

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

S. 284

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

S. 295

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

S. 312

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

S. 315

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

S. 321

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

S. 325

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

S. 326

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

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana

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

S. CON. RES. 12

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

S. RES. 22

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

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. 340

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

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

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

(b) **PERKINS LOANS.**—

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

(A) in paragraph (2)—

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

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

(iii) by adding at the end the following:

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

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

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

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

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

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

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

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

"(b) **QUALIFIED LOAN AMOUNTS.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

S. 341. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise

a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

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

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

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

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

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

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

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

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

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

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

The legislation I offer today provides an opportunity for us to act responsibly to lessen that impact, by limiting our children's exposure to the poisonous effects of televised, glorified, vi-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the adverse effects of media violence on youths."

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

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

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

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

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

Prior to the imposition of any safeharbor, the legislation directs the FCC to develop rules penalizing broadcasters and cable and satellite programmers for distributing violent programming on television that is not blockable by the V-Chip. These penalties will be triggered if violent shows are not in fact rated "V" for violence as required by the ratings system. This provision will increase the incentive for programmers to rate their shows accurately, and responds to evidence that most violent programming is in fact not specifically rated for violence, and therefore is not blockable by the V-Chip.

This legislation was reported favorably by the Senate Commerce Committee last year by a 17-1 vote. I look forward to moving the bill out of Committee again this year, and I hope that we can secure enactment of this measure for the first time in this Congress.

Mr. President, the evidence is in, we know the results, and we have a solution. Its time to enact a safeharbor for television violence.

Mr. President, I refer to page 23 of volume 3 of "A History of Broadcasting in the United States." It alludes to the year 1949 and the production of the program "Man Against Crime," starring Ralph Bellamy. I begin right on page 23:

"Man Against Crime was sponsored by Camel Cigarettes. This affected both writing and direction. Mimeographed instructions told writers, 'Do not have the heavy or any disreputable person smoking a cigarette. Do not associate the smoking of cigarettes with undesirable scenes or situations plot wise.'"

Cigarettes had to be smoked gracefully, never puffed nervously. A cigarette was never given to a character to calm his nerves, since this might suggest a narcotic effect. Writers received numerous plot instructions.

Listen carefully because this is the instruction that the writers were given 50 years ago:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is from the History of Broadcasting.

The industry knows that violence is a moneymaker. Ten years ago, the distinguished Senator from Illinois said: No, no, wait a minute, don't rush into this thing; freedom of speech, freedom of speech. We don't want to damage the originality of the producers. So we gave an antitrust exemption so they could work together because Senator Simon said they could not work together and regulate because of antitrust provisions in the Federal statute. We gave them that protection.

Then came a very interesting study from cable television. Every time I speak in the Chamber, they give me another study. That is why I wish I could sing: When will they ever learn?

This study, done a few years ago, was financed by the National Cable Television Association, but it was done by the University of California at Santa Barbara, the University of North Carolina at Chapel Hill, the University of Texas at Austin and the University of Wisconsin at Madison. It included, amongst other council members, the American Federation of Television and Radio Artists, the Producers Guild of America, the Writers Guild of America West, the Caucus for Producers, Writers and Directors, the American Bar Association, and the Directors Guild of America. Point: The very people who are doing the producing found that violence begets children's violence.

Three weeks ago, a 13-year-old was sentenced to life in prison for bludgeoning to death a 48-pound 8 year old. He had seen this on a cable wrestling show. These wrestlers jumped on each other, they beat each others' heads against a post, and then flung opponents out of the ring. That was the undisputed record: That the 13-year-old saw wrestling matches where everybody got up and walked away unharmed and came back the next week.

Just last month, someone else emulated a stunt on MTV showing how people could be set on fire and then walk away unharmed. The individual saw the MTV program, tried it, and got first- and second-degree burns all over his body.

I will never forget years ago on the "Johnny Carson Show," they had a fellow with a tie around his neck, and he dropped through a trap door and hung and, again, just walked away. The next day a couple found their young teenager hanging from the bedroom fan. He

had tied himself up, got on the edge of the bed, and jumped off and hanged himself.

We know monkey see-monkey do, and it begets violence. This country, the industrial country of the United States, has more violence than all other countries combined.

What have the other countries done? For years on end they have had a safe harbor in Europe, in Australia, and in New Zealand, and other places. They have a time set aside when children dominate the audience and thou shalt not have violent shows during that time. It works. Their children do not shoot up classrooms, they do not emulate violence, or kill little girls. That does not go on in Europe, but it continues to increase in our country, according to the Surgeon General's report just about to be released. We see it on the increase.

The Kaiser Family Foundation counters with: Oh, well, you have to get the V-chip. Under legal decisions, you have to use the least intrusive method of regulating so-called free speech. So we put the V-chip into the 1996 Telecommunications Act. That was supposed to allow parents to take charge. We constantly hear that when we know it is not the case.

Sixty-two percent of young single women are in the workforce with latchkey children at home. We have tried that V-chip. One, 40 percent of those interviewed under the Kaiser Family Foundation have never even heard of the V-chip—what are you talking about? Two, less than 10 percent have ever had the V-chip, and, three, less than 3 percent have ever used it.

It is impractical. You have to run around to the three or four TVs in the house and say: I have the program, and before I go to work this morning, I am going to put in the chip. Come on, that is unreal, but that is the political solution which has not worked.

I do not want to be put aside. I have been put aside. I offered an amendment a couple of years ago to the juvenile justice bill. Some colleagues said: Fritz, I would vote for your amendment, but I don't want any amendments on the juvenile justice bill, or we have not tried the V-chip. They gave any putoff they could think of.

We found out that we ought to just include it in a statute. In this bill, we direct the Federal Communications Commission to have hearings on this matter and determine whether or not the V-chip is effective and, if it is not, to promulgate a safe harbor.

Constitutionally, the Federal Communications Commission has been given that authority on indecency. Why not on violence? These programs have not been properly rated. We prescribe in this measure that the industry start rating violence—V for violence—on these shows. If they do not, there is going to be a penalty.

A Stanford University study has just been issued whereby they have tested

the diminution of violence on television and there has been a diminution then in children's violence in that particular community. We will bring that to the floor. We are ready to debate this legislation. This is a bipartisan bill. We have had Republican and Democrats in the last three Congresses join in, but we have never had a fair hearing on the floor.

We have done this in a deliberate, measured fashion so that we can get it considered in this Congress.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of Senator Hollings' Children's Protection from Violent Television Programming Act. I thank Senator HOLLINGS for his leadership and hard work on this important issue shielding our children from excessive violence in the media.

This proposal is vital to ensure that the promise of the V-chip is fulfilled, that our public airwaves cannot be used and abused to the detriment of our families and our children. But today, in spite of the V-chip, our children are still being exposed to ultra-violent programming on television, even during the early prime time period known as "family hour."

Since my first term in office, I have fought to limit the amount of violence that our children are exposed to on television, in video games, in the movies and in music. Although I have focused on the video game industry encouraging the manufacturers to create and implement a ratings system I was also a vocal supporter of the V-chip provision included in the Telecommunications Act of 1996.

The V-chip legislation required the installation of blocking technology in most televisions. That technology is used in conjunction with a television ratings system so that parents can restrict their children's access to violent programming at all times. We know that parents can't realistically look over their children's shoulders every minute they're in front of the television. But the V-Chip allows them to configure their television to do essentially that.

Since January 2000, V-chip technology has been installed in every television measuring over 13". More than 25 million televisions have a V-chip now. However, a recent study by the Annenberg Public Policy Center revealed that nine in ten parents do not know about the television ratings system, and of parents who own and know about their V-chip, only half actually use the blocking technology.

Clearly, having a V-chip in a television is just not good enough. It has to be combined with a good, easily understood ratings system and a real commitment by manufacturers, retailers and broadcasters to educate parents. Without these elements, having a V-chip in your television is about as effective at protecting your child as requiring car seats but letting toddlers sit in the front seat without a seatbelt.

Mr. President, my first preference is to have V-chip technology that works and that parents trust. But if it seems otherwise, we will not stand idly by. This legislation presents a step-by-step approach: it asks the Federal Communications Commission (FCC) to gauge the success and public awareness of the V-chip. And if success is limited and public awareness is low, this measure vests the Commission with the power to remedy it.

So let's pass this legislation, and let's find out if the V-chip is really helping parents shield their children from violence on television. And if not, let's give the FCC the power to do something about it. Our families and especially our children deserve nothing less.

By Mrs. CARNAHAN:

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

Mrs. CARNAHAN. Mr. President, I come to the floor today to speak about an issue that is close to my heart and one that is essential to the Nation's future—the education of our children.

Education was a priority for my husband, the late Mel Carnahan, throughout his career, and it was a driving force during his two terms as Governor of Missouri.

I recall that one of the things he enjoyed most as he traveled around the State was visiting schools. He would come home excited about the good things that were happening in Missouri schools.

His Outstanding Schools Act, passed during his first term as Governor, brought major improvements to classrooms throughout our State. He dreamed of doing even more. As he traveled across Missouri seeking election to this body, he called for a new national commitment to the education of America's children.

Though he did not live to pursue that dream, I am proud to stand here in his place in the U.S. Senate to introduce my first bill—a bill imprinted with his hopes, a bill that fulfills his pledge to the citizens of Missouri, and a bill that reinforces the President's promise "to leave no child behind."

Though teachers, students, and parents are trying harder than ever, schools are facing difficult times.

My concern, and the focus of this legislation, is the classrooms of America: Classrooms that are severely crowded and housed in deteriorating facilities; classrooms where disorderly and sometimes violent students are disrupting learning; classrooms in need of math, science, and reading specialists.

As a result of these conditions, far too many students are failing to learn and are falling behind in comparison with students in other developed nations.

Increases in student population across the Nation further heighten the

problems, as does the loss of teachers to retirement or other professions. According to the 1998 National Assessment of Education Progress, one-quarter of our students are still being taught in classes of more than 25 students.

As we watch class sizes grow, we see the physical condition of our older classrooms fall into dangerous disrepair. In Missouri alone, we face the daunting prospect of \$4 billion in construction needs for our public schools over the next decade.

The threat and frequency of violence and disruptions in our classrooms remain at unacceptable levels. A recent study by the Educational Testing Service made this observation:

School discipline \* \* \* problems are critical factors in student achievement. Without order in our classrooms, teachers can't teach and students can't learn.

Our national leaders have been bemoaning the condition of public schools for many years. Over 50 years ago, President Truman said:

The schools in this country are crowded and teachers underpaid. One of our greatest national needs is more and better schools.

Later, President Eisenhower noted:

Millions of children were receiving substandard education because of unsanitary, overcrowded, and unsafe classrooms. \* \* \* It was evident to many of us, but not all, that in view of the financial positions of many states and school districts, the federal government would have to help.

Yet decades after these remarks, the Federal Government still provides a mere 7 percent of the national education budget.

I understand there are many who are weary of increased Federal education funding because they fear that with such funds comes Federal control of local schools. While this is a legitimate concern, it need not be a paralyzing fear that prevents us from moving ahead with much needed classroom improvements.

There is a way for us to fund public schools without adding redtape, burdening our school districts, or enabling Federal bureaucrats to dictate local education policy.

The legislation I introduce today—the Quality Classrooms Act—will do just that. It calls for a new commitment of \$50 billion over the next decade to our local schools.

These funds would flow directly from the Federal Government to local schools districts and would be dedicated exclusively to helping schools provide what parents, teachers, and students most desire—more intensive, individualized, face-to-face instruction in the classroom.

It recognizes that different school districts have different needs. Some may need to reduce class size, others to improve classroom conditions. In an attempt to provide more flexibility to each school district and to keep decisionmaking at the local level, this bill allows school districts to use the funding for one, or a combination of pur-

poses. Each of the five options addresses class size or conditions—a formula that has led to improved student performance in the past.

Funds under the Quality Classrooms Act would be used to do one or more of the following: Hire new classroom teachers to reduce student-teacher ratios; build or renovate classrooms to relieve overcrowding; hire experienced teaching specialists, focusing on basics such as reading, science, and math; establish alternative discipline programs for the education of chronically violent and disruptive students; and provide a year-round schedule.

This menu of choices allows schools to retain flexibility, yet leaves parents and taxpayers with the comfort of knowing that resources are being spent on measures with proven success.

The bill provides added flexibility and innovation by setting aside 10 percent of the available funding for a competitive grant program. These "Innovation Grants" would encourage schools to develop creative approaches to quality instruction.

Grant recipients are required to evaluate these newly developed programs to determine what approaches enhance student performance. Aside from this evaluation, however, school districts will not be required to file burdensome reports or abide by new Federal mandates.

This proposed legislation makes sure that money goes to schools, teachers, and students, not the education bureaucracy. It requires the Department of Education to spend only the bare minimum necessary to operate the grant program. Funds flow directly from the Federal Government to local school districts.

I present this legislation knowing that education improvement is going to be one of the predominant themes in the 107th Congress. An important part of this theme is the discussion about how to make our schools more accountable. These discussions are centered around proposals by the President, my colleagues, Senators BAYH and LIEBERMAN, and others. Accountability must be a part of our education debate, and I look forward to participating in those efforts.

But even as we pursue that goal, we must make sure that all our public school students are learning in modern facilities, with skilled teachers, in classrooms with an appropriate number of well disciplined students.

To achieve these goals, we need a greater Federal investment in education. Families wanting to provide a better future for themselves and their children know the wisdom of investing in a home, a savings account, or a pension plan. It is a lesson worth noting as we ponder the future of public education. To shortchange America's children not only disheartens educators, parents, and communities, it violates our national interests and the vision that has marked us as a people.

I strongly urge my colleagues to consider this legislation designed to

strengthen student achievement by promoting quality classrooms all across America.

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

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

S. 342

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Classrooms Act".

#### SEC. 2. PURPOSE.

The purpose of this Act is to support local educational agencies by awarding grants for—

- (1) the implementation of specific measures, as selected by local educational agencies from a local accountability menu, that have been proven to increase the quality of education; and
- (2) the conduct of other activities that local educational agencies demonstrate will provide enhanced individual instruction for the students served by the agencies.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the same meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

#### SEC. 4. GRANT PROGRAMS.

(a) **LOCAL ACCOUNTABILITY MENU GRANTS.**—

(1) **PROGRAM AUTHORIZED.**—The Secretary shall award grants to local educational agencies to be used for the activities described in paragraph (3).

(2) **APPLICATION.**—

(A) **IN GENERAL.**—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) **AUTHORIZED ACTIVITIES.**—Grant funds awarded under this subsection may be used for one or more of the following measures, collectively established as the local accountability menu:

(A) Reduction of student-teacher ratios through the hiring of new classroom teachers.

(B) School construction assistance for the purpose of relieving overcrowded classrooms and reducing the use of portable classrooms.

(C) Hiring of additional experienced teachers who specialize in teaching core subjects such as reading, math, and science, and who will provide increased individualized instruction to students served by the local educational agency.



(D) Alternative programs for the education and discipline of chronically violent and disruptive students.

(E) Assistance to facilitate the local educational agency's establishment of a year-round school schedule that will allow the agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities.

