226</td>
<td>Apr. 10 2000</td>
<td>Res</td>
<td>Sept. 6 2000</td>
<td>816</td>
<td>Sept. 18 2000</td>
<td>Oct. 5 2000</td>
</tr>
<tr>
<td>To authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trade Center, and for other purposes.</td>
<td>H.R. 4285</td>
<td>Apr. 13 2000</td>
<td>Agr ENR</td>
<td>Sept. 29 2000</td>
<td>447</td>
<td>July 27 2000</td>
<td>Oct. 5 2000</td>
</tr>
<tr>
<td>To clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System.</td>
<td>H.R. 4435</td>
<td>May 11 2000</td>
<td>Res EPW</td>
<td>June 6 2000</td>
<td>648</td>
<td>June 7 2000</td>
<td>Oct. 5 2000</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the &quot;Samuel H. Lacy, Sr. Post Office Building&quot;.</td>
<td>H.R. 4447</td>
<td>May 15 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>July 12 2000</td>
<td>Oct. 6 2000</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the &quot;Judge Robert Bernard Watts, Sr. Post Office Building&quot;.</td>
<td>H.R. 4448</td>
<td>May 15 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>Sept. 6 2000</td>
<td>Oct. 6 2000</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the &quot;Dr. Flossie McClain Dedmond Post Office Building&quot;.</td>
<td>H.R. 4449</td>
<td>May 15 2000</td>
<td>GRO GA</td>
<td>Sept. 29 2000</td>
<td>.............</td>
<td>Sept. 6 2000</td>
<td>Oct. 6 2000</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the &quot;Alan B. Shepard, Jr. Post Office Building&quot;.</td>
<td>H.R. 4517</td>
<td>May 23 2000</td>
<td>GRO</td>
<td>Sept. 29 2000</td>
<td>Senate 106-</td>
<td>Oct. 6 2000</td>
<td>337</td>
</tr>
<tr>
<td>To redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the &quot;Reverend J.C. Wade Post Office&quot;.</td>
<td>H.R. 4658</td>
<td>June 14 2000</td>
<td>GRO</td>
<td>Sept. 29 2000</td>
<td>House 106-</td>
<td>Oct. 6 2000</td>
<td>340</td>
</tr>
<tr>
<td>To extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.</td>
<td>S. 1236</td>
<td>June 17 1999</td>
<td>Com</td>
<td>May 19 2000</td>
<td>House 106-</td>
<td>Oct. 4 2000</td>
<td>342</td>
</tr>
<tr>
<td>To revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.</td>
<td>S. 2311</td>
<td>Mar. 29 2000</td>
<td>Com</td>
<td>May 15 2000</td>
<td>House 106-</td>
<td>Oct. 5 2000</td>
<td>344</td>
</tr>
<tr>
<td>Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.</td>
<td>H.R. 4475</td>
<td>May 17 2000</td>
<td>App</td>
<td>May 17 2000</td>
<td>House 106-</td>
<td>June 15 2000</td>
<td>345</td>
</tr>
<tr>
<td>To designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the &quot;Frank R. Lautenberg Post Office and Courthouse&quot;.</td>
<td>H.R. 4975</td>
<td>July 26 2000</td>
<td>GRO</td>
<td>Sept. 19 2000</td>
<td>Senate 106-</td>
<td>Oct. 6 2000</td>
<td>346</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<td>Report No.</td>
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<tr>
<td>To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.</td>
<td>H.R. 1509</td>
<td>April 21, 1999</td>
<td>Res ENR</td>
<td>April 13, 2000</td>
<td>583</td>
<td>Oct. 5, 2000</td>
<td>348</td>
</tr>
<tr>
<td>To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbus as a National Historic Site, and for other purposes.</td>
<td>H.R. 3201</td>
<td>Nov. 2, 1999</td>
<td>Res ENR</td>
<td>June 27, 2000</td>
<td>322</td>
<td>Oct. 5, 2000</td>
<td>349</td>
</tr>
<tr>
<td>To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.</td>
<td>H.R. 4386 (S. 662)</td>
<td>May 4, 2000</td>
<td>Com Fin</td>
<td>June 27, 2000</td>
<td>323</td>
<td>Oct. 4, 2000</td>
<td>354</td>
</tr>
<tr>
<td>To designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.</td>
<td>S. 1849</td>
<td>Nov. 3, 1999</td>
<td>Res ENR</td>
<td>April 12, 2000</td>
<td>266</td>
<td>Oct. 13, 2000</td>
<td>357</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.</td>
<td>H.R. 34</td>
<td>Jan. 6, 1999</td>
<td>Res EPW</td>
<td>Oct. 3, 2000</td>
<td>471</td>
<td>Oct. 5, 2000</td>
<td>360</td>
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<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<tr>
<td>To amend title 5, United States Code, to allow for the contribution of certain rollover distributions to...</td>
<td>H.R. 208</td>
<td>Jan. 6 1999</td>
<td>GRO GA</td>
<td>April 13 1999</td>
<td>July 13 2000</td>
<td>87 343</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.</td>
<td>H.R. 1695</td>
<td>May 5 1999</td>
<td>Res ENR</td>
<td>Nov. 16 1999</td>
<td>Aug. 23 2000</td>
<td>471 394</td>
<td>Oct. 5 2000</td>
</tr>
<tr>
<td>To extend the expiration date of the Defense Production Act of 1950, and for other purposes.</td>
<td>H.R. 1715</td>
<td>May 6 1999</td>
<td>BFS</td>
<td>Sept. 6 2000</td>
<td></td>
<td>807</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.</td>
<td>H.R. 2296</td>
<td>June 22 1999</td>
<td>Res ENR</td>
<td>Sept. 6 2000</td>
<td></td>
<td>807</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the &quot;I Have A Dream&quot; speech.</td>
<td>H.R. 2879</td>