(4) **ADMINISTRATIVE CAP.**—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

(b) **INNOVATION GRANTS.**—

(1) **PROGRAM AUTHORIZED.**—The Secretary shall reserve 10 percent of the amount made available to carry out this Act in each fiscal year to award grants, on a competitive basis, to local educational agencies for the local educational agencies to carry out the activities described in paragraph (3).

(2) **APPLICATION.**—

(A) **IN GENERAL.**—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) **AUTHORIZED ACTIVITIES.**—Each local educational agency receiving a grant under this subsection shall use the amounts received under the grant for one or more activities that the local educational agency sufficiently demonstrates, as determined by the Secretary, will provide enhanced individual instruction for students served by the agency, but that are not part of the local accountability menu described in subsection (a)(3).

(4) **LIMITATION.**—No funds awarded under this subsection shall be used for tuition payments for students at private schools or for public school choice programs.

(5) **ADMINISTRATIVE CAP.**—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

#### **SEC. 5. ALLOCATION.**

(a) **ADMINISTRATIVE CAP.**—The Secretary shall expend not more than 0.25 percent of the funds made available to carry out this Act on administrative costs.

(b) **FUNDING TO INDIAN TRIBES.**—From the amount made available to carry out this Act for any fiscal year, the Secretary shall reserve 0.75 percent to awards grants to Indian tribes to carry out the purposes of this Act.

(c) **FORMULA.**—From the amount made available to carry out this Act for any fiscal year, and remaining after the reservations under subsections (a) and (b) and under section 4(b)(1), the Secretary shall distribute such remaining amounts among the local education agencies as follows:

(1) 80 percent of such amount shall be allocated among such eligible, local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational

agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available as compared to the number of such children who reside in the school districts served by all eligible, local educational agencies for the fiscal year involved.

(2) 20 percent of such amount shall be allocated among such eligible local educational agencies in proportion to the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(d) **LIMITATION ON CARRYOVER.**—Not more than 20 percent of the funds allocated to a local educational agency for any fiscal year under this Act may remain available for obligation by such agency for 1 additional fiscal year.

#### **SEC. 6. SANCTIONS.**

If the Secretary determines that the local educational agency has used funds in violation of the provisions of this Act or the regulations promulgated by the Secretary pursuant to section 8, the Secretary may impose an appropriate sanction that may include reimbursement or ineligibility for additional funds for a period of years, depending upon the severity of the misuse of funds.

#### **SEC. 7. REPORT AND DOCUMENTATION.**

(a) **REPORT TO THE SECRETARY.**—At such time as the Secretary deems appropriate, and not less than once each year thereafter, each recipient of a grant under this Act shall submit to the Secretary a report that includes, for the year to which the report relates—

(1) a description of how the funds made available under this Act were expended in correlation with the plan and budget submitted under sections 4(a)(2) and 4(b)(2), as applicable; and

(2) an evaluation of the effectiveness of the grant received under this Act, as required by sections 4(a)(2)(B) and 4(b)(2)(B), as applicable.

(b) **DOCUMENTS AND INFORMATION.**—Each recipient of a grant under this Act shall provide the Secretary with all documents and information that the Secretary reasonably determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this Act.

#### **SEC. 8. REGULATORY AUTHORITY.**

The Secretary shall issue such regulations and guidelines as may be necessary to carry out this Act.

#### **SEC. 9. NOTICE.**

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide specific notification concerning the availability of grants authorized by this Act to each local educational agency.

#### **SEC. 10. ANTIDISCRIMINATION.**

Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability, or to modify or affect any right to enforcement of this Act that may exist under other Federal laws, except as expressly provided by this Act.

#### **SEC. 11. MAINTENANCE OF EFFORT.**

Funds made available under this Act shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this Act.

#### **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act, \$50,000,000,000 for the 10-

fiscal year period beginning on October 1, 2002.

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

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

Mr. CAMPBELL. Mr. President, though there are glimmers of hope in Native communities, most Native Americans remain racked by unemployment, mired in poverty, and rank at or near the bottom of nearly every social and economic indicator of well-being that is tallied.

For years the Committee on Indian Affairs has made strengthening Indian economies a top priority. Healthy tribal economies and lower unemployment rates are imperative if tribes are to achieve the goals of self-sufficiency and true self-determination.

Although federal economic development assistance has been available for years, poverty, ill-health, and unemployment remain rampant on most Indian reservations.

One reason for the lack of success, despite spending billions of dollars promoting Indian economic development, is the absence of a consistent and consolidated federal mechanism that targets development resources to the areas and projects that are most promising. Indian business, economic, and community development programs span the entire federal government and for any given project undertaken by a tribe there may be 6 to 8 or more agencies involved. This fragmentation and lack of coordination is not producing the kind of results Indian country so badly needs.

To begin to remedy this problem, today I am pleased to introduce legislation that builds on the most successful federal Indian policy to date, Indian self-determination, and seeks to expand the principles of self-determination, and seeks to expand the principles of self-determination to the economic development realm.

The Indian Self-Determination and Education Assistance Act of 1975 authorizes Indian tribes and tribal consortia to "step into the shoes" of the federal government to administer programs and services historically provided by the United States.

This act has worked as it was intended and has resulted in improved efficiency of program delivery and service quality; increased tribal administrative acumen; better managed tribal institutions; stronger tribal economies; and a positive and healthy shift away from federal control over Indian lives to more flexible decision making and local control.

What began as a demonstration project in 1975 has blossomed into an every-increasing number of tribal governments that have come to realize the benefits of self-governance.

As of 1999, nearly 48 percent of all Bureau of Indian Affairs, BIA, and 50 percent of all Indian Health Service, IHS, programs and services have been assumed by tribes pursuant to Indian Self-Determination Act contracts and compacts.

The legislation I introduce today will launch the second phase of the self-determination experiment by assisting Indian tribes in their use and maximization of existing resources for purposes of economic development.

By authorizing tribes and tribal consortia to consolidate and target existing funds for development purposes, this bill will promote a more efficient use of those resources. Perhaps more importantly, this legislation will lay the foundation for a coordinated development strategy that looks to employment creation, investment and improved standards of living in Indian country rather than how much money is spent by the federal government as the real measure of a successful development policy.

One goal of this bill is to eliminate inconsistencies and duplication in federal policies that continue to be a barrier to Indian development through the issuance of uniform regulations and policies governing the use of funds across agencies.

Similar to the demonstration project that will be authorized by this bill is the 477 Program which was created by Public Law 102-477. Under the 477 Program, tribes are eligible to consolidate all federally funded employment training and related services into a single, fully integrated program. This integration promotes tribal flexibility and efficiency, and has been one of the few successes in federal Indian economic development.

By authorizing federal-tribal arrangements to combine and coordinate resources, this bill will make the best use of existing programs to assist tribes in attracting private investment and capital into Indian reservations.

In the 106th Congress, the Committee on Indian Affairs held a hearing on an almost identical version of this bill. At the hearing, the committee received testimony strongly supporting the type of consolidation and coordination of federal resources represented in this legislation.

I am hopeful that the legislation introduced today will signal a new day for how the federal government assists Native communities in creating jobs and building a better future for their members.

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

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

S. 343

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

#### SECTION 1. TITLE.

The Act may be cited as the "Indian Tribal Development Consolidated Funding Act of 2001".

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) A unique legal and political relationship exists between the United States and Indian tribes that is reflected in article I, section 8, clause 3 of the Constitution, various treaties, Federal statutes, Supreme Court decisions, executive agreements, and course of dealing.

(2) Despite the infusion of substantial Federal dollars into Native American communities over several decades, the majority of Native Americans remain mired in poverty, unemployment, and despair.

(3) The efforts of the United States to foster community, economic, and business development in Native American communities have been hampered by fragmentation of authority, responsibility, and performance, and by lack of timeliness and coordination in resources and decision-making.

(4) The effectiveness of Federal and tribal efforts to generate employment opportunities and bring value-added activities and economic growth to Native American communities depends on cooperative arrangements among the various Federal agencies and Indian tribes.

(b) PURPOSES.—The purpose of this Act are to—

(1) enable Indian tribes and tribal organizations to use available Federal assistance more effectively and efficiently;

(2) adapt and target such assistance more readily to particular needs through wider use of projects that are supported by more than 1 executive agency, assistance program, or appropriation of the Federal Government;

(3) encourage Federal-tribal arrangements under which Indian tribes and tribal organizations may more effectively and efficiently combine Federal and tribal resources to support economic development projects;

(4) promote the coordination of Native American economic programs to maximize the benefits of these programs to encourage a more consolidated, national policy for economic development; and

(5) establish a demonstration project to aid Indian tribes in obtaining Federal resources and in more efficiently administering those resources for the furtherance of tribal self-governance and self-determination.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term "applicant" means an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, that submits an application under this Act for assistance for a community, economic, or business development project, including a project designed to improve the environment, housing facilities, community facilities, business or industrial facilities, or transportation, roads, or highways with respect to the Indian tribe, tribal organization, or consortium.

(2) ASSISTANCE.—The term "assistance" means the transfer of anything of value for a public purpose, support, or stimulation that is—

(A) authorized by a law of the United States;

(B) provided by the Federal Government through grant or contractual arrangements, including technical assistance programs providing assistance by loan, loan guarantee, or insurance; and

(C) authorized to include an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, as eligible for receipt of funds under a statutory or administrative formula for the purposes of community, economic, or business development.

(3) ASSISTANCE PROGRAM.—The term "assistance program" means any program of the

Federal Government that provides assistance for which Indian tribes or tribal organizations are eligible.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) PROJECT.—The term "project" means an undertaking that includes components that contribute materially to carrying out a purpose or closely-related purposes that are proposed or approved for assistance under more than 1 Federal Government program.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

#### SEC. 4. LEAD AGENCY.

The lead agency for purposes of carrying out this Act shall be the Department of the Interior.

#### SEC. 5. SELECTION OF PARTICIPATING TRIBES.

(a) PARTICIPANTS.—

(1) IN GENERAL.—The Secretary may select from the applicant pool described in subsection (b) Indian tribes or tribal organizations, not to exceed 24 in each fiscal year, to submit an application to carry out a project under this Act.

(2) CONSORTIA.—Two or more Indian tribes or tribal organizations that are otherwise eligible to participate in a program or activity to which this Act applies may form a consortium to participate as an applicant under paragraph (1).

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe or tribal organization that—

(1) successfully completes the planning phase described in subsection (c);

(2) has requested participation in a project under this Act through a resolution or other official action of the tribal governing body; and

(3) has demonstrated, for the 3 fiscal years immediately preceding the fiscal year for which the requested participation is being made, financial stability and financial management capability as demonstrated by the Indian tribe or tribal organization, or each member of a consortium of tribes or tribal organizations, having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe or tribal organization.

(c) PLANNING PHASE.—Each applicant seeking to participate in a project under this Act shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organizational preparation. The applicant shall be eligible for a grant under this section to plan and negotiate participation in a project under this Act.

#### SEC. 6. APPLICATION REQUIREMENTS, REVIEW, AND APPROVAL.

(a) REQUIREMENTS.—Each applicant seeking to participate in a project under this Act shall submit an application to the head of the Federal executive agency responsible for administering the primary Federal program to be affected by the project that—

(1) identifies the programs to be integrated;

(2) is consistent with the purposes set forth in section 2(b);

(3) describes a comprehensive strategy that identifies the way in which Federal funds are to be integrated and delivered under the project and the results expected from the project;

(4) identifies the projected expenditures under the project in a single budget;



(5) identifies the agency or agencies of the tribal government that are to be involved in the implementation of the project;

(6) identifies any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project; and

(7) is approved by the governing body of the applicant, including in the case of an applicant that is a consortium or tribes or tribal organizations, the governing body of each affected member tribe or tribal organization.

(b) **REVIEW.**—Upon receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall—

(1) consult with the head of each Federal executive agency that is proposed to provide funds to implement the project and with the applicant submitting the application; and

(2) consult and coordinate with the Department of the Interior as the lead agency under this Act for the purposes of processing the application.

(c) **APPROVAL.**—

(1) **WAIVERS.**—

(A) **IN GENERAL.**—With respect to any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project that are identified in the application in accordance with subsection (a)(6) or as a result of the consultation required under subsection (b), the head of the Federal executive agency responsible for administering such provision, regulation, policy, or procedure shall, subject to subparagraph (B), waive the requirement so identified, notwithstanding any other provision of law.

(B) **LIMITATION.**—A statutory provision, regulation, policy, or procedure identified for waiver under subparagraph (A) may not be waived by the head of the Federal executive agency responsible for administering the provision, regulation, policy, or procedure if such head determines that a waiver would be inconsistent with—

(i) the purposes set forth in section 2(b); or

(ii) the provisions of the statute from which the program involved derives its authority that are specifically applicable to Indian programs.

(2) **PROJECT.**—Not later than 90 days after the receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall inform the applicant submitting the application, in writing, of the approval or disapproval of the application, including the approval or disapproval of a waiver sought in accordance with paragraph (1). If an application or a waiver is disapproved, the written notice shall identify the reasons for the disapproval and the applicant submitting the application shall be given an opportunity to amend the application or to petition the head of the Federal executive agency sending the notice to reconsider the disapproval of the application or the waiver.

#### **SEC. 7. AUTHORITY OF HEADS OF FEDERAL EXECUTIVE AGENCIES.**

(a) **IN GENERAL.**—The President, acting through the heads of the appropriate Federal executive agencies, shall promulgate regulations necessary to carry out this Act and to ensure that this Act is applied and implemented by all Federal executive agencies.

(b) **SCOPE OF COVERAGE.**—The Federal executive agencies that are included within the scope of this Act shall include—

- (1) the Department of Agriculture;
- (2) the Department of Commerce;
- (3) the Department of Defense;
- (4) the Department of Education;
- (5) the Department of Energy;

(6) the Department of Health and Human Services;

(7) the Department of Housing and Urban Development;

(8) the Department of the Interior;

(9) the Department of Justice;

(10) the Department of Labor;

(11) the Department of Transportation;

(12) the Department of the Treasury;

(13) the Department of Veterans Affairs;

(14) the Environmental Protection Agency; and

(15) the Small Business Administration.

(c) **ACTIVITIES.**—Notwithstanding any other provision of law, the head of each Federal executive agency, acting alone or jointly through an agreement with another Federal executive agency, may—

(1) identify related Federal programs that are likely to be particularly suitable in providing for the joint financing of specific kinds of projects with respect to Indian tribes or tribal organizations;

(2) assist in planning and developing such projects to be financed through different Federal programs;

(3) with respect to Federal programs or projects that are identified or developed under paragraphs (1) or (2), develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance;

(4) review administrative program requirements to identify those requirements that may impede the joint financing of such projects and modify such requirements when appropriate;

(5) establish common technical and administrative regulations for related Federal programs to assist in providing joint financing to support a specific project or class of projects; and

(6) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) an agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(d) **REQUIREMENTS.**—In carrying out this Act, the head of each Federal executive agency shall—

(1) take all appropriate actions to carry out this Act when administering a Federal assistance program; and

(2) consult and cooperate with the heads of other Federal executive agencies to carry out this Act in assisting in the administration of Federal assistance programs of other Federal executive agencies that may be used to jointly finance projects undertaken by Indian tribes or tribal organizations.

#### **SEC. 8. PROCEDURES FOR PROCESSING REQUESTS FOR JOINT FINANCING.**

In processing an application or request for assistance for a project to be financed in accordance with this Act by at least 2 assistance programs, the head of a Federal executive agency shall take all appropriate actions to ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known to the head of the Federal agency involved by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the Federal Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from 1 Federal executive agency for a requesting Federal executive agency when the requesting agency makes the information or assurances directly.

SEC. 9. **UNIFORM ADMINISTRATIVE PROCEDURES.**

(a) **IN GENERAL.**—To make participation in a project simpler than would otherwise be possible because of the application of varying or conflicting technical or administrative regulations or procedures that are not specifically required by the statute that authorizes the Federal program under which such project is funded, the head of a Federal executive agency may promulgate uniform regulations concerning inconsistent or conflicting requirements with respect to—

(1) the financial administration of the project including with respect to accounting, reporting, and auditing, and maintaining a separate bank account, to the extent consistent with this Act;

(2) the timing of payments by the Federal Government for the project when 1 payment schedule or a combined payment schedule is to be established for the project;

(3) the provision of assistance by grant rather than procurement contract; and

(4) the accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Federal Government under the project.

(b) **REVIEW.**—In making the processing of applications for assistance under a project simpler under this Act, the head of a Federal executive agency may provide for review of proposals for a project by a single panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by the statute that authorizes the Federal program under which the project is funded.

#### **SEC. 10. DELEGATION OF SUPERVISION OF ASSISTANCE.**

Pursuant to regulations established to implement this Act, the head of a Federal executive agency may delegate or otherwise enter into an arrangement to have another Federal executive agency carry out or supervise a project or class or projects jointly financed in accordance with this Act. Such a delegation—

(1) shall be made under conditions ensuring that the duties and powers delegated are exercised consistent with Federal law; and

(2) may not be made in a manner that relieves the head of a Federal executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

#### **SEC. 11. JOINT ASSISTANCE FUNDS AND PROJECT FACILITATION.**

(a) **JOINT ASSISTANCE FUND.**—In providing support for a project in accordance with this Act, the head of a Federal executive agency may provide for the establishment by the applicant of a joint assistance fund to ensure that amounts received from more than 1 Federal assistance program or appropriation are more effectively administered.

(b) **AGREEMENT.**—A joint assistance fund may only be established under subsection (a) in accordance with an agreement by the Federal executive agencies involved concerning the responsibilities of each such agency. Such an agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress; and

(2) provide that the agency administering the fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund.

(c) **USE OF EXCESS FUNDS.**—In any demonstration project conducted under this Act under which a joint assistance fund has been

established under subsection (a) and the actual costs of the project are less than the estimated costs, use of the resulting excess funds shall be determined by the head of the Federal executive agency administering the joint assistance fund, after consultation with the applicant.

#### SEC. 12. FINANCIAL MANAGEMENT, ACCOUNTABILITY, AND AUDITS.

(a) SINGLE AUDIT ACT.—Recipients of funding provided in accordance with this Act shall be subject to the provisions of chapter 75 of title 31, United States Code.

(b) RECORDS.—With respect to each project financed through an account in a joint management fund established under section 11, the recipient of amounts from the fund shall maintain records as required by the head of the Federal executive agency responsible for administering the fund. Such records shall include—

(1) the amount and disposition by the recipient of assistance received under each Federal assistance program and appropriation;

(2) the total cost of the project for which such assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to conduct an audit of the project.

(c) AVAILABILITY.—Records of a recipient related to an amount received from a joint management fund under this Act shall be made available to the head of the Federal executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

#### SEC. 13. TECHNICAL ASSISTANCE AND PERSONNEL TRAINING.

Amounts available for technical assistance and personnel training under any Federal assistance program shall be available for technical assistance and training under a project approved for joint financing under this Act where a portion of such financing involves such Federal assistance program and another assistance program.

#### SEC. 14. JOINT STATE FINANCING FOR FEDERAL-TRIBAL ASSISTED PROJECTS.

Under regulations promulgated under this Act, the head of a Federal executive agency may enter into an agreement with a State to extend the benefits of this Act to a project that involves assistance from at least 1 Federal executive agency, the State, and at least 1 tribal agency or instrumentality. The agreement may include arrangements to process requests or administer assistance on a joint basis.

#### SEC. 15. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the President shall prepare and submit to Congress a report concerning the actions taken under this Act together with recommendations for the continuation of this Act or proposed amendments thereto. Such report shall include a detailed evaluation of the operation of this Act, including information on the benefits and costs of jointly financed projects that accrue to participating Indian tribes and tribal organizations.

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

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

Mr. CAMPBELL. Mr. President, I am pleased to be introducing a bill that provides needed clarifications in the law to improve the administration of

both the Indian Reservation Roads Program and the Indian Reservation Road Bridge Program to better meet the transportation needs in native communities.

There is still an enormous need for physical infrastructure on Indian lands throughout the country. This infrastructure is necessary for Indian tribes and their citizens to carry out emergency services, law enforcement, and the transportation of goods and services.

Good transportation is fundamental to attracting private investment and enterprise into Native communities. When entrepreneurs or investors are calculating whether to invest in a community they first look to see if the basic building blocks exist within the community. Roads, highways, electricity, potable water, and other amenities are critical factors that investors look to before making their investment decisions.

For Indian communities, efficient and effective federal road financing and construction are one factor leading to healthy economies and higher standards of living.

In 1998 Congress enacted the Transportation Equity Act of the twenty-first century, "TEA-21," to authorize federal surface transportation programs with the goals of improved highways, increased safety, protecting the environment, and increased economic growth.

In passing TEA-21, Congress approved several Indian provisions that I was proud to have sponsored. One important provision required negotiated rule-making to develop an allocation formula that is both flexible and fair in addressing the needs of all Indian communities throughout the country. Another provision provided that all Indian reservation road monies under TEA-21 are eligible for tribes to contract and compact under the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93-638, as amended.

In the 106th Congress, the Committee on Indian Affairs held two hearings on the Indian reservation roads program and TEA-21. From testimony and other evidence presented, it is evident that there remain serious obstacles to a more efficient functioning of TEA-21 in Indian communities. I am sorry to say that one of the obstacles appears to be the administration of the program by the Bureau of Indian Affairs, BIA, itself.

Although reservation roads comprise 2.63 percent of the federal highway system, less than 1 percent of federal aid has been allocated to Indian roads. This bill would remove the so-called "obligation limitation" contained within TEA-21 and would allow the already-authorized funds for Indians to reach the intended beneficiaries. In fiscal year 2001, imposition of the obligation limitation diverted \$34 million from the Indian Reservation Road program.

This bill also authorizes the Federal Lands Highway Program, FLHP, to establish a pilot program in which up to 12 tribes may, in their discretion, contract directly with the FLHP for the administration of their roads programs. The dual goals of this pilot program are to promote a more efficient use of existing resources, and to further the policy of Indian self-determination.

Under current law, the BIA is authorized to use "up to 6 percent" of roads funding for oversight and administration of the Indian roads program. If it was not clear in 1998, it should be clear now that these funds are not intended to be available to subsidize other BIA roads operations nor are they intended to be used for other BIA purposes.

The bill I am introducing today contains a provision that clarifies the "up to 6 percent" language by reiterating Congress' intent that the figure was and is intended as a maximum, not a minimum, funding level with regard to the BIA's administrative costs.

This bill also clarifies that tribes who are administering their Indian reservation roads program under Public Law 93-638 are authorized to receive the monies that the BIA would have used to administer these tribes' roads programs. Because tribes that are either "638" contractors or compactors have assumed the BIA's administrative functions, it is unnecessary for the BIA to withhold either administrative or project related funding from these tribes.

Finally, this bill seeks to eliminate the redundancy that is currently required in the health and safety certification process by allowing tribes to meet statutorily required health and safety standards without the need for a second, duplicative effort by the BIA. It is important to note that the standards themselves will not change, nor will the need for tribal compliance with those standards change.

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

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

S. 344

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Surface Transportation Act of 2001".

#### SEC. 2. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note) is amended—

(1) by striking "Code, and" and inserting "Code,"; and

(2) by inserting before the semicolon the following: "and for each of fiscal years 2002 and 2003, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code".

(b) PILOT PROGRAM.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

“(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

“(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A), shall be made available, upon request of the Indian tribal government involved, to the Indian tribal government for contracts and agreements for the planning, research, engineering, and construction described in such subparagraph in accordance with the Indian Self-Determination and Education Assistance Act.

“(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies, shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

“(iii) SELECTION OF PARTICIPATING TRIBES.—

“(I) PARTICIPANTS.—

“(aa) IN GENERAL.—The Secretary shall select 12 geographically diverse Indian tribes in each fiscal year from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

“(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for purposes of becoming part of the applicant pool under subclause (II).

“(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equivalent to the funding that such tribe would otherwise receive pursuant to the funding formula established under section 1115(b) of the Transportation Equity Act for the 21st Century, plus an additional percentage of such amount, such additional percentage to be equivalent to the percentage of funds withheld during the fiscal year involved for the road program management costs of the Bureau of Indian Affairs under section 202(f)(1) of title 23, United States Code.

“(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

“(aa) has successfully completed the planning phase described in subclause (III);

“(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

“(cc) has, during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested, demonstrated financial stability and financial management capability through a showing of no material audit exceptions by the Indian tribe during such period.

“(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPABILITY.—For purposes of this subparagraph, evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

“(IV) PLANNING PHASE.—An Indian tribe (or consortium) requesting participation in the

project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation. The tribe (or consortium) shall be eligible to receive a grant under this subclause to plan and negotiate participation in such project.”

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end thereof the following:

“(f) INDIAN RESERVATION ROADS, ADMINISTRATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, not to exceed 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program and the administrative expenses related to individual projects that are associated with such program. Such administrative funds shall be made available to an Indian tribal government, upon the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act.

“(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (25 U.S.C. 104) that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act so long as the Indian tribe or tribal organization has—

“(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

“(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

“(C) provided a copy of the certification under subparagraph (B) to the Bureau of Indian Affairs.

“(g) INDIAN RESERVATION ROADS PROGRAM, SAFETY INCENTIVE GRANTS.—

“(1) SEAT BELT SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive allocations under section 157 to assist Indian communities in developing innovative programs to promote increased seat belt use rates.

“(2) INTOXICATED DRIVER SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive grant funding under section 163 to assist Indian communities in the prevention of the operation of motor vehicles by intoxicated persons.

“(3) GRANT FUNDING PROCEDURES AND ELIGIBILITY CRITERIA.—The Secretary, in consultation with Indian tribal governments, may develop funding procedures and eligibility criteria applicable to Indian tribes with respect to allocations or grants described in paragraphs (1) and (2). The Secretary shall ensure that any such procedures or criteria are published annually in the Federal Register.”

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr.

INHOFE, and Mr. SMITH of Oregon):

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

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators STEVENS, BURNS, CRAIG, CRAPO, INHOFE, and GORDON SMITH in introducing the Ninth Circuit Court of Appeals Reorganization Act of 2001. While this bill is not the first attempt to solve the crisis of the Ninth Circuit, I believe the need for change has never been greater. The Ninth Circuit has grown so large, and has drifted so far from prudent legal reasoning, that sweeping change is in order.

Congress has already recognized that change is needed. In 1997, we commissioned a report on structural alternatives for the federal courts of appeals. The Commission, chaired by former Supreme Court Justice Byron R. White, found numerous faults within the Ninth Circuit. In its conclusion, the Commission recommended major reforms and a drastic reorganization of the Circuit.

This bill will divide the Ninth Circuit into two independent circuits. The new Ninth Circuit would contain Arizona, California, and Nevada. A new Twelfth Circuit would be composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands. Immediately upon enactment, the concerns of the White Commission will be addressed. A more cohesive, efficient, and predictable judiciary will emerge.

In this debate, let us not forget why change is in order. The Ninth Circuit extends from the Arctic Circle to the Mexican border, spans the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands. Encompassing some 14 million square miles, the Ninth Circuit, by any means of measure, is the largest of all U.S. Circuit Courts of Appeal. It is larger than the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits combined!

The Circuit serves a population of more than 50 million people, almost 60 percent more than are served by the next largest circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million. That's an increase of 13 million people in just 10 years! How many people does this court have to serve before Congress will realize that the Ninth Circuit is overwhelmed by its population?

As I noted before, legislation to split the Ninth Circuit is certainly not novel. Since the day the Ninth Circuit was founded over a century ago, Congress has tinkered with the structure of the Circuit and has debated its split.

In 1866, Congress established a newly numbered Ninth Circuit Court of Appeals consisting of California, Nevada,

and Oregon. Congress included Montana, Washington, and Idaho in the Circuit at the time each gained statehood. The present Ninth Circuit was completed by including Hawaii in 1911, Alaska in 1925, Arizona in 1929, Guam in 1951 and the Northern Mariana Islands in 1977. During this period of geographic expansion, Congress determined a split of the Ninth Circuit to be inevitable; numerous proposals to divide the Ninth Circuit were debated in Congress since before World War II.

Congressional members were not alone in advocating a split. In 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System Commission, commonly known as the Hruska Commission, recommended that the Ninth Circuit be divided. Also that year, the American Bar Association adopted a resolution in support of dividing the Ninth Circuit. The Hruska recommendation sparked controversy because it called for a Circuit division that split the state of California in half. Instead of that radical approach, Congress, in 1978, created the en banc proceedings as an effort to streamline the Ninth Circuit's docket. In 1990, the United States Department of Justice endorsed legislation to split the Ninth Circuit in a surprising reversal of the official "no position" approach it had previously assumed.

In 1995, a bill was reported from the Senate Judiciary Committee in which Chairman ORRIN HATCH of Utah declared in his Committee's report that the time for a split had arrived:

The legislative history, in conjunction with available statistics and research concerning the Ninth Circuit, provides an ample record for an informed decision at this point as to whether to divide the Ninth Circuit . . . Upon careful consideration the time has indeed come.

Even more recently, Supreme Court Justice Anthony M. Kennedy had stated his concerns regarding the size of the Ninth Circuit. Justice Kennedy, a former member of the Ninth Circuit for twelve years, testified before a Senate Appropriations subcommittee, and stated that he has "increasing doubts about the wisdom of retaining, the Circuit's current size." During a House subcommittee hearing, Justice Kennedy had earlier voiced his reservations about the Circuit's size, saying that it "is larger than it ought to be," and he recommended "looking very hard" at dividing the Circuit.

Arguments in support of dividing the Ninth Circuit are both qualitative and quantitative. The magnitude of case filings in the Ninth Circuit creates a slow and cumbersome docket. Once a final brief is filed, it takes longer to receive a hearing or submission in the Ninth Circuit than any other Circuit. And, from the time of a lower court filing to final disposition, the Ninth Circuit is the second slowest Circuit in the nation.

The Ninth Circuit's travel expenses are the largest in the federal system,

and operating costs of the Ninth Circuit surpass the costs of all other Circuits. In 1990, Congress allocated to the Ninth Circuit 28 active judges, which surpasses by twelve the second largest appellate court. This increase means that judicial travel expenses in 1996 were over double the amount of any other circuit. Additionally, support staff of the Circuit is so large and unwieldy that one appellate judge facetiously complained that it was "impossible to determine who actually was assigned to clerk."