<td>Sept. 15 1999</td>
<td>Res ENR</td>
<td>Nov. 4 1999</td>
<td>July 10 2000</td>
<td>448 334</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.</td>
<td>H.R. 2984</td>
<td>Sept. 30 1999</td>
<td>Res ENR</td>
<td>Sept. 7 2000</td>
<td></td>
<td>829</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.</td>
<td>H.R. 3235</td>
<td>Nov. 5 1999</td>
<td>Jud</td>
<td>Sept. 18 2000</td>
<td></td>
<td>859</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes.</td>
<td>H.R. 3236</td>
<td>Nov. 5 1999</td>
<td>Res ENR</td>
<td>July 17 2000</td>
<td>Sept. 28 2000</td>
<td>742 434</td>
<td>Oct. 27 2000</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.</td>
<td>H.R. 3468</td>
<td>Nov. 18 1999</td>
<td>Res</td>
<td>July 17 2000</td>
<td></td>
<td>737</td>
<td>Oct. 27 2000</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<td>To require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.</td>
<td>H.R. 4259</td>
<td>April 12 2000</td>
<td>BFS</td>
<td></td>
<td></td>
<td>Oct. 11 2000</td>
<td>375</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.</td>
<td>H.R. 4389</td>
<td>May 4 2000</td>
<td>Res</td>
<td>Sept. 6 2000</td>
<td>812</td>
<td>Oct. 13 2000</td>
<td>376</td>
</tr>
<tr>
<td>Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.</td>
<td>H.R. 4635</td>
<td>June 12 2000</td>
<td>App App</td>
<td>June 12 2000</td>
<td>674 410</td>
<td>Oct. 12 2000</td>
<td>377</td>
</tr>
<tr>
<td>To provide for the adjustment of status of certain Syrian nationals.</td>
<td>H.R. 4681</td>
<td>June 15 2000</td>
<td>Jud</td>
<td></td>
<td></td>
<td>Oct. 13 2000</td>
<td>378</td>
</tr>
<tr>
<td>To direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.</td>
<td>H.R. 5212</td>
<td>Sept. 19 2000</td>
<td>HA</td>
<td></td>
<td></td>
<td>Oct. 17 2000</td>
<td>380</td>
</tr>
<tr>
<td>To authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.</td>
<td>S. 2498</td>
<td>May 2 2000</td>
<td>HA RAdm</td>
<td>Oct. 17 2000</td>
<td>468</td>
<td>Oct. 14 2000</td>
<td>383</td>
</tr>
<tr>
<td>To amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.</td>
<td>S. 2686</td>
<td>June 7 2000</td>
<td>GRO GA</td>
<td>Oct. 3 2000</td>
<td>468</td>
<td>Oct. 6 2000</td>
<td>384</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
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<td>To combat trafficking of persons, especially trafficking into the sex</td>
<td>H.R. 3244</td>
<td>Nov. 8 1999</td>
<td>IR</td>
<td>Nov. 22 1999</td>
<td>487</td>
<td>July 27 2000</td>
<td>Oct. 28</td>
</tr>
<tr>
<td>trade, slavery, and slavery-like conditions in the United States and</td>
<td></td>
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<td>Jud</td>
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<td>386</td>
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<td>countries around the world through prevention, through prosecution</td>
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<td>BIS</td>
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<td>and enforcement against traffickers, and through protection</td>
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<td>and assistance to victims of trafficking.</td>
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<td>and Drug Administration and Related Agencies programs for the fiscal</td>
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<td>year ending September 30, 2001, and for other purposes.</td>
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<td>2001, and for other purposes.</td>
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<td>2001, and for other purposes.</td>
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<td>Assistance Act to authorize a program for predisaster mitigation,</td>
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<td>EPW</td>
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<td>to streamline the administration of disaster relief, to control</td>
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<td>the Federal costs of disaster assistance, and for other purposes.</td>
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<td>To authorize appropriations for the National Aeronautics and Space</td>
<td>H.R. 1654</td>
<td>May 3 1999</td>
<td>Sci</td>
<td>May 18 1999</td>
<td>145</td>
<td>Nov. 5 2000</td>
<td>Oct. 30</td>
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<td>Administration for fiscal years 2000, 2001, and 2002, and for other</td>
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<td>purposes.</td>
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<td>the endangered fish recovery implementation programs for the Upper</td>
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<td>Colorado and San Juan River Basins.</td>
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<td>made to States and counties containing National Forest System</td>
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<td>Res</td>