The ever-expanding docket in the Ninth Circuit creates an inherent difficulty in keeping abreast of legal developments within its own jurisdiction, rendering inconsistency in Constitutional interpretation within the Court. Interestingly, the statistical opportunities for inconsistency on a 28 panel court calculates out to be 3,276 combinations of panels that could resolve any given issue. Former Oregon Senator Mark Hatfield expressed much concern about the growing inconsistency of the Ninth Circuit, stating that the "increased likelihood of intra-circuit conflicts is an important justification for splitting the court."

One only needs to review the appallingly high reversal rate of Ninth Circuit cases to appreciate the severity of the problem. For example, between the years 1990 and 1995, the Ninth Circuit's average rate of reversal was higher than any other circuit. During its 1995-1996 session, the Supreme Court overturned an astounding 83% of the cases heard from the Ninth Circuit, a figure which is 30 percent higher than the national average reversal rate. In the 1996-1997 session alone, an astounding 95% of its cases reviewed by the Supreme Court were overturned. This number should raise more than a few eyebrows. A split of the Circuit would enable a more complete and sound review, thereby reducing the Circuit's rate of reversal before the Supreme Court.

Many who oppose legislation to bifurcate the Ninth Circuit, contend that all the Circuit needs is the appropriation of more federal dollars for more federal judges. However, history reveals this contention to be false. In fact, Congressional increases in the number of judges have yielded few improvements. Studies on omnibus judgeships legislation concluded that adding "judges only delayed what appeared to be a nearly inexorable climb in appeals taken to the court" and only served to further tax the judicial confirmation process.

As early as 1954, Supreme Court Justice Felix Frankfurter warned that the courts' growing business could not "be met by a steady increase in the number of federal judges" because this increase was "bound to depreciate the quality of the federal judiciary and thereby adversely affect the whole system." Soon after Congress divided the former Fifth Circuit, former Senator and Alabama Supreme Court Chief Justice, Howell

Heflin, a Democrat from Alabama, remarked that "Congress recognized that a point is reached where the addition of judges decreases the effectiveness of the court, complicates the administration of uniform law, and potentially diminishes the quality of justice within a Circuit."

Former Oregon Senator Bob Packwood believed that a circuit split would enable judges to achieve a greater mastery of applicable, but unique, state law and state issues. He believed such a mastery was necessary because "burgeoning conflicts in the area of natural resources and the continuing expansion of international trade efforts will all expand the demand for judicial excellence . . . By reforming our courts now, they will be better able to dispense justice in a fair and expeditious manner."

I concur. The uniqueness of the Northwest, and in particular, Alaska, cannot be overstated. An effective appellate process demands mastery of state law and state issues relative to the geographic land mass, population and native cultures that are unique to the relevant region. Presently, California is responsible for almost 50 percent of the appellate court's filings, which means that California judges and California judicial philosophy dominate judicial decision on issues that are fundamentally unique to the Pacific Northwest. This need for greater regional representation is demonstrated by the fact that the East Coast is comprised of five federal circuits. A division of the Ninth Circuit will enable judges, lawyers and parties to master a more manageable and predictable universe of relevant caselaw.

Further, a division of the Ninth Circuit would honor Congress' original intent in establishing appellate court boundaries that respect and reflect a regional identity. In spite of efforts to modernize the administration of the Ninth Circuit, its size works against the original purpose of its creation: the uniform, coherent and efficient development and application of federal law in the region. Establishing a circuit comprised solely of states in the Northwest region would adhere to Congressional intent. Alaska, Washington, Oregon, Hawaii, Idaho, and Montana share similar land bases, populations and economies. Each state contains a high percentage of public lands, fairly comparable populations, is financially dependent upon tourism, and is blessed with an abundance of natural resources. A new Twelfth Circuit, comprised of states of the Pacific Northwest, would respect the economic, historical, cultural and legal ties which philosophically unite this region.

No one Court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. Legislation dividing the Ninth Circuit will create a regional commonality which will lead to greater uniformity and

consistency in the development of federal law, and will ultimately strengthen the constitutional guarantee of justice to all.

While I may believe even more sweeping change is in order, I strongly urge that this body address the crisis in our judiciary system. It is the 50 million residents of the Ninth Circuit that suffer from our inaction. These Americans wait years before their cases are heard. And after these unreasonable delays, justice may not even be served by an over-stretched and out of touch judiciary.

Congress has known about the problem in the Ninth Circuit for a long time. Justice has been delayed too long. The time for reform has come, and I urge action on this bill.

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

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

S. 346

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 2001".

#### SEC. 2. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth ..... Arizona, California, Nevada.";

and

(B) by inserting between the last 2 items the following:

"Twelfth ..... Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.".

#### SEC. 3. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth ..... 20";

and

(2) by inserting between the last 2 items the following:

"Twelfth ..... 8".

#### SEC. 4. PLACES OF CIRCUIT COURT.

The table in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth ..... San Francisco, Los Angeles.";

and

(2) by inserting between the last 2 items at the end the following:

"Twelfth ..... Portland, Seattle.".

#### SEC. 5. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this Act—

(1) is in Arizona, California, or Nevada is assigned as a circuit judge of the new ninth circuit; and

(2) is in Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

#### SEC. 6. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

#### SEC. 7. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

#### SEC. 8. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1), shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

#### SEC. 9. DEFINITIONS.

In this Act, the term—

(1) "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 2(2); and

(3) "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 2(3).

#### SEC. 10. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act and the amendments made by this Act. Such court shall cease to exist for administrative purposes on July 1, 2003.

#### SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 2001.

By Mr. THOMAS.

S. 347. A bill to amend the Endangered Species Act of 1973 to improve

the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the Listing and Delisting Reform Act of 2001. The Endangered Species Act has become one of the best examples of good intentions gone astray, and so today I am taking one small step toward injecting some common sense into what has become a regulatory nightmare. It is my intention to start making the law more effective for local landowners, public land managers, communities and state governments who truly hold the key to any successful effort to conserve species. My legislation seeks to improve the listing, recovery planning and delisting processes so that recovery, the goal of the act, is easier to achieve.

In Wyoming, we have seen first hand the need to revise the listing and delisting processes of the Endangered Species Act. Listing should be a purely scientific decision. Listing should be based on credible data that has been peer-reviewed. Not long ago, the Prebles Meadow Jumping Mouse was listed in the State of Wyoming. The listing process for this mouse demonstrates how the system has gone haywire devoid of good science. One of the more significant shortcomings of the Preble's Rule relates to confusion about claims regarding the "known range" of as opposed to the alleged "historical range." Historical data and current knowledge do not support the high, short-grass, semi-arid plains for southeastern Wyoming as part of the mouse's historical habitat range. The U.S. Fish and Wildlife Service has even admitted to uncertainties regarding taxonomic distinctions and ranges. Further, the state was not properly notified causing counties, commissioners, and landowners all to be caught off guard. Such poor practices do not foster the types of partnerships that are required if meaningful species conservation is to occur. Clearly, changes are desperately needed to the Endangered Species Act.

Not far behind the mouse in Wyoming, was the black tailed prairie dog. Petitions to list the prairie dog were being filed with the U.S. Fish and Wildlife Service. I've lived in Wyoming most of my life, and I've logged a lot of miles on the roads and highways in my state over the years. I can tell you from experience that there is no shortage of prairie dogs in Wyoming. Any farmer or rancher will concur with that opinion. This petition, and countless other actions throughout the country, makes it painfully clear that some folks are intent on completely eliminating activity on public lands, no matter what the cost to individuals or local communities that rely on the land for economic survival.

My legislation will require the Secretary of the Interior to use scientific or commercial data that is empirical, field tested and peer-reviewed. Right

now, it's basically a "postage stamp" petition: any person who wants to start a listing process may petition a species with little or no scientific support. This legislation prevents this absurd practice by establishing minimum requirements for a listing petition that includes an analyses of the status of the species, its range, population trends and threats. The petition must also be peer reviewed. In order to list a species, the Secretary must determine if sufficient biological information exists in the petition to support a recovery plan. Under my proposal, states are made active participants in the process and the general public is provided a more substantial role.

This legislation requires explicit planning and forethought with regard to conservation and recovery at the time the species is listed. Let me be clear about the intent of this requirement. I do not question the basic premise that some species require the protection of the Endangered Species Act. However, listing a species can cause hardship on a community. For that reason, it is critically important and only reasonable that every listing be supported by sound science. We should be sure of the need for a listing before we ask the members of our communities and private landowners to make sacrifices.

In the past in my State of Wyoming, I have found that with several listings, the Secretary of the Interior was unable to tell me what measures were required to achieve species recovery. The Secretary could not tell me what acts or omissions we could expect to face as a consequence of listing. How can this be, if the Secretary is fully apprized of the status of the species? Conversely, if the Secretary cannot clearly describe how to reverse threatening acts to a species so that we can achieve recovery, how can we be sure that the species is, in fact, threatened?

This ambiguity has caused much undue frustration to the people of Wyoming. If the Secretary believes that certain farming or ranching practices, or the diversion of a certain amount of water, or a private citizen's development of one's own property, is the cause for a listing, then the Secretary should identify those activities that have to be curtailed or changed. If the Secretary does not have enough information to indicate what activities should be restricted, then why list a species? Why open producers and others to the burden of over-zealous enforcement and even litigation without being able to achieve the goal of recovering the species?

This legislation is ultimately designed to improve the quality of information used to support a listing. If the Secretary knows enough to list a species, he should know enough to tell us what will be required for recovery. That should be the case under current law, and that is all that this provision would require.

Just as the beginning of the process needs changes, we need to revise the

end of the process the de-listing procedure. Recovery and delisting are quite simply, the goals of the Endangered Species Act. Yet, it is virtually impossible to currently de-list a species. There is no certainty in the process and the states the folks who have all the responsibility for managing the species once it is off the list are not true partners in that process. Once the recovery plan is met, the species should be de-listed.

Wyoming's experience with the grizzly bear pinpoints some of the problems with the current de-listing process. The Interagency Grizzly Bear Committee set criteria for recovery and in the Yellowstone ecosystem, those targets have been met, but the bear has still not been removed from the list. We've been battling the U.S. Fish and Wildlife Service for years over this one to no avail, despite tremendous effort and financial resources to meet recovery objectives. Despite rebounded populations, we keep funneling money down a black hole.

The point is something needs to be done. My constituents, rightly so, are angry and upset about this current law and the trickling effects of countless listings. Real lives are being impacted. It is time for some real changes. These are small changes but I believe they will make big impacts. The changes I've suggested will have a significant affect on the quality of science, public participation, state involvement, speed in recovery and finally the delisting of a species. Species that truly need protection will be protected, but let's not lost sight of the real goal recovery and delisting. I ask 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. 347

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Species Listing and Delisting Process Reform Act of 2001".

#### SEC. 2. LISTING PROCESS REFORMS.

(a) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—

(1) IN GENERAL.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

"DEFINITIONS AND GENERAL PROVISIONS";

(B) by striking "For the purposes of this Act—" and inserting the following:

"(a) DEFINITIONS.—In this Act:"; and

(C) by adding at the end the following:

"(b) GENERAL PROVISIONS.—In any case in which this Act requires the Secretary to use the best scientific and commercial data available, the Secretary shall obtain and use scientific or commercial data that are empirical or have been field-tested or peer-reviewed."

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 3 and inserting the following:

"Sec. 3. Definitions and general provisions."

(b) FINDING OF SUFFICIENT BIOLOGICAL INFORMATION TO SUPPORT RECOVERY PLAN.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "shall make" and inserting the following: "shall—  
"(i) make";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) determine that a species is an endangered species or a threatened species only if the Secretary finds that there is sufficient biological information to support recovery planning for the species under subsection (f)."; and

(2) in the first sentence of paragraph (3)(A), by inserting before the period at the end the following: "and as to whether the petition presents sufficient biological information to support recovery planning for the species under subsection (f)".

(c) PETITION PROCESS.—Section 4(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)) is amended by adding at the end the following:

"(E) LISTING PETITION INFORMATION.—In the case of a petition to add a species to a list published under subsection (c), a finding that the petition presents the information described in subparagraph (A) shall not be made unless the petition provides—

"(i) documentation from a published scientific source that the fish, wildlife, or plant that is the subject of the petition is a species;

"(ii)(I) a description of the available data on the historical and current range and distribution of the species;

"(II) an explanation of the methodology used to collect the data; and

"(III) identification of the location where the data can be reviewed;

"(iii) an appraisal of the available data on the status and trends of all extant populations of the species;

"(iv) an appraisal of the available data on the threats to the species;

"(v) an identification of the information contained or referred to in the petition that has been peer-reviewed or field-tested; and

"(vi) a description of at least 1 study or credible expert opinion, from a person not affiliated with the petitioner, to support the action requested in the petition.

"(F) NOTIFICATION TO STATES.—

"(i) PETITIONED ACTIONS.—If a petition is found to present information described in subparagraph (A), the Secretary shall—

"(I) notify and provide a copy of the petition to the State agency of each State in which the species is believed to occur; and

"(II) solicit the assessment of the agency as to whether the petitioned action is warranted, which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

"(ii) OTHER ACTIONS.—If the Secretary has not received a petition to add a species to a list published under subsection (c) and the Secretary is considering proposing to list the species as an endangered species or a threatened species under subsection (a), the Secretary shall—

"(I) notify the State agency of each State in which the species is believed to occur; and

"(II) solicit the assessment of the agency as to whether the listing would be in accordance with subsection (a), which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

"(iii) CONSIDERATION OF STATE ASSESSMENTS.—Before publication of a finding described in subparagraph (A) that a petitioned



action is warranted, the Secretary shall consider any assessments submitted with respect to the species within the comment period established under clause (i) or (ii)."

(d) IMPROVEMENT OF PUBLIC HEARINGS IN THE LISTING PROCESS.—

(1) IN GENERAL.—Section 4(b)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(5)) is amended by striking subparagraph (E) and inserting the following:

"(E) promptly hold at least 2 hearings in each State in which the species proposed for determination as an endangered species or a threatened species is located (including at least 1 hearing in an affected rural area if 1 or more rural areas within the State are affected by the determination), except that the Secretary may not be required to hold more than 10 hearings under this subparagraph with respect to the proposed regulation."

(2) DEFINITION OF RURAL AREA.—Section 3(a) of the Endangered Species Act of 1973 (16 U.S.C. 1532(a)) (as amended by subsection (a)(1)(B)) is amended—

(A) by redesignating paragraphs (12) through (14) as paragraphs (11) through (13), respectively; and

(B) by inserting before paragraph (15) the following:

"(14) RURAL AREA.—The term 'rural area' means a county or unincorporated area that has no city or town with a population of more than 10,000 individuals."

(3) CONFORMING AMENDMENT.—Section 7(n) of the Endangered Species Act of 1973 (16 U.S.C. 1536(n)) is amended in the first sentence by striking ", as defined by section 3(13) of this Act."

(e) EMERGENCY LISTING.—Section 4(b)(7) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(7)) is amended in the first sentence by striking "posing a significant risk to the well-being" and inserting "that poses an imminent threat to the continued existence".

(f) OTHER LISTING REFORMS.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended by adding at the end the following:

"(9) AVAILABILITY OF LISTING DATA.—

"(A) IN GENERAL.—Subject to subparagraph (B), upon publication of a proposed regulation determining that a species is an endangered species or a threatened species, the Secretary shall make publicly available—

"(i) all information on which the determination is based, including all scientific studies and data underlying the studies; and

"(ii) all information relating to the species that the Secretary possesses and that does not support the determination.

"(B) LIMITATION.—Subparagraph (A) does not require disclosure of any information that—

"(i) is not required to be made available under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); or

"(ii) is prohibited from being disclosed under section 552a of title 5, United States Code (commonly known as the 'Privacy Act').

"(10) ESTABLISHMENT OF CRITERIA FOR SCIENTIFIC STUDIES TO SUPPORT LISTING.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations that establish criteria that must be met for scientific and commercial data to be used as the basis of a determination under this section that a species is an endangered species or a threatened species.

"(11) FIELD DATA.—

"(A) REQUIREMENT.—The Secretary may not determine that a species is an endangered species or a threatened species unless the determination is supported by data obtained by observation of the species in the field.

"(B) DATA FROM LANDOWNERS.—The Secretary shall—

"(i) accept and acknowledge receipt of data regarding the status of a species that is collected by an owner of land through observation of the species on the land; and

"(ii) include the data in the rulemaking record compiled for any determination that the species is an endangered species or a threatened species."

### SEC. 3. DEADLINE FOR DEVELOPMENT OF RECOVERY PLANS.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

"(6) DEADLINE FOR DEVELOPMENT OF RECOVERY PLANS.—The Secretary shall—

"(A) begin developing a recovery plan required for a species under paragraph (1) on the date of promulgation of the proposed regulation to implement a determination under subsection (a)(1) with respect to the species; and

"(B) issue a recovery plan in final form not later than the date of promulgation of the final regulation to implement the determination."

### SEC. 4. DELISTING.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) (as amended by section 3) is amended by adding at the end the following:

"(7) EFFECT OF FULFILLMENT OF RECOVERY PLAN CRITERIA.—

"(A) CHANGE IN STATUS.—If the Secretary finds that the criteria of a recovery plan have been met for a change in status of the species covered by the recovery plan from an endangered species to a threatened species, or from a threatened species to an endangered species, the Secretary shall promptly publish in the Federal Register a notice of the change in status of the species.

"(B) REMOVAL FROM LISTING.—If the Secretary finds that the criteria of a recovery plan have been met for the removal of the species covered by the recovery plan from a list published under subsection (c), the Secretary shall promptly publish in the Federal Register a notice of an intent to remove the species from the list."

By Mr. HUTCHINSON:

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

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Drug-Free Workplace Program Extension Act of 2001. This important legislation will reduce the number of employees who engage in substance abuse while on the job and will thus directly improve worker safety. As employee substance abuse declines, there will be a corresponding decline in the number of drug-related fatalities, injuries, and lost workdays. Workers who abuse substances not only hurt themselves, but their coworkers as well.

Approximately 1,000 workers are currently being injured and killed each year as a direct result of their own and their coworkers' substance abuse. Prior to 1993, the Bureau of Labor Statistics, BLS, reported that toxicological reports for occupational fatalities indicated that one-sixth of the nation's workers who died on the job were under the influence of alcohol or a controlled substance. Unfortunately, the true extent of this problem is not definitively

known as a result of the Department of Labor's decision to order the BLS to discontinue the tracking of this statistic. In the meantime, we can commit to providing additional funding to enhance drug-free workplace programs.

The Drug-Free Workplace Program Extension Act of 2001 would simply amend the Small Business Act, SBA, to authorize another \$10 million, \$5 million each, in fiscal years 2004 and 2005 for grants to states and non-profit organizations working with small businesses to promote drug-free workplaces. I ask my colleagues to join me in this simple, non-partisan attempt to enhance the safety of American workers and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 348

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Workplace Program Extension Act of 2001".

### SEC. 2. PROGRAM EXTENSION.

(a) IN GENERAL.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking "2003" and inserting "2005".

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "2003" and inserting "2005".

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

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

Mr. HUTCHINSON. Mr. President, I rise today with my colleagues Senator HARKIN, Senator GORDON SMITH, and Senator THOMAS to introduce the Rural Law Enforcement Assistance Act of 2001. This important legislation will authorize the funding necessary to ensure that rural law enforcement agencies are able to secure the technical assistance, education, and training they need.

As in my home state of Arkansas, many rural law enforcement agencies are comprised of a handful of officers and don't have the financial resources to provide them with crucial technical assistance, education, and training. However, the need for these services is greater than ever as these officers are increasingly facing violent crimes that were once confined to urban settings. When one considers the fact that ten officers in 100,000 die in the line of duty each year in rural counties and communities with a population less than 25,000, as contrasted with seven in 100,000 in the largest cities, this legislation becomes necessary.

I am very proud that, under the leadership of Dr. Lee Colwell, the former

Associate Director of the Federal Bureau of Investigation, the National Center for Rural Law Enforcement in Little Rock, Arkansas has taken the lead in addressing this problem. Since 1985, the Center has been providing the technical assistance, education, and training that rural law enforcement agencies so critically need. For instance, the Center is currently providing Internet access, forensic science education and training, and model management and investigative policies to rural law enforcement agencies throughout the nation. Its effectiveness is readily apparent as it is strongly supported by law enforcement agencies located in the following 40 states: Alabama; Alaska; Arizona; Arkansas; California; Connecticut; Delaware; Florida; Georgia; Illinois; Indiana; Iowa; Kentucky; Louisiana; Maine; Maryland; Michigan; Minnesota; Mississippi; Missouri; Montana; Nebraska; Nevada; New Jersey; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; South Carolina; South Dakota; Tennessee; Texas; Utah; Vermont; Virginia; Wisconsin; and Wyoming.

The Rural Law Enforcement Assistance Act of 2001 will establish eight regional centers to compliment the Center and thereby expand the technical assistance, education, and training available to local law enforcement agencies throughout our nation. Thus, I ask my colleagues to join with me as I work to see that this important measure is enacted into law and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 349

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Law Enforcement Assistance Act of 2001".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term "Board" means the members of the Board of the Center elected in accordance with the bylaws of the Center.

(2) **CENTER.**—The term "Center" means the National Center for Rural Law Enforcement, a nonprofit corporation located in Little Rock, Arkansas.

(3) **EXECUTIVE DIRECTOR.**—The term "Executive Director" means the Executive Director of the Center as appointed in accordance with the bylaws of the Center.

(4) **INSTITUTIONS OF HIGHER EDUCATION.**—The term "institutions of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(5) **METROPOLITAN STATISTICAL AREA.**—The term "metropolitan statistical area" has the same meaning given the term by the Bureau of the Census of the Department of Commerce.

(6) **RURAL AREA.**—The term "rural area" means an area that is located outside of a metropolitan statistical area.

(7) **RURAL LAW ENFORCEMENT AGENCY.**—The term "rural law enforcement agency" means a criminal justice or law enforcement agency

that serves a county, parish, city, town, township, borough, or village that is located in a rural area.

#### SEC. 3. EDUCATION AND TRAINING PROGRAM GRANTS.

(a) **GRANT AUTHORITY.**—The Attorney General shall annually make a grant to the National Center for Rural Law Enforcement through the Office of Justice Programs, Bureau of Justice Affairs, if the Executive Director certifies in writing to the Attorney General that the Center—

(1) is incorporated in accordance with applicable State law;

(2) is in compliance with the bylaws of the Center;

(3) will use amounts made available under this section in accordance with subsection (b); and

(4) will not support any political party or candidate for elected or appointed office.

(b) **USES OF FUNDS.**—

(1) **REQUIRED USES OF FUNDS.**—The Center shall use amounts made available under this section to develop an education and training program for criminal justice or law enforcement agencies in rural areas and the employees of those agencies, which shall include—

(A) the development and delivery of management, forensic and computer education and training, technical assistance, and practical research and evaluation for employees of rural law enforcement agencies (including tribal law enforcement agencies and railroad law enforcement agencies), including supervisory and executive managers of those agencies;

(B) conducting research into the causes and prevention of criminal activity in rural areas, including the causes, assessment, evaluation, analysis, and prevention of criminal activity;

(C) the development and dissemination of information designed to assist States and units of local government in rural areas throughout the United States;

(D) the establishment and maintenance of a resource and information center for the collection, preparation, and dissemination of information regarding criminal justice and law enforcement in rural areas, including programs for the prevention of crime and recidivism; and

(E) the delivery of assistance, in a consulting capacity, to criminal justice agencies in the development, establishment, maintenance, and coordination of programs, facilities and services, education, training, and research relating to crime in rural areas.

(2) **PERMISSIVE USES OF FUNDS.**—The Center may use amounts made available under a grant under this section to enhance the education and training program developed under paragraph (1), through—

(A) educational opportunities for rural law enforcement agencies;

(B) the development, promotion, and voluntary adoption of educational and training standards and accreditation certification programs for rural law enforcement agencies and the employees of those agencies;

(C) grants to, and contracts with, State, and local governments, law enforcement agencies, public and private agencies, educational institutions, and other organizations and individuals to carry out this paragraph;

(D) the formulation and recommendation of law enforcement policy, goals, and standards in rural areas applicable to criminal justice agencies, organizations, institutions, and personnel; and

(E) coordination with institutions of higher education for the purpose of encouraging and delivering programs of study with those institutions for employees of rural law enforcement agencies.

(c) **POWERS.**—In carrying out subsection (b), the Executive Director may—

(1) request the head of any Federal department or agency to detail, on a reimbursable basis, 1 or more employees of the Federal department or agency to the Center to assist the Center in carrying out subsection (b), and any such detail shall be without interruption or loss of civil service status or privilege;

(2) request the Administrator of the General Services Administration to provide the Center, on a reimbursable basis, the administrative support services necessary for the Center to carry out subsection (b); and

(3) procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates of compensation established by the Board, but not to exceed the daily equivalent of the maximum rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) **REPORTING REQUIREMENTS.**—The Executive Director shall annually submit to the Attorney General a report, which shall include—

(1) a description of the education and training program developed under subsection (b);

(2) the number and demographic representation of individuals who attended programs sponsored by the Center;

(3) a description of the extent to which resources of other governmental agencies or private entities were used in carrying out subsection (b); and

(4) a description of the extent to which contracts with other public and private entities were used in carrying out subsection (b).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$13,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2007.

#### SEC. 4. REGIONAL CENTERS.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Center shall establish 8 regional centers, 1 in each geographic region listed in subsection (b) that will be under the supervision, direction, and control of the Center.

(2) **REQUIREMENT.**—The 8 regional centers shall be established 2 per year during 2002, 2003, 2004, and 2005.

(b) **REGIONS.**—For purposes of subsection (a), the regions shall be as follows:

(1) **REGION 1.**—Region 1 shall be comprised of the following States—

(A) Connecticut;  
(B) Maine;  
(C) Massachusetts;  
(D) New Hampshire;  
(E) New York;  
(F) Rhode Island; and  
(G) Vermont.

(2) **REGION 2.**—Region 2 shall be comprised of the following States—

(A) Delaware;  
(B) Maryland;  
(C) New Jersey;  
(D) Ohio;  
(E) Pennsylvania;  
(F) West Virginia; and  
(G) Virginia.

(3) **REGION 3.**—Region 3 shall be comprised of the following States—

(A) Alabama;  
(B) Florida;  
(C) Georgia;  
(D) Mississippi;  
(E) North Carolina; and  
(F) South Carolina.

(4) **REGION 4.**—Region 4 shall be comprised of the following States—

(A) Iowa;

- (B) Minnesota;  
 (C) Nebraska;  
 (D) North Dakota;  
 (E) South Dakota; and  
 (F) Wisconsin.
- (5) REGION 5.—Region 5 shall be comprised of the following States—  
 (A) Arkansas;  
 (B) Illinois;  
 (C) Indiana;  
 (D) Kentucky;  
 (E) Louisiana;  
 (F) Michigan;  
 (G) Missouri; and  
 (H) Tennessee.
- (6) REGION 6.—Region 6 shall be comprised of the following States—  
 (A) Colorado;  
 (B) Kansas;  
 (C) New Mexico;  
 (D) Oklahoma; and  
 (E) Texas.
- (7) REGION 7.—Region 7 shall be comprised of the following States—  
 (A) Arizona;  
 (B) California;  
 (C) Nevada; and  
 (D) Utah.
- (8) REGION 8.—Region 8 shall be comprised of the following States—  
 (A) Alaska;  
 (B) Hawaii;  
 (C) Idaho;  
 (D) Montana;  
 (E) Oregon;  
 (F) Washington; and  
 (G) Wyoming.
- (C) FUNDING.—  
 (1) IN GENERAL.—All funds for the regional centers shall be distributed by the Center which shall determine the budget base of each regional center based upon the budget request required to be submitted by each regional center under paragraph (2).  
 (2) BUDGET REQUEST.—Each regional center shall submit a budget request to the Center at such time and in such manner as the Executive Director may reasonably require.  
 (d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—  
 (1) \$8,000,000 for fiscal year 2002;  
 (2) \$16,000,000 for fiscal year 2003;  
 (3) \$24,000,000 for fiscal year 2004;  
 (4) \$32,000,000 for fiscal year 2005; and  
 (5) such sums as may be necessary for each of fiscal years 2006 and 2007.

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

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

Mr. CHAFEE. Mr. President, today I introduce the Brownfields Revitalization and Environmental Restoration Act of 2001. Together with Chairman BOB SMITH, Senators HARRY REID, and BARBARA BOXER, and other members of the Environment and Public Works Committee, I am reintroducing the popular bipartisan legislation that I

co-authored in the 106th Congress. That bill eventually amassed sixty-six co-sponsors and I look forward to the bill enjoying the same strong bipartisan support it did last year.

As the chairman of the Senate Superfund Subcommittee, I have made brownfields reform my top environmental priority. As one of six former mayors in the Senate, I understand the environmental, economic, and social benefits that can be realized in our communities from revitalizing brownfields. Estimates show there to be between 450,000 and 600,000 brownfield sites in the United States. Why do we have so many of these abandoned sites? The shift away from an industrialized economy, the migration of land use from urban areas to suburban and rural areas, and our nation's strict liability contamination statutes have all contributed. By enacting this legislation, we can recycle our nation's contaminated land, reinvigorate our urban cores, stimulate economic development, revitalize blighted communities, abate environmental health risks, and reduce the pressure to develop pristine land.

People may legitimately question the necessity of enacting federal brownfields legislation. Given the frequent touting of brownfield success stories, is federal legislation necessary? The short answer is "yes". While many states have implemented innovative and effective brownfield programs, they cannot remove the federal barriers to brownfield redevelopment. By providing federal funding, eliminating federal liability for developers, and reducing the role of the federal government at brownfield sites, we will allow state and local governments to improve upon what they are already doing well.