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<td>lands and public domain lands managed by the Bureau of Land</td>
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<td>ENR</td>
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<td>Management for use by the counties for the benefit of public</td>
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<td>schools, roads, and other purposes.</td>
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<td>Federal Employees Health Benefits (FEHB) Program to enable the</td>
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<td>GA</td>
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<td>394</td>
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<td>Federal Government to enroll an employee and his or her family in</td>
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<td>the FEHB Program when a State court orders the employee to provide</td>
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<td>health insurance coverage for a child of the employee but the</td>
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<td>employee fails to provide the coverage.</td>
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<td>States citizenship automatically and retroactively on certain</td>
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<td>foreign-born children adopted by citizens of the United States.</td>
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<td>to, and permanently authorize, the visa waiver pilot program under</td>
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<td>section 217 of such Act.</td>
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<td>Title</td>
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<td>Date introduced</td>
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<td>Report No.</td>
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<td>To designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.</td>
<td>H.R. 4828</td>
<td>July 12 2000</td>
<td>Res Agr</td>
<td>Oct. 3 2000</td>
<td>..................</td>
<td>929</td>
<td>Oct. 4 Oct. 12</td>
</tr>
<tr>
<td>To improve service systems for individuals with developmental disabilities, and for other purposes.</td>
<td>S. 1809</td>
<td>Oct. 27 1999</td>
<td>EWF</td>
<td>Nov. 4 1999</td>
<td>Oct. 11 2000</td>
<td>721</td>
<td>Oct. 19 2000</td>
</tr>
<tr>
<td>To improve the ability of Federal agencies to license federally owned inventions.</td>
<td>H.R. 209</td>
<td>Jan. 6 1999</td>
<td>Sci</td>
<td>May 6 1999</td>
<td>129</td>
<td>May 11 Oct. 5</td>
<td>Nov. 1 404</td>
</tr>
<tr>
<td>To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.</td>
<td>H.R. 2607</td>
<td>July 26 1999</td>
<td>Sci CST</td>
<td>..................</td>
<td>..................</td>
<td>Oct. 4 Oct. 13</td>
<td>Nov. 1 405</td>
</tr>
<tr>
<td>To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes.</td>
<td>H.R. 2961</td>
<td>Sept. 28 1999</td>
<td>Jud</td>
<td>July 11 2000</td>
<td>721</td>
<td>July 18 Oct. 19</td>
<td>Nov. 1 406</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
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<td>To amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bowhunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.</td>
<td>H.R. 3671</td>
<td>Feb. 16 2000</td>
<td>Res EPW</td>
<td>Mar. 30 2000 Oct. 10 2000</td>
<td>554 495</td>
<td>April 5 2000 Oct. 12 2000</td>
<td>408</td>
</tr>
<tr>
<td>To amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.</td>
<td>H.R. 4068</td>
<td>Mar. 23 2000</td>
<td>Jud</td>
<td>......... ......... .........</td>
<td>.........</td>
<td>Sept. 19 2000 Oct. 19 2000</td>
<td>409</td>
</tr>
<tr>
<td>To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.</td>
<td>H.R. 4835</td>
<td>July 12 2000</td>
<td>Int ENR</td>
<td>......... ......... .........</td>
<td>.........</td>
<td>Sept. 26 2000 Oct. 19 2000</td>
<td>412</td>
</tr>
<tr>
<td>To provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.</td>
<td>H.R. 4850</td>
<td>July 13 2000</td>
<td>VA</td>
<td>July 24 2000</td>
<td>783</td>
<td>July 25 2000 Oct. 12 2000</td>
<td>413</td>
</tr>
<tr>
<td>To amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.</td>
<td>H.R. 5164</td>
<td>Sept. 13 2000</td>
<td>Com</td>
<td>Oct. 10 2000</td>
<td>954</td>
<td>Oct. 11 2000 Oct. 11 2000</td>
<td>414</td>
</tr>
<tr>
<td>To amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of Medicare, Medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.</td>
<td>S. 406</td>
<td>Feb. 10 1999</td>
<td>Res IA WM Com</td>
<td>Sept. 6 2000 Sept. 8 1999</td>
<td>818 152</td>
<td>Oct. 17 2000 Sept. 15 1999</td>
<td>417</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
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<td>To designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.</td>
<td>S. 1296</td>
<td>June 28 1999</td>
<td>Res ENR</td>
<td>Nov. 2 1999</td>
<td>207 2000</td>
<td>Nov. 19 2000</td>
<td>418</td>
</tr>
<tr>
<td>To amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.</td>
<td>S. 1402</td>
<td>July 20 1999</td>
<td>VA AS-H</td>
<td>May 23 2000</td>
<td>114 1999</td>
<td>Nov. 4 2000</td>
<td>419</td>
</tr>
<tr>
<td>To enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.</td>
<td>S. 1455</td>
<td>Oct. 7 1999</td>
<td>Jud Jud</td>
<td>Sept. 25 1999</td>
<td>2000 1999</td>
<td>Nov. 1 2000</td>
<td>420</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.</td>
<td>S. 1702</td>
<td>Oct. 7 1999</td>
<td>Res ENR</td>
<td>April 12 2000</td>
<td>749 2000</td>
<td>April 13 2000</td>
<td>421</td>
</tr>
<tr>
<td>To amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.</td>
<td>S. 1707</td>
<td>Oct. 7 1999</td>
<td>GRO GA</td>
<td>Oct. 17 1999</td>
<td>218 1999</td>
<td>Nov. 1 2000</td>
<td>422</td>
</tr>
<tr>
<td>To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.</td>
<td>S. 2102</td>
<td>Feb. 24 2000</td>
<td>Res IA</td>
<td>July 17 2000</td>
<td>430 2000</td>
<td>Nov. 1 2000</td>
<td>423</td>
</tr>
<tr>
<td>To amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.</td>
<td>H.R. 3218</td>
<td>Nov. 4 1999</td>
<td>GRO</td>
<td>Oct. 25 2000</td>
<td>Nov. 6 2000</td>
<td>Nov. 6 2000</td>
<td>433</td>
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<td>Title</td>
<td>Bill No.</td>
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<tr>
<td>To provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.</td>
<td>H.R. 3657</td>
<td>Feb. 15, 2000</td>
<td>Res</td>
<td>ENR</td>
<td>July 17</td>
<td>744</td>
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<td>Nov. 6 434</td>
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<tr>
<td>To provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.</td>
<td>H.R. 3679</td>
<td>Feb. 16, 2000</td>
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<td>Nov. 6 435</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the “Larry Small Post Office Building”.</td>
<td>H.R. 4315</td>
<td>April 13, 2000</td>
<td>GRO</td>
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<tr>
<td>To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by law, and for other purposes.</td>
<td>H.R. 4404</td>
<td>May 9, 2000</td>
<td>Res</td>
<td>GRO</td>
<td>Sept. 14</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the “Judge Harry Augustus Cole Post Office Building”.</td>
<td>H.R. 4450</td>
<td>May 15, 2000</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the “Frederick L. Dewberry, Jr. Post Office Building”.</td>
<td>H.R. 4451</td>
<td>May 15, 2000</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the “Gertrude A. Barber Post Office Building”.</td>
<td>H.R. 4625</td>
<td>June 9, 2000</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 110 Postal Way in Clarksdale, Georgia, as the “Samuel P. Roberts Post Office Building”.</td>
<td>H.R. 4786</td>
<td>June 29, 2000</td>
<td>GRO</td>
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<tr>
<td>To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.</td>
<td>H.R. 4957</td>
<td>July 25, 2000</td>
<td>Res</td>
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<tr>
<td>To extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.</td>
<td>H.R. 5083</td>
<td>July 27, 2000</td>
<td>Res</td>
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<td>To amend title 44, United States Code, to ensure preservation of the records of the Freedmen’s Bureau.</td>
<td>H.R. 5157</td>
<td>Sept. 12, 2000</td>
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<tr>
<td>To clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.</td>
<td>H.R. 5273</td>
<td>Sept. 25, 2000</td>
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<td>To require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.</td>
<td>H.R. 5314</td>
<td>Sept. 27, 2000</td>
<td>AS-H</td>
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<td>Oct. 10, 2000</td>
<td>Nov. 6, 2000, 446</td>
</tr>
<tr>
<td>To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.</td>
<td>S. 614</td>
<td>Mar. 15, 1999</td>
<td>Res IA</td>
<td>Sept. 8, 1999</td>
<td>151, 2000</td>
<td>Oct. 23, 1999</td>
<td>Nov. 6, 2000, 447</td>
</tr>
<tr>
<td>To amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.</td>
<td>S. 2812</td>
<td>June 29, 2000</td>
<td>Jud Jud</td>
<td>July 20, 2000</td>
<td>469, 2000</td>
<td>Oct. 10, 2000</td>
<td>Nov. 6, 2000, 448</td>
</tr>
<tr>
<td>To amend the Fishermen’s Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country.</td>
<td>H.R. 1651</td>
<td>April 29, 1999</td>
<td>Res CST</td>
<td>June 23, 1999</td>
<td>197, 2000</td>
<td>Oct. 13, 1999</td>
<td>Nov. 7, 2000, 450</td>
</tr>
<tr>
<td>To provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II and a formal acknowledgment of such injustices by the President.</td>
<td>H.R. 2442</td>
<td>July 1, 1999</td>
<td>Jud Jud</td>
<td>Sept. 28, 1999</td>
<td></td>
<td>Nov. 19, 2000</td>
<td>Nov. 7, 2000, 451</td>
</tr>
<tr>
<td>To redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the “Arnold C. D’Amico Station”.</td>