I would like to briefly describe the highlights of our legislation. The bill authorizes \$150 million per year to state and local governments to perform assessments and cleanup at brownfield sites. In addition, that money will allow EPA to issue grants for cleanup of sites to be converted into parks or open space. It also authorizes \$50 million per year to establish and enhance state brownfield programs. The bill clarifies that prospective purchasers, innocent landowners, and contiguous property owners, that act appropriately, are not responsible for paying cleanup costs. Finally, this legislation offers finality by precluding EPA from taking an action at a site being addressed under a state cleanup program unless there is an "imminent and substantial endangerment" to public health or the environment, and additional work needs to be done.

Enactment of this legislation and the accompanying redevelopment will provide a building block for the revitalization of our communities. Communities whose fortunes sank along with the decline of mills and factories will once again attract new residents and well-paying jobs. We will bring vibrant in-

dustry back to the brownfield sites that currently host crime, mischief and contamination. There will be parks at sites that now contain more rubble than grass. City tax rolls will burgeon; schools will be invigorated; new homes will be built, and community character will be restored. This vision for our communities can be realized with enactment of this legislation.

As with all legislation, we must reach across the aisle and work with bipartisan cooperation to be successful. The legislation we are introducing today garnered sixty-six bipartisan co-sponsors in the 106th Congress. It also enjoyed broad support from the real estate community, local government officials, state officials, business groups, and environmental groups. I hope that the bill will continue to attract such broad support in the 107th Congress. I would like to thank Chairman BOB SMITH, and Senators HARRY REID and BARBARA BOXER for their leadership on this issue and their steadfast commitment to moving this legislation forward. I look forward to working with all my colleagues and with the Administration on this very important measure.

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

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

S. 350

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2001".

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

Sec. 1. Short title; table of contents.

#### TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

#### TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.

Sec. 202. Prospective purchasers and windfall liens.

Sec. 203. Innocent landowners.

#### TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.

Sec. 302. Additions to National Priorities List.

#### TITLE I—BROWNFIELDS REVITALIZATION FUNDING

##### SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

“(39) BROWNFIELD SITE.—

“(A) IN GENERAL.—The term ‘brownfield site’ means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

“(B) EXCLUSIONS.—The term ‘brownfield site’ does not include—

“(i) a facility that is the subject of a planned or ongoing removal action under this title;

“(ii) a facility that is listed on the National Priorities List or is proposed for listing;

“(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

“(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(v) a facility that—

“(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

“(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

“(vi) a land disposal unit with respect to which—

“(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

“(II) closure requirements have been specified in a closure plan or permit;

“(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

“(viii) a portion of a facility—

“(I) at which there has been a release of polychlorinated biphenyls; and

“(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

“(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

“(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for non-profit purposes.

“(D) ADDITIONAL AREAS.—For the purposes of section 128, the term ‘brownfield site’ includes—

“(i) a site that is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

“(ii) mine-scarred land.”

(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

**“SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.**

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a general purpose unit of local government;

“(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

“(3) a government entity created by a State legislature;

“(4) a regional council or group of general purpose units of local government;

“(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

“(6) a State; or

“(7) an Indian Tribe.

“(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

“(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

“(B) perform targeted site assessments at brownfield sites.

“(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

“(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

“(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

“(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

“(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

“(A) eligible entities, to be used for capitalization of revolving loan funds; and

“(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites that is owned by the entity or organization that receives the grant and in amounts not to exceed \$200,000 for each site to be remediated.

“(2) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

“(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

“(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

“(3) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

“(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

“(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

“(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

“(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

“(E) such other factors as the Administrator considers appropriate to consider for the purposes of this section.

“(4) COMPLIANCE WITH APPLICABLE LAWS.—An eligible entity that provides assistance under paragraph (2) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

“(5) TRANSITION.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

“(d) GENERAL PROVISIONS.—

“(1) MAXIMUM GRANT AMOUNT.—

“(A) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

“(i) IN GENERAL.—A grant under subsection (b)—

“(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

“(II) shall not exceed, for any individual brownfield site covered by the grant, \$200,000.

“(ii) WAIVER.—The Administrator may waive the \$200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed \$350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

“(B) BROWNFIELD REMEDIATION.—

“(i) GRANT AMOUNT.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed \$1,000,000 per eligible entity.

“(ii) ADDITIONAL GRANT AMOUNT.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

“(I) the number of sites and number of communities that are addressed by the revolving loan fund;

“(II) the demand for funding by eligible entities that have not previously received a grant under this section;

“(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

“(IV) any other factors that the Administrator considers appropriate to carry out this section.

“(2) PROHIBITION.—

“(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

“(i) a penalty or fine;

“(ii) a Federal cost-share requirement;

“(iii) an administrative cost;

“(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

“(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)).

“(B) EXCLUSIONS.—For the purposes of subparagraph (A)(iii), the term ‘administrative cost’ does not include the cost of—

“(i) investigation and identification of the extent of contamination;

“(ii) design and performance of a response action; or

“(iii) monitoring of a natural resource.

“(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a

grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

“(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

“(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

“(e) GRANT APPLICATIONS.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—

“(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

“(ii) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

“(B) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

“(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

“(2) APPROVAL.—The Administrator shall—

“(A) complete an annual review of applications for grants that are received from eligible entities under this section; and

“(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

“(3) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

“(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

“(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

“(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

“(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

“(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

“(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

“(G) The extent to which the applicant is eligible for funding from other sources.

“(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

“(I) The extent to which the grant provides for involvement of the local community in

the process of making decisions relating to cleanup and future use of a brownfield site.

“(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

“(1) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

“(2) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

“(g) AUDITS.—

“(1) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

“(2) PROCEDURE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

“(3) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

“(A) terminate the grant or loan;

“(B) require the person to repay any funds received; and

“(C) seek any other legal remedies available to the Administrator.

“(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

“(i) AGREEMENTS.—Each grant or loan made under this section shall be subject to an agreement that—

“(1) requires the recipient to comply with all applicable Federal and State laws;

“(2) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

“(3) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

“(4) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

“(j) FACILITY OTHER THAN BROWNFIELD SITE.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

“(k) FUNDING.—There is authorized to be appropriated to carry out this section \$150,000,000 for each of fiscal years 2002 through 2006.”

## TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

### SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

“(o) CONTIGUOUS PROPERTIES.—

“(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

“(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

“(i) the person did not cause, contribute, or consent to the release or threatened release;

“(ii) the person is not—

“(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

“(II) the result of a reorganization of a business entity that was potentially liable;

“(iii) the person takes reasonable steps to—

“(I) stop any continuing release;

“(II) prevent any threatened future release; and

“(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

“(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the vessel or facility);

“(v) the person—

“(I) is in compliance with any land use restrictions established or relied on in connection with the response action at a facility; and

“(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

“(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

“(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

“(viii) at the time at which the person acquired the property, the person—

“(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

“(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

“(B) DEMONSTRATION.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

“(C) BONA FIDE PROSPECTIVE PURCHASER.—Any person that does not qualify as a person described in this paragraph because the person had knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

“(D) GROUND WATER.—If a hazardous substance from 1 or more sources that are not on the property of a person enters ground

water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

“(2) EFFECT OF LAW.—With respect to a person described in this subsection, nothing in this subsection—

“(A) limits any defense to liability that may be available to the person under any other provision of law; or

“(B) imposes liability on the person that is not otherwise imposed by subsection (a).

“(3) ASSURANCES.—The Administrator may—

“(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

“(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).”.

#### SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

“(40) BONA FIDE PROSPECTIVE PURCHASER.—The term ‘bona fide prospective purchaser’ means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

“(A) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

“(B) INQUIRIES.—

“(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

“(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in clauses (i) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

“(iii) RESIDENTIAL USE.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

“(C) NOTICES.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

“(D) CARE.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

“(i) stop any continuing release;

“(ii) prevent any threatened future release; and

“(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

“(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any

complete or partial response actions at the vessel or facility).

“(F) INSTITUTIONAL CONTROL.—The person—

“(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

“(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

“(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

“(H) NO AFFILIATION.—The person is not—

“(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

“(I) any direct or indirect familial relationship; or

“(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

“(ii) the result of a reorganization of a business entity that was potentially liable.”.

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

“(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

“(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

“(2) LIEN.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the party obtain from an appropriate party a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

“(3) CONDITIONS.—The conditions referred to in paragraph (2) are the following:

“(A) RESPONSE ACTION.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

“(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

“(4) AMOUNT; DURATION.—A lien under paragraph (2)—

“(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

“(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

“(C) shall be subject to the requirements of subsection (1)(3); and

“(D) shall continue until the earlier of—

“(i) satisfaction of the lien by sale or other means; or

“(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.”.

#### SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking “deeds or” and inserting “deeds, easements, leases, or”; and

(B) in the second sentence—

(i) by striking “he” and inserting “the defendant”; and

(ii) by striking the period at the end and inserting “, provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), and is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action.”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) REASON TO KNOW.—

“(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(1), the defendant must demonstrate to a court that—

“(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

“(II) the defendant took reasonable steps to—

“(aa) stop any continuing release;

“(bb) prevent any threatened future release; and

“(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

“(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

“(iii) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

“(I) The results of an inquiry by an environmental professional.

“(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

“(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

“(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

“(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

“(VI) Visual inspections of the facility and of adjoining properties.



“(VII) Specialized knowledge or experience on the part of the defendant.

“(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

“(IX) Commonly known or reasonably ascertainable information about the property.

“(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

“(iv) INTERIM STANDARDS AND PRACTICES.—

“(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

“(aa) any specialized knowledge or experience on the part of the defendant;

“(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

“(cc) commonly known or reasonably ascertainable information about the property;

“(dd) the obviousness of the presence or likely presence of contamination at the property; and

“(ee) the ability of the defendant to detect the contamination by appropriate inspection.

“(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as ‘Standard E1527-97’, entitled ‘Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process’, shall satisfy the requirements in clause (i).

“(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.”

### TITLE III—STATE RESPONSE PROGRAMS

#### SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

“(41) ELIGIBLE RESPONSE SITE.—

“(A) IN GENERAL.—The term ‘eligible response site’ means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

“(B) INCLUSIONS.—The term ‘eligible response site’ includes—

“(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

“(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

“(I) protect human health and the environment; and

“(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

“(C) EXCLUSIONS.—The term ‘eligible response site’ does not include—

“(i) a facility for which the President—

“(I) conducts or has conducted a remedial site investigation; and

“(II) after consultation with the State, determines or has determined that the site qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

“(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.”

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

#### “SEC. 129. STATE RESPONSE PROGRAMS.

“(a) ASSISTANCE TO STATES.—

“(1) IN GENERAL.—

“(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

“(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

“(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

“(B) USE OF GRANTS BY STATES.—

“(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

“(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

“(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

“(II) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

“(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

“(A) Timely survey and inventory of brownfield sites in the State.

“(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

“(i) a response action will—

“(I) protect human health and the environment; and

“(II) be conducted in accordance with applicable Federal and State law; and

“(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

“(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

“(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

“(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

“(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

“(3) FUNDING.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2002 through 2006.

“(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

“(1) ENFORCEMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

“(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

“(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

“(B) EXCEPTIONS.—The President may bring an enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

“(i) the State requests that the President provide assistance in the performance of a response action;

“(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

“(iii) after taking into consideration the response activities already taken, the Administrator determines that—

“(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

“(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

“(iv) the Administrator determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.

“(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be

suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

“(D) EPA NOTIFICATION.—

“(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

“(I) notify the State of the action the Administrator intends to take; and

“(II)(aa) wait 48 hours for a reply from the State under clause (i); or

“(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

“(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

“(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

“(II) the State is planning to abate the release or threatened release, any actions that are planned.

“(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

“(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

“(2) SAVINGS PROVISION.—

“(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

“(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

“(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

“(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

“(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after June 8, 2000.

“(C) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

“(1) this Act, except as provided in subsection (b);

“(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

“(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).”.

#### SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

“(h) NPL DEFERRAL.—

“(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

“(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

“(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

“(ii) that will provide long-term protection of human health and the environment; or

“(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

“(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

“(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

“(A) the complexity of the site;

“(B) substantial progress made in negotiations; and

“(C) other appropriate factors, as determined by the President.

“(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

“(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

“(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

“(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.”.

THE UNITED STATES  
CONFERENCE OF MAYORS,

Washington, DC, February 14, 2001.

Hon BOB SMITH,

*Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.*

Hon LINCOLN CHAFEE,

*Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, Senate Office Building, Washington, DC.*

Hon HARRY REID,

*Ranking Minority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.*

Hon BARBARA BOXER,

*Ranking Minority Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: On behalf of The United States Conference of Mayors, I am writing to express the strong support of the nation's mayors for your bipartisan legislation, the “Brownfields Revitalization and Environmental Restoration Act of 2001.” The mayors believe that this legislation can dramatically improve the nation's efforts to recycle abandoned and other underutilized brownfield sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

This is a national problem that deserves a strong and prompt federal response. The mayors believe that this bipartisan legislation will help accelerate ongoing private sector and public efforts to recycle America's land.

We thank you for your leadership on this priority legislation for the nation's cities. We strongly support this legislation and we encourage you to move forward expeditiously so that the nation can secure the many positive benefits to be achieved from the reuse and redevelopment of the many thousands of brownfields throughout the U.S.

Sincerely,

H. BRENT COLES,  
*President,  
Mayor of Boise.*

NATIONAL ASSOCIATION OF REALTORS®,  
Washington, DC, February 14, 2001.

Hon. LINCOLN CHAFEE,

*Dirksen Senate Office Building,  
Washington, DC.*

DEAR SENATOR CHAFEE: On behalf of the more than 760,000 members of the NATIONAL ASSOCIATION OF REALTORS®, I wish to convey our strong support for the “Brownfields Revitalization and Environmental Restoration Act.” NAR commends you for your efforts in crafting a practical and effective bill which has garnered bipartisan support from the leadership of the Senate Environment and Public Works Committee.

NAR supports this bill because it:

Provides liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination;

Increases funding for the cleanup and redevelopment of the hundreds of thousands of our nation's contaminated “brownfields” sites;

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic, environmental and social enrichment of our communities. Unfortunately, liability concerns and a lack of adequate resources often deter redevelopment of such sites. As a result, properties that could be enhancing community growth are left dilapidated, contributing to nothing

but economic ruin. Once revitalized, however, brownfields sites benefit their surrounding communities by increasing the tax base, creating jobs and providing new housing.

The new Administration has clearly indicated its support for brownfields revitalization efforts. The "Brownfields Revitalization and Environmental Restoration Act" is a positive, broadly-supported policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,  
2001 President.

AMERICAN INSURANCE ASSOCIATION,  
Washington, DC, February 14, 2001.

Senator LINCOLN D. CHAFEE,  
*Chairman, Subcommittee on Superfund, Waste Control, Risk Assessment, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the American Insurance Association, I want to congratulate you upon the introduction of the Brownfields Revitalization and Environmental Restoration Act.

We believe this bill will provide necessary relief to many cities struggling with the problem of abandoned, contaminated properties. While insurance is now emerging as one of the most useful tools for managing environmental liability risk in the redevelopment of contaminated properties, insurance products alone are not enough. The predicament for many cities is that they don't have the resources to address the brownfields problem, but they can't develop the resources without addressing the brownfields problem. Your bill is a giant step toward resolving this conundrum.