<td>H.R. 4853</td>
<td>July 13, 2000</td>
<td>GRO</td>
<td></td>
<td></td>
<td>Oct. 24, 2000</td>
<td>Nov. 7, 2000, 453</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the “Ruth Harris Coleman Post Office”.</td>
<td>H.R. 5229</td>
<td>Sept. 20, 2000</td>
<td>GRO</td>
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<td>Oct. 24, 2000</td>
<td>Nov. 7, 2000, 454</td>
</tr>
<tr>
<td>To encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.</td>
<td>S. 835</td>
<td>April 20, 1999</td>
<td>EPW</td>
<td>Oct. 14, 1999</td>
<td>189, 2000</td>
<td>Sept. 12, 2000</td>
<td>Nov. 7, 2000, 457</td>
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<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
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<td>To authorize the Secretary of Agriculture to convey certain administra-</td>
<td>S. 1088</td>
<td>May 20 1999</td>
<td>Res ENR</td>
<td>July 21</td>
<td>115</td>
<td>Nov. 19</td>
<td>Nov. 7 458</td>
</tr>
<tr>
<td>tive sites in national forests in the State of Arizona, to convey cer-</td>
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<td>tain land to the City of Sedona, Arizona for a wastewater treatment fac-</td>
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<td>rility, and for other purposes.</td>
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<td>2000 1999</td>
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<td>To amend the Colorado River Basin Salinity Control Act to authorize</td>
<td>S. 1211</td>
<td>June 10 1999</td>
<td>Res ENR</td>
<td>Sept. 6</td>
<td>814</td>
<td>Oct. 23</td>
<td>Nov. 7 459</td>
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<td>additional measures to carry out the control of salinity upstream of</td>
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<td>2000 1999</td>
<td>175</td>
<td>Nov. 19</td>
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<td>Imperial Dam in a cost-effective manner.</td>
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<td>2000 1999</td>
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<td>To direct the Secretary of the Interior to issue to the Landsky School</td>
<td>S. 1218</td>
<td>June 14 1999</td>
<td>Res ENR</td>
<td>Mar. 20</td>
<td>245</td>
<td>Oct. 25</td>
<td>Nov. 7 460</td>
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<td>District, without consideration, a patent for the surface and mineral</td>
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<td>2000 2000</td>
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<td>estates of certain lots, and for other purposes.</td>
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<td>To authorize the Secretary of the Interior to produce and sell public-</td>
<td>S. 1275</td>
<td>June 24 1999</td>
<td>Res ENR</td>
<td>Sept. 6</td>
<td>808</td>
<td>Oct. 23</td>
<td>Nov. 7 461</td>
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<td>ations relating to the Hoover Dam, and to deposit revenues generated from</td>
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<td>2000 1999</td>
<td>195</td>
<td>Nov. 19</td>
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<td>the Colorado River Dam fund.</td>
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<td>To reduce the fractionated ownership of Indian Lands, and/or other pur-</td>
<td>S. 1586</td>
<td>Sept. 15 1999</td>
<td>Res IA</td>
<td>July 26</td>
<td>361</td>
<td>July 26</td>
<td>Nov. 7 462</td>
</tr>
<tr>
<td>To amend the Mineral Leasing Act to increase the maximum acreage of</td>
<td>S. 2300</td>
<td>Mar. 28 2000</td>
<td>Res ENR</td>
<td>Aug. 25</td>
<td>378</td>
<td>Oct. 5</td>
<td>Nov. 7 463</td>
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<td>Federal leases for coal that may be held by animosity in any 1 State.</td>
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<td>2000 2000</td>
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<td>To provide for business development and trade promotion for Native</td>
<td>S. 2719</td>
<td>June 13 2000</td>
<td>Res IA</td>
<td>June 26</td>
<td>269</td>
<td>Oct. 23</td>
<td>Nov. 7 464</td>
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<td>Americans, and for other purposes.</td>
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<td>2000 2000</td>
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<td>June 28</td>
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<td>To authorize the Secretary of the Interior to establish the Sand Creek</td>
<td>S. 2950</td>
<td>July 27 2000</td>
<td>Res ENR</td>
<td>Sept. 25</td>
<td>418</td>
<td>Oct. 5</td>
<td>Nov. 7 465</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to convey certain irrigation</td>
<td>S. 3022</td>
<td>Sept. 8 2000</td>
<td>ENR</td>
<td>Oct. 3</td>
<td>480</td>
<td>Oct. 13</td>
<td>Nov. 7 466</td>
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<tr>
<td>To authorize the Secretary of the Interior to enter into contracts with</td>
<td>H.R. 1235</td>
<td>Mar. 23 1999</td>
<td>Res ENR</td>
<td>Nov. 1</td>
<td>426</td>
<td>Oct. 27</td>
<td>Nov. 9 467</td>
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<td>the Solano County Water Agency, California, to use Solano Project facili-</td>
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<td>1999 2000</td>
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<td>ties for impounding, storage, and carriage of nonproject water for do-</td>
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<td>mestic, municipal, industrial, and other beneficial purposes.</td>
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<td>To authorize the Attorney General to provide grants for organizations to</td>
<td>H.R. 2780</td>
<td>Aug. 5 1999</td>
<td>Jud</td>
<td>-----------------</td>
<td>Oct. 19</td>
<td>Oct. 26</td>
<td>Nov. 9 468</td>
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<td>find missing adults.</td>
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<td>To extend energy conservation programs under the Energy Policy and Con-</td>
<td>H.R. 2884</td>
<td>Sept. 21 1999</td>
<td>Com</td>
<td>Oct. 1</td>
<td>359</td>
<td>Apr. 12</td>
<td>Nov. 9 469</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to conduct a study of the suit-</td>
<td>H.R. 4312</td>
<td>April 13 2000</td>
<td>Res</td>
<td>-----------------</td>
<td>Oct. 17</td>
<td>Oct. 27</td>
<td>Nov. 9 470</td>
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<td>ability of establishing an Upper Hudson River Valley National Heritage</td>
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<td>2000 2000</td>
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<td>Area in the State of Connecticut and the Commonwealth of Massachusetts,</td>
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<td>and for other purposes.</td>
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<tr>
<td>To designate certain National Forest System lands within the bounds of the State of Virginia as wilderness areas, and for other purposes.</td>
<td>H.R. 4646</td>
<td>June 13 2000</td>
<td>Res</td>
<td></td>
<td></td>
<td>Oct. 17 2000</td>
<td>471</td>
</tr>
<tr>
<td>To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.</td>
<td>H.R. 4794</td>
<td>June 29 2000</td>
<td>Res</td>
<td></td>
<td>Oct. 25 2000</td>
<td>473</td>
<td></td>
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<tr>
<td>To establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.</td>
<td>H.R. 4864</td>
<td>July 17 2000</td>
<td>VA</td>
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<td>July 24 2000</td>
<td>781 2000</td>
<td>Nov. 9 475</td>
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<tr>
<td>To designate the United States courthouse located at 347012th Street in Riverside, California, as the &quot;George E. Brown, Jr. United States Courthouse&quot;.</td>
<td>H.R. 5110</td>
<td>Sept. 6 2000</td>
<td>TI</td>
<td></td>
<td>Oct. 17 2000</td>
<td>477</td>
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<tr>
<td>To designate the United States courthouse located at 1010Fifth Avenue in Seattle, Washington, as the &quot;William Kenzo Nakamura United States Courthouse&quot;.</td>
<td>H.R. 5311</td>
<td>Sept. 28 2000</td>
<td>Res</td>
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<td>Oct. 3 2000</td>
<td>479</td>
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<tr>
<td>To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.</td>
<td>H.R. 5410</td>
<td>Oct. 6 2000</td>
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<td>Oct. 17 2000</td>
<td>481</td>
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<td>To authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the re-location of the Hamilton Grange to the acquired land.</td>
<td>H.R. 5478</td>
<td>Oct. 17, 2000</td>
<td>Res</td>
<td>................</td>
<td>.............</td>
<td>Oct. 24, 2000</td>
<td>Nov. 9, 482</td>
</tr>
<tr>
<td>Recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.</td>
<td>H.J. Res. 102</td>
<td>June 14, 2000</td>
<td>Jud</td>
<td>.............</td>
<td>Sept. 12, 2000</td>
<td>Oct. 26, 2000</td>
<td>Nov. 9, 483</td>
</tr>
<tr>
<td>To provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIA’s or American Korean War POW/MIA’s may be present, if those nationals assist in the return to the United States of those POW/MIA’s alive.</td>
<td>S. 484</td>
<td>Feb. 25, 1999</td>
<td>Jud</td>
<td>May 18, 2000</td>
<td>Oct. 24, 2000</td>
<td>May 24, 2000</td>
<td>Nov. 9, 484</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.</td>
<td>S. 610</td>
<td>Mar. 15, 1999</td>
<td>Res</td>
<td>June 27, 2000</td>
<td>313, Oct. 23, 2000</td>
<td>July 27, 2000</td>
<td>Nov. 9, 485</td>
</tr>
<tr>
<td>To review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes.</td>
<td>S. 698</td>
<td>Mar. 24, 1999</td>
<td>Res</td>
<td>June 9, 1999</td>
<td>71, Oct. 24, 2000</td>
<td>Nov. 19, 2000</td>
<td>Nov. 9, 486</td>
</tr>
<tr>
<td>To improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.</td>