In sum, we believe this bill constitutes a positive step toward cleaning up hazardous waste sites. We are especially happy to observe that the bill does this through a mechanism other than litigation. Finally, we are pleased to note the bill is the product of a bipartisan consensus of the leadership of the Senate Environment Committee.

We look forward to working with you to see that this legislation becomes law.

Sincerely,

JOHN G. ARLINGTON,  
Assistant Vice President.

NATIONAL ASSOCIATION OF  
INDUSTRIAL AND OFFICE PROPERTIES,  
Herndon, VA, February 14, 2001.

Hon. BOB SMITH,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. LINCOLN CHAFEE,  
*Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. HARRY REID,  
*Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. BARBARA BOXER,  
*Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR SENATORS: On behalf of The National Association of Industrial and Office Properties (NAIOP), I am writing to voice our support for the Brownfields Revitalization and Environmental Restoration Act of 2001. This legislation is very important to the development community as it promotes the cleanup and reuse of brownfields, provides financial assistance for brownfields revitalization and helps to provide incentives to put

unused industrial sites back into productive use.

NAIOP, with over 9,400 members, is a national association that represents the interests of developers, owners and investors of industrial, office and related commercial real estate throughout North America. We applaud the efforts of the Committee to once again encourage brownfields revitalization.

With respect to brownfields, NAIOP is encouraged by the grant program proposed in the bill and supports federal assistance to states in establishing and expanding voluntary clean up programs. These provisions demonstrate a serious attempt toward achieving much-needed brownfields revitalization, which is a primary concern to the commercial real estate industry.

All across the country there is debate about how to control urban sprawl. We believe that this legislation will go further to address the issue of sprawl, especially since it will encourage the revitalization of our nations urban areas.

NAIOP urges swift passage of this bill, and we look forward to working with you to achieve this result.

Sincerely,

ANNE EVANS ESTABROOK,  
Chairman of the  
Board.

THOMAS J. BISACQUINO,  
President.

INTERNATIONAL COUNCIL OF  
SHOPPING CENTERS,  
Alexandria, VA, February 13, 2001.

Hon. LINCOLN D. CHAFEE,  
*Senate Environmental and Public Works Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR CHAFEE: The International Council of Shopping Centers (ICSC) strongly commends your plans to introduce the "Brownfields Revitalization and Environmental Restoration Act of 2001." Along with your co-sponsors, you have displayed critical leadership on a public policy issue to often caught up in partisan rhetoric. ICSC enthusiastically supports the legislation, as we did last year with S. 2700, and looks forward to working with you and your staff to ensure its passage.

Shopping centers are America's marketplace, representing economic growth, environmentally responsible, and community strength. Founded in 1957, the ICSC is the global trade association of the shopping center industry. Its nearly 35,000 U.S. members represent almost all of the 44,426 shopping centers in the United States. In addition, shopping centers employ over 11 million people, about nine percent of non-agricultural jobs in the United States. Legislation such as the "Brownfields Revitalization and Environmental Restoration Act of 2001" will allow center developers to further step-up their efforts to assist in the redevelopment of urban areas in their continuing efforts to enhance the environmental and economic quality of America's cities.

The 2001 Act will provide practical solutions to many of the issues developers confront when debating the merits of brownfields redevelopment. Provisions providing liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination; increased funding for the cleanup and redevelopment of the hundreds of thousands of the country's brownfields sites; and, recognition that sites remediated under the authority of state voluntary clean up laws should constitute final action are all vital to encouraging development in sites that may otherwise be left abandoned.

The targeted reforms you have focused on will result in greater infill development and

enhance the urban landscape. The 2001 Act will not only spur economic development but also improve environmental quality throughout the country. ICSC looks forward to working with you in the coming months in support of this important legislation.

Sincerely,

WILLIAM H. HOFFMAN, III,  
Manager, Environmental Issues.

THE REAL ESTATE ROUNDTABLE,  
February 14, 2001.

Hon. LINCOLN D. CHAFEE,  
*Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR CHAFEE: I am writing on behalf of the Real Estate Roundtable to express our members' enthusiastic support for "The Brownfields Revitalization and Environmental Restoration Act of 2001" (BRERA). This important legislation would make welcome reforms to the Comprehensive Environmental Response, Compensation and Liability Act or "Superfund" law.

Last year's similar legislation achieved an astonishing degree of bipartisan support—picking up a total 67 co-sponsors and broad support from a diverse array of environmental, state and local government and business organizations. Today we believe there is a great opportunity—with help from the Bush Administration—to move BRERA quickly through Congress and to the president's desk for signature. In that regard, we have been heartened by the strong signal of support for this type of bill sent by President Bush during his campaign for the presidency. As indicate by her remarks during her confirmation hearings, Administrator Christine Todd Whitman will also clearly be an ally.

There are brownfields in every state—and almost every community—in this country. If enacted into law, BRERA would significantly advance the economic prospects for remediating and recycling those properties into a broad range of productive uses. The economic and regulatory incentives included in the bill would help thousands of brownfield sites across the country become vibrant new employment centers. In other cases, the clean-up properties would provide many communities with environmentally sound housing alternatives.

As you know, The Real Estate Roundtable's members are America's leading real estate owners, advisors, builders, investors, lenders and managers. The Real Estate Roundtable (and its predecessor organization the National Realty Committee) has long supported enactment of bipartisan legislation that includes meaningful incentives for brownfields redevelopment. BRERA is clearly just such a piece of legislation.

In particular, the proposed legislation would go far in assuring those parties purchasing already contaminated "brownfields" properties that they have not also acquired unwarranted Superfund liability. Such assurance is critical to successfully financing and closing on brownfields transaction. In addition, we are pleased the bill recognizes the need to clarify the innocence of those individuals or companies whose real property has become contaminated simply because hazardous substances have migrated from adjacent sites.

The legislation also includes a provision that will, in most cases, reassure participants in state voluntary cleanup programs that their state-approved cleanup is not likely to be "second-guessed" by federal officials. This so-called "finality" assurance is crucial not only to potential buyers and sellers of brownfields properties but to their financial partners as well. The bill presents a welcome compromise on a very difficult policy challenge.

We look forward to working with you, other Senate leaders and the Administration to encourage the swift passage of BRERA.

Sincerely,

JEFFREY D. DEBOER,  
President and Chief Operating Officer.

THE TRUST FOR PUBLIC LAND,  
Washington, DC, February 15, 2001.

Hon. BOB SMITH,  
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,  
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,  
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,  
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: On behalf of the Trust for Public Land, I am writing to thank you for introducing the Brownfields Revitalization and Environmental Restoration Act of 2001. We appreciate your outstanding efforts to promote local environmental quality, as typified by your energetic advocacy of this brownfields legislation.

TPL was honored to be part of the coalition that helped to push this legislation to the brink of enactment at the end of the 106th Congress, and we again look forward to working with you to make this legislation a reality within the near future. We are particularly grateful that you have re-introduced identical legislation this time around.

Given our experience in community open-space issues, we are heartened by the emphasis the legislation places on brownfields-to-parks conversion where appropriate, and its flexibility to tailor loan and grant funding based on community needs and eventual uses. In all, this legislation provides the framework and funding that an effective national approach to brownfields requires, and offers the promise of a much-needed federal partnership role in brownfields reclamation.

Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in underserved communities to reclaim abandoned sites and create open spaces where they are most needed. By transforming these idled sites into urgently needed parks and green spaces, or by focusing investment into their appropriate redevelopment, reclamation of brownfield properties brings new life to local economies and to the spirit of neighborhoods.

The Trust for Public Land gratefully recognizes the vision and careful craftsmanship you have shown in your work to advance this vital legislation, and we look forward to working with you towards its enactment.

Sincerely,

ALAN FRONT,  
Senior Vice President.

INSTITUTE OF SCRAP  
RECYCLING INDUSTRIES, INC.,  
Washington, DC, February 14, 2001.

Hon. ROBERT C. SMITH,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN D. CHAFEE,  
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. HARRY REID,  
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,  
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH REID, CHAFEE AND BOXER: The Institute of Scrap Recycling Industries, Inc. (ISRI), strongly supports the passage of the Brownfields Revitalization and Environmental Restoration Act of 2001. Passage of this bipartisan bill will reduce the many legal and regulatory barriers that stand in the way of brownfields redevelopment.

This important brownfields legislation will provide liability relief for innocent property owners who purchase a property without knowing that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state approved voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan brownfields bill. In the previous Congress, ISRI's membership worked to build grassroots support and sought cosponsors for S. 2700 of the 106th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001.

ISRI looks forward to continuing to work with you to see that the brownfields bill you have sponsored becomes law. We believe that the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WIENER,  
President.

FEBRUARY 15, 2001.

Hon. BOB SMITH,  
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,  
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,  
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,  
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: We are writing to thank you for the outstanding leadership you have demonstrated by your re-introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. Our organizations, and our many community partners across America, are heartened by the benefits that this legislation would impart upon our landscapes, economies, public parks and our communities as a whole. Transforming abandoned brownfield sites into greenfields or new development will provide momentum for increasing "smart growth" and reducing sprawl by utilizing existing transportation

infrastructure, which in turn will lead to better transportation systems and the revitalization of historic areas and our urban centers.

As you are well aware, brownfields pose some of the most critical land-use challenges—and afford some of the most promising revitalization opportunities—facing our nations' communities, from our cities to more rural locales. Revitalization of these idled sites into urgently needed parks and green spaces or into appropriate redevelopment will provide great benefits to our neighborhoods and local economies. In the process, it has also proven to be an extremely powerful tool in local efforts to control urban sprawl by directing economic growth to already developed areas, encouraging the restoration and reuse of historical sites, and in addressing longstanding issues of environmental justice in underserved areas.

We acknowledge the commitment that the Environmental Protection Agency and other federal agencies have demonstrated to brownfields restoration through existing programs. At the same time, given that there are estimated 450,000–600,000 brownfield properties nationwide, we recognize that these limited resources have been stretched too far to allow for an optimal federal role. Additional investment, at higher levels and in new directions, is essential to meeting the enormous backlog of need and to establishing the truest federal partnership with the many state, local, and private entities working to renew brownfield sites.

The Brownfield Revitalization and Environmental Restoration Amendments Act of 2001 would provide this much needed federal response. Through our work with local governments, our organizations have witnessed first-hand—and have often worked as a partner to help create—the benefits that this bill would provide. We are particularly gratified by the emphasis your legislation places on brownfields-to-parks conversion, and the flexibility it provides to tailor funding based on a community's particular needs. In all, this bill provides the framework and funding that an effective national approach to brownfields will require.

Accordingly, we appreciate your vision in developing this legislation, and we look forward to working with you towards its enactment.

Sincerely,

The Trust for Public Land; Scenic America; American Planning Association; The Enterprise Foundation; National Association of Regional Councils; Smart Growth America; Surface Transportation Policy Project; National Recreation and Park Association.

ENVIRONMENTAL BUSINESS  
ACTION COALITION,  
Washington, DC, February 14, 2001.

Hon. ROBERT SMITH,  
Chairman, Environment & Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,  
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,  
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,  
Ranking Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE, BOXER: On behalf of the Environmental Business coalition (EBAC), I am writing to strongly support your introduction of the

Brownfields Revitalization and Environmental Restoration Act of 2001. EBAC endorses this bipartisan effort and will work with you to secure its passage this year.

EBAC is an organization of nearly thirty-five environmental engineering, scientific and construction firms representing over 60,000 professional, managerial and support personnel in the hazardous waste cleanup field. Our companies are the experts in environmental cleanup, including Superfund and brownfields nationwide.

The Brownfields Revitalization and Environmental Restoration Act of 2001 would provide the much-needed "finality" for states that already have successful cleanup programs. In addition, the measure would provide critically needed financial support for assessment and cleanup of brownfields. Finally, the proposal's liability reforms will go a long way in returning to productive use these abandoned sites burdening communities across the country.

While EBAC supports these provisions and believe they will make important contributions to the redevelopment of countless abandoned properties nationwide, we strongly urge you to expand the liability reform provisions contained in this legislation to include protections for Response Action Contractors (RAC's) from the Superfund law's unfair liability scheme. This will greatly increase the resources available for cleanups across the country. Similarly, we urge you to support the use of professional engineering judgment that will increase program efficiency as opposed to imposing nationwide ASTM standards on site cleanups. These "one-size-fits-all" dictates will needlessly complicate efforts by creating legal uncertainty for professionals addressing the inherently unique characteristics of contaminated sites.

EBAC appreciates your hard work in drafting this important legislation. We are committed to working closely with you to move this measure to enactment.

Sincerely,

JEREMIAH D. JACKSON,  
*President.*

WASHINGTON, DC,  
February 15, 2001.

Hon. BOB SMITH,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. HARRY REID,  
*Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. LINCOLN CHAFEE,  
*Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.*

Hon. BARBARA BOXER,  
*Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID AND SENATOR BOXER. Smart Growth America would like to thank you for your leadership on the introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. A broad coalition of elected officials, public and private sector professionals, community groups, and environmentalists have been championing the need for brownfields redevelopment for many years. The U.S. Conference of Mayors recently conducted a survey and found that across the country, 210 cities are plagued with 21,000 industrial or commercial sites whose redevelopment is hindered by environmental contamination or sometimes just the perception of contamination.

As advocates of smart growth—growth that revitalizes neighborhoods, creates and

preserves affordable housing, promotes transportation choice, preserves scenic and historic resources, and conserves open space and farmland—we regard brownfields redevelopment as a top priority. Although we support the bill, we are concerned that the bill may not provide adequate protection of the environment and public health in certain cases. We believe this would be unwise and hope to work with you on appropriate amendments to the language.

The primary obstacle to brownfields redevelopment has been inadequate funding and liability issues for contiguous landowners, prospective purchasers and innocent landowners. This legislation addresses these issues and presents a tremendous opportunity for communities to capitalize on their untapped resources. The U.S. Conference of Mayors found that 176 cities estimated that between \$878 million and \$2.4 billion annually could be generated by fully tapping into the potential of brownfields sites. In addition, 189 cities predict that 554,419 new jobs could be generated.

We believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will allow communities nationwide to utilize their existing infrastructure to encourage economic development, remove environmental and public health hazards, promote neighborhood revitalization and preserve open space. We support your efforts and look forward to working with you to pass this truly groundbreaking legislation.

Sincerely,

Smart Growth America; National Trust for Historic Preservation; Surface Transportation Policy Project; Chesapeake Bay Foundation; Environmental Justice Resource Center, Clark Atlanta University; Great American Station Foundation, Center for Neighborhood Technology; Scenic America; American Planning Association; The Enterprise Foundation; National Center for Bicycling and Walking; and Environmental & Energy Study Institute.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I am pleased to join Senator REID, the ranking member of the Committee; Senator CHAFEE, the chairman of the Superfund Subcommittee; and Senator BOXER, ranking member of the Subcommittee, to introduce a bill that protects the environment, encourages community involvement, promotes economic redevelopment, provides incentive for the preservation of green spaces, and sets the stage for future comprehensive Superfund reform.

As a nation, our industrial heritage has left us with numerous contaminated abandoned or underutilized "brownfield" sites. Although the level of contamination at many of these sites is relatively low, and the potential value of the property may be quite high, developers often shy away from redeveloping these sites. Behind their reluctance: uncertainty regarding the level of contamination, the extent of potential liability, or the likely costs of cleanup.