<td>S. 748</td>
<td>Mar. 25, 1999</td>
<td>Res</td>
<td>June 9, 1999</td>
<td>72, Oct. 23, 1999</td>
<td>Nov. 19, 2000</td>
<td>Nov. 9, 488</td>
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<tr>
<td>To amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.</td>
<td>S. 893</td>
<td>April 27, 1999</td>
<td>CST</td>
<td>Sept. 26, 2000</td>
<td>421, Oct. 24, 2000</td>
<td>Sept. 28, 2000</td>
<td>Nov. 9, 489</td>
</tr>
<tr>
<td>To provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.</td>
<td>S. 1030</td>
<td>May 13, 1999</td>
<td>Res</td>
<td>Sept. 26, 2000</td>
<td>898, Oct. 6, 1999</td>
<td>Oct. 19, 1999</td>
<td>Nov. 9, 490</td>
</tr>
<tr>
<td>To amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.</td>
<td>S. 1367</td>
<td>July 14, 1999</td>
<td>Res</td>
<td>June 27, 2000</td>
<td>314, Oct. 23, 2000</td>
<td>Oct. 5, 2000</td>
<td>Nov. 9, 491</td>
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<tr>
<td>To authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.</td>
<td>S. 2425</td>
<td>April 13, 2000</td>
<td>Res ENR</td>
<td>July 24, 2000</td>
<td>359</td>
<td>Oct. 23, 2000</td>
<td>496</td>
</tr>
<tr>
<td>To authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.</td>
<td>S. 2882</td>
<td>July 17, 2000</td>
<td>Res ENR</td>
<td>Oct. 4, 2000</td>
<td>489</td>
<td>Oct. 13, 2000</td>
<td>498</td>
</tr>
<tr>
<td>To authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.</td>
<td>S. 2951</td>
<td>July 27, 2000</td>
<td>Res ENR</td>
<td>Sept. 28, 2000</td>
<td>431</td>
<td>Oct. 13, 2000</td>
<td>499</td>
</tr>
<tr>
<td>To assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.</td>
<td>S. 2977</td>
<td>July 27, 2000</td>
<td>ENR</td>
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<td>455</td>
<td>Oct. 5, 2000</td>
<td>500</td>
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<tr>
<td>To authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho.</td>
<td>H.R. 1444</td>
<td>April 15, 1999</td>
<td>TI ENR</td>
<td>Nov. 5, 2000</td>
<td>454 239</td>
<td>Nov. 13, 2000</td>
<td>502</td>
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<tr>
<td>To authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.</td>
<td>H.R. 1530</td>
<td>April 26, 1999</td>
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<td>May 10, 1999</td>
<td>133</td>
<td>May 11, 2000</td>
<td>503</td>
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<td>To amend the Organic Act of Guam, and for other purposes.</td>
<td>H.R. 2462</td>
<td>July 1, 1999</td>
<td>Res Jud</td>
<td>July 25, 2000</td>
<td>787</td>
<td>Oct. 24, 2000</td>
<td>504</td>
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<tr>
<td>To amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.</td>
<td>H.R. 2498</td>
<td>July 13, 1999</td>
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<td>May 23, 2000</td>
<td>634</td>
<td>Oct. 26, 2000</td>
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<td>To provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.</td>
<td>H.R. 3621</td>
<td>Feb. 10 2000</td>
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<td>Oct. 10 2000</td>
<td>507</td>
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<td>To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.</td>
<td>H.R. 5239</td>
<td>Sept. 21 2000</td>
<td>IR BHUA</td>
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<td>Sept. 25 2000</td>
<td>Oct. 11 2000</td>
<td>508</td>
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<tr>
<td>To amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.</td>
<td>S. 700</td>
<td>Mar. 24 1999</td>
<td>ENR</td>
<td>June 1999</td>
<td>65 Oct. 24 1999</td>
<td>July 1 2000</td>
<td>509</td>
</tr>
<tr>
<td>To provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.</td>
<td>S. 964</td>
<td>May 5 1999</td>
<td>IA</td>
<td>Oct. 6 2000</td>
<td>944 Nov. 8 2000</td>
<td>Oct. 18 2000</td>
<td>511</td>
</tr>
<tr>
<td>To direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.</td>
<td>S. 2345</td>
<td>Res 1999</td>
<td>ENR</td>
<td>Sept. 29 2000</td>
<td>440 Oct. 24 2000</td>
<td>Oct. 5 2000</td>
<td>516</td>
</tr>
<tr>
<td>To amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.</td>
<td>H.R. 4986</td>
<td>July 27 2000</td>
<td>WM Fin</td>
<td>Sept. 20 2000</td>
<td>416 Sept. 13 2000</td>
<td>Nov. 1 2000</td>
<td>519</td>
</tr>
<tr>
<td>Making further continuing appropriations for the fiscal year 2001, and for other purposes.</td>
<td>H.R. 1375</td>
<td>Nov. 15 2000</td>
<td>App</td>
<td></td>
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<td>Nov. 15 2000</td>
<td>520</td>
</tr>
<tr>
<td>Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.</td>
<td>H.R. 5633</td>
<td>Nov. 14 2000</td>
<td>App</td>
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<td></td>
<td>Nov. 14 2000</td>
<td>522</td>
</tr>
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</table>
To establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

To revise the boundary of Fort Matanzas National Monument, and for other purposes.

To amend the Public Health Service Act to improve the health of minority individuals.

To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

To adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

To amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

To amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

To amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

To protect seniors from fraud.

To designate the facility of the United States Postal Service located at 431 George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office".

To amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

To establish the Las Cienegas National Conservation Area in the State of Arizona.
<table>
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<td>S. 3137</td>
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<td>To amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.</td>
<td>H.R. 3514</td>
<td>Nov. 22 1999</td>
<td>Com</td>
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<tr>
<td>To require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.</td>
<td>H.R. 5461</td>
<td>Oct. 12 2000</td>
<td>Res</td>
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<td>and intelligence-related activities of the United States Gov-</td>
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<td>Place in Fort Pierre, South Dakota, and for other purposes.</td>
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<td>To expand homeownership in the United States, and for other</td>
<td>H.R. 5640 Dec. 5</td>
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<td>control, and to provide for coordination and consultation in</td>
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<td>1961 with respect to malaria, HIV, and tuberculosis.</td>
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<td>comparability allowances be treated as part of basic pay for</td>
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<td>To establish a grant program to assist State and local law</td>
<td>H.R. 2816 Sept. 8</td>
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<td>enforcement in deterring, investigating, and prosecuting computer</td>
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<td>Reclamation, to conserve and enhance the water supplies of the</td>
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<td>Lower Rio Grande Valley.</td>
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<td>Nevada, to facilitate the interpretation of the history of</td>
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<td>development and use of trails in the setting of the western</td>
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<td>portion of the United States.</td>
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<td>To strengthen the enforcement of Federal statutes relating to false</td>
<td>S. 2924  July 26</td>
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<td>identification, and for other purposes.</td>
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<td>To amend the Public Health Service Act to establish the National</td>
<td>H.R. 1795</td>
<td>May 13, 1999</td>
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<td>Institute of Biomedical Imaging and Engineering.</td>
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<td>Notes: The bill in parentheses is a companion measure.</td>
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**TABLE OF COMMITTEE ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Committee Abbreviation</th>
<th>Committee Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agr ........ Agriculture</td>
<td>BHUA .... Banking, Housing, and Urban Affairs</td>
</tr>
<tr>
<td>ANF ...... Agriculture, Nutrition, and Forestry</td>
<td>Bud ......... Budget</td>
</tr>
<tr>
<td>App ...... Appropriations</td>
<td>Com ......... Commerce</td>
</tr>
<tr>
<td>AS-H ...... Armed Services (House)</td>
<td>CST ......... Commerce, Science, and Transportation</td>
</tr>
<tr>
<td>AS-S ...... Armed Services (Senate)</td>
<td>ENR ......... Energy and Natural Resources</td>
</tr>
<tr>
<td>BFS ...... Banking and Financial Services</td>
<td>EPW ......... Environment and Public Works</td>
</tr>
<tr>
<td>ENR ...... Energy and Natural Resources</td>
<td>EWI ......... Education and the Workforce</td>
</tr>
<tr>
<td>Fin ...... Finance</td>
<td>FR ......... Foreign Relations</td>
</tr>
<tr>
<td>GA ......... Governmental Affairs</td>
<td>GRO ......... Government Reform and Oversight</td>
</tr>
<tr>
<td>HA ......... House Administration</td>
<td>IA ......... Indian Affairs</td>
</tr>
<tr>
<td>IA ......... Indian Affairs</td>
<td>Int ......... Intelligence</td>
</tr>
<tr>
<td>IR ......... International Relations</td>
<td>Jud ......... Judiciary</td>
</tr>
<tr>
<td>Jud ......... Judiciary</td>
<td>LHR ......... Labor and Human Resources</td>
</tr>
<tr>
<td>LHR ......... Labor and Human Resources</td>
<td>R ......... Rules</td>
</tr>
<tr>
<td>R ......... Rules</td>
<td>RA ......... Rules and Administration</td>
</tr>
<tr>
<td>RA ......... Rules and Administration</td>
<td>Res ......... Resources</td>
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<tr>
<td>Res ......... Resources</td>
<td>Sci ......... Science</td>
</tr>
<tr>
<td>Sci ......... Science</td>
<td>SB ......... Small Business</td>
</tr>
<tr>
<td>SB ......... Small Business</td>
<td>TI ......... Transportation and Infrastructure</td>
</tr>
<tr>
<td>TI ......... Transportation and Infrastructure</td>
<td>VA ......... Veterans’ Affairs</td>
</tr>
<tr>
<td>VA ......... Veterans’ Affairs</td>
<td>WM ......... Ways and Means</td>
</tr>
<tr>
<td>WM ......... Ways and Means</td>
<td>Note: The bill in parentheses is a companion measure.</td>
</tr>
</tbody>
</table>
Next Meeting of the SENATE
10 a.m., Wednesday, January 31

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of the nomination of John Ashcroft, of Missouri, to be Attorney General of the United States.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, January 31

House Chamber

Program for Wednesday: Consideration of H. Con. Res. 14, permitting the use of the rotunda of the Capitol for the commemoration of the days of remembrance of victims of the Holocaust; and

Consideration of a concurrent resolution expressing sympathy for the victims of the earthquake that struck India.

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