The Brownfields Revitalization and Environmental Restoration Act of 2001 addresses the uncertainty that has long plagued developers, property owners, and communities seeking to make use of these otherwise desirable sites. This bill is identical to a bill we intro-

duced last year, a bill that had the overwhelming support of 67 cosponsors, but unfortunately never saw floor time.

How is our bill better than current law? Simply stated, our bill provides an element of finality which does not exist today, while allowing for federal involvement under a specific universe of conditions. Our bill strikes a solid balance on the issue of finality between so-called "Republican bills" and "Democratic bills" championed in previous years with no bipartisan support. Furthermore, our bill provides authorization for critically needed funds to assess and clean up brownfield sites, which will create jobs, increase tax revenues, and preserve and create open space and parks. This is a balanced bill. If you never had a chance to review it last year, do so now. This year, we are determined to move this bill through the process—and quickly. Senator REID and I have committed to marking up this bill in early March, and we hope to have floor time soon afterwards.

There are an estimated 450,000 brownfield sites in the United States. These are low risk sites, not the traditional Superfund sites that would be impacted by comprehensive Superfund reform. However, if States and citizens continue to be discouraged from cleaning up brownfield sites, these sites will never be redeveloped, and may in fact become Superfund sites. While I strongly believe that comprehensive Superfund reform is needed, I feel that we can move forward with brownfield legislation without compromising our chances for comprehensive reform.

As brownfield sites are outside of the scope of Superfund, I believe that liability carve-outs are outside of the scope of any brownfield legislation. As I have done in the past, I continue to oppose narrow carve-outs. Carve-outs weaken attempts at overhauling the remedy selection and liability allocation provisions in the current Superfund statute and, frankly, make a bad system worse. Our brownfield legislation does not affect the allocation of liability at Superfund sites; instead, it provides needed resources to address sites, provides certainty to those who voluntarily cleanup, and prevents brownfields from being included in the superfund web. Brownfield legislation presents a win-win for all involved and should jumpstart action on substantive Superfund reform.

Let me just say that last year, the Congress made a bold move in approving bipartisan legislation to restore the Florida Everglades. One of the proudest moments of my Senate career was witnessing the signing into law of that landmark environmental legislation. I want to use the Everglades model—cooperation, partnership, bipartisan—ship—as an example of what Congress can do when it puts aside personal politics for good policy. No one thought we'd get Everglades to the President's desk in a presidential election year, but we proved them wrong. Pessimists

have little faith that an equally divided Senate will accomplish more than partisan bickering. Let's prove them wrong, too, by committing to enact brownfield legislation in the first session of this Congress. By doing so, not only do we demonstrate to a skeptical nation that bipartisan cooperation is possible, but once again, the environment wins.

Our bill represents a carefully negotiated compromise, and as is the nature of a compromise, both sides had to give a little to reach common ground. Now that we stand together on that common ground, let's not undermine our widespread support by trying to bring the bill farther to the left or to the right. The Brownfield Revitalization and Environmental Restoration Act of 2001 is a strong bill and represents our best chance of addressing the issues plaguing brownfield sites. I urge your support for this bill.

Mr. REID. Mr. President, I rise today to introduce a bi-partisan legislation to cleanup American's brownfields. I am joined by my colleagues from the Environment and Public Works Committee in introducing this important legislation, Senators CHAFEE, SMITH, BOX, BAUCUS, GRAHAM, CORZINE, and WARNER.

This is an exciting beginning to my tenure as the ranking member of the Environment and Public Works—this bill which I hope will be enacted swiftly, has broad support on both sides of the aisle, and which is supported by environmentalists, realtors and the business community.

What are brownfields? They are contaminated, abandoned sites that blight our communities, but also offer great promise for the future. There are, according to the Conference of Mayors, over 450,000 brownfields in the US, in every state of the union, and in both rural and urban areas. The Conference of Mayors has estimated that redeveloping these sites would create more than 587,000 jobs nationally and increase annual tax revenues from between \$902 million to \$2.4 billion dollars.

So, it is clear that there are great benefits to be realized from cleaning up these sites. For example, in Las Vegas alone, there are roughly 30 brownfields sites. It is estimated that cleaning up these sites would generate between \$1.6 and \$4 million per year of additional tax revenues, and create an estimated 320 jobs.

Some think of brownfields cleanup as just an urban issue, but brownfields can be found anywhere, even in our most rural areas. Their cleanup will have important economic benefits for rural America. For example, Hawthorne, a small town in Nevada has limited private lands to accommodate the town's growth. To the west of the city, 240 acres of valuable space have been used as a landfill for years. Nevada's brownfield program completed the first contamination assessment and companies are already interested in developing the land.

Brownfields funding can be used to complete the assessment and cleanup of this valuable rural land, allowing the town to grow, provide new jobs, and expand its tax base.

Let me give you another specific example of what we can do with brownfields funding. The National Guard Armory site in Las Vegas was the first site in the nation to be cleaned up under a loan from EPA's Brownfields Cleanup Revolving Loan Fund. This site had been used for a variety of military purposes, including chemical storage. The cleanup, including removal of over 600 cubic yards of soil contaminated with hazardous waste and petroleum hydrocarbons, cost only \$50,000, but freed the site up for reuse. The city is making the site a community center with space for a senior center, a small business center, a cultural center and retail stores.

This bill will provide for many years more such success stories. With this bill, we can begin to address in a significant way those 450,000 sites and help our neighborhoods and business thrive.

These blighted areas pose threats to human health and the environment, contributing to economic depression, crime and job loss. They push new development into farmland and green spaces and cause sprawl, increasing driving time, traffic, congestion and air pollution.

The brownfields bill we are introducing today will directly spur such cleanup of these sites, in a number of ways.

It provides critically needed money to assess and clean up abandoned and underutilized brownfield sites.

It encourages cleanup and redevelopment of these properties, by providing legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners.

It provides for funding and expansion of state cleanup programs, and provides "certainty" for developers, but still ensures protection of public health and the environment.

Creating a public record of brownfield sites and enhances community involvement in site cleanup and reuse.

In conclusion, this bill has the support of a wide variety of groups, including environmentalists, mayors, businesses, and the real estate community. We are fortunate enough to have an opportunity to do well by so many. I look forward to working with my colleagues to enact this legislation this Congress and seeing the payoff in clean sites and new jobs in communities across the country.

Mrs. BOXER. Mr. President, as the ranking member of the Subcommittee on Superfund, Waste Control, and Risk Assessment, I am pleased to join my colleagues in sponsoring the Brownfields Revitalization and Environmental Restoration Act—a very important piece of legislation.

Our nation's industrial history has left us with the unfortunate legacy of tens of thousands of abandoned sites that are contaminated with hazardous materials.

Unfortunately, many of these sites are located in low-income, minority communities. The result is that this toxic legacy disproportionately impacts some of our most vulnerable and disempowered populations.

For many of my constituents in places like Oakland, Anaheim, Long Beach, Los Angeles, Sacramento, San Diego, and Stockton these polluted areas—or so-called "brownfields"—are a blight on the community. They are dead zones that sit unused or only partially used, sometimes posing health hazards, sometimes merely eyesores.

The idea behind the Brownfields Initiative is that those areas of light, or moderate, contamination should be restored for economic redevelopment, community use, or made into parks and greenways.

In Oakland, for instance, an abandoned industrial brownfield site is going to be transformed into a large-scale, mixed use development area. It will include a pedestrian walkway, retail shops, child care facilities, medical care facilities, a senior center, and a branch of the Oakland Public Library.

I'm proud to note that two California sites, in East Palo Alto and Los Angeles, have been selected by the Environmental Protection Agency, EPA, to be "Showcase Communities." These communities are at the cutting edge of the brownfields effort; their experiences will help us learn how to bring together federal, state, local, and non-governmental interests to address the brownfields problem. They will serve as a model for the rest of the Nation.

While EPA has made important strides in the development of the Brownfields Initiative, there is much more than could be done.

By authorizing increased funding for this program, clarifying some of the liability questions, and directing the program to the areas of greatest need, this legislation will help expand the scope of this program and elevate its visibility in the eyes of the American public.

This legislation helps us set right some of the mistakes that were made in the past. And it illustrates what we have had to learn the hard way—that a prosperous economy and a healthy environment go hand in hand.

By cleaning up these contaminated brownfields, we can protect public health, while at the same time curbing the devastating impact of urban sprawl on our environment.

Encouraging the clean up of these contaminated properties will also mean new jobs and greater economic growth for the communities that need it most.

We owe it to our children to leave them an environment that is cleaner and healthier than the one we have inherited. This bill will help take us in that direction.



Mr. LEVIN. Mr. President, brownfields are abandoned, idled, or under-used commercial or industrial properties where development or expansion is hindered by real or perceived environmental contamination. Businesses located on brownfields were once the economic foundations of communities. Today, brownfields lie abandoned—the legacy of our industrial past. These properties taint our urban landscape. Contamination, or the perception of contamination, impedes brownfields redevelopment, stifles community development and threatens the health of our citizens and the environment. Redeveloped, brownfields can be engines for economic development. They represent new opportunities in our cities, older suburbs and rural areas for housing, jobs and recreation. Today, Senator Smith, Senator REID, Senator CHAFEE and Senator BOXER introduced the Brownfields Revitalization and Environmental Restoration Act of 2001. I support their efforts to address this issue and I will co-sponsor the legislation.

As cochair of the Senate Smart Growth Task Force, I believe brownfields redevelopment is one of the most important ways to revitalize cities and implement growth management. The redevelopment of brownfields, is one fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, use infrastructure that is already paid for and relieve development pressure on our urban fringe and farmlands.

The State of Michigan is a leader in brownfields redevelopment—offering technical assistance and grant and loan programs to help communities redevelop brownfields. This legislation will compliment State and local efforts to successfully redevelop brownfields. The bill provides much needed funding to State and local jurisdictions for the assessment, characterization, and remediation of brownfield sites. Importantly, the bill removes the threat of lawsuits for contiguous landowners, prospective purchasers, and innocent landowners. Communities must often overcome serious financial and environmental barriers to redevelop brownfields. Greenfields availability, liability concerns, the time and cost of cleanup, and a reluctance to invest in older urban areas deters private investment. This bill will help communities address these barriers to redevelopment. Finally, the bill provides greater certainty to developers and parties conducting the cleanup, ensuring that decisions under state programs will not be second-guessed. Public investment and greater governmental certainty combined with private investment can provide incentives for redeveloping brownfield properties and level the economic playing field between greenfields and brownfields.

I believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will do much to encourage

commercial, residential and recreational development in our nation's communities where existing infrastructure, access to public transit, and close proximity to cultural facilities currently exist. America's emerging markets and future potential for economic growth lies in our cities and older suburbs. This potential is reflected in locally unmet consumer demand, underutilized labor resources and developable land that is rich in infrastructure. In Detroit, the Department of Housing and Urban Development estimates that there is a \$1.4 billion retail gap (the purchasing power of residents minus retail sales). In Flint, HUD estimates the retail gap to be \$186 million and in East Lansing, \$160 million. The redevelopment of brownfields will help communities realize the development potential of our urban communities. It is a critical tool for metropolitan areas to grow smarter—allowing us to recycle our Nation's land to promote continued economic growth while curtailing urban sprawl and cleaning up our environment.

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

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

Ms. COLLINS. Mr. President, today, along with Senator KERRY, I am introducing the Mercury Reduction and Disposal Act of 2001. This bill addresses the very serious problem of mercury in the environment and mercury disposal. It takes special aim at one of the most common and widely distributed sources of mercury, and that is mercury fever thermometers.

Mercury is a potent neurotoxin that is widespread in the environment and particularly harmful to developing children and pregnant women. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth defects and brain damage in up to 60,000 newborn children each year.

Although mercury can be safe in an elemental form or in amalgamations such as dental fillings, mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed into the blood and distributed to all tissues, including the brain. This organic mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to those who consume them. For this reason, 40 States have issued public health warnings advising certain individuals to restrict or avoid consuming fish from certain affected bodies of water.

Mr. President, the largest sources of mercury in the environment include incinerated solid waste, powerplant emis-

sions, and emissions from chlor-alkali plants, such as the now closed HoltraChem Manufacturing Company in Orrington, ME.

About 50 tons of mercury are estimated to enter the environment from medical and solid waste incinerators, about 45 tons from powerplant emissions, and a large but uncertain amount derives from chlor-alkali plants.

Of the 50 tons of mercury that enters the environment from medical and solid waste incinerators, mercury thermometers are one of the largest, if not the largest, source. The EPA has estimated that mercury thermometers contributed approximately 17 tons of mercury to solid waste per year in the early 1990s. Although this number may well be declining due to innovative efforts, such as those in towns like Freeport, ME—the first town in Maine to ban the sale of mercury fever thermometers—it is still a very large amount.

Mr. President, I have a mercury thermometer right here. It is very familiar to all of us. Many of us know from personal experience how easily it can be broken. I have broken a couple myself, and not realizing the dangers of mercury back then, I used my hands to gather up the various beads of mercury and throw them away, not realizing the danger I was creating.

In fact, in 1998, the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

This one mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you, despite its small size, just one of these thermometers per year contains enough mercury to contaminate all of the fish in a 20-acre lake.

Let me repeat that. The mercury in one of these thermometers is sufficient to pollute a 20-acre lake.

The bill I am introducing today calls for a nationwide ban on the sale of mercury fever thermometers such as the one I just showed. It will also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives.

I have an example of an alternative right here. This is a digital thermometer. Digital thermometers like this one are easier to read, much quicker to use, they do not break easily, and, most important of all, they do not contain a toxic element such as mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will ensure the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

Another important component of my bill is the safe disposal of the mercury

collected from thermometer exchange programs. My legislation directs the EPA to ensure that the mercury is properly collected and stored to make sure it is kept out of the environment and out of commerce. This mercury will not reenter the environment, and it will not be sent, for example, to India, one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs addresses only one part of the problem. The other aspect is the global circulation of mercury. When the HoltraChem chlor-alkali manufacturing plant in Orrington, ME, shut down last year, the plant was left with over 100 tons of unwanted mercury and no way to permanently dispose of it. In total, about 3,000 tons of mercury are held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. In 1999, Algeria mined 400 tons of virgin mercury and Kyrgyzstan mined 600 tons. In total, approximately 2,000 tons of new mercury are mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury it does not want and does not know what to do with.

What can we do about these problems? What can we do about the situation where some countries are still mining large amounts of an element that is a known neurotoxin, while the United States and other countries are doing their best to remove this extremely toxic element from the environment? How will the United States dispose of the huge amounts of mercury at chlor-alkali plants and other no longer needed sources?

My legislation creates an interagency task force to address these very issues. This task force will be chaired by the Administrator of the Environmental Protection Agency and comprised of representatives from the States, other Federal agencies involved with mercury, and public health officials.

Specifically, my bill directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problems from mines as well as from industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for permanently disposing of mercury, for retiring mercury from chlor-alkali plants and other sources, and for reducing the amount of new mercury mined every year. At that time, it will be up to Congress to act on their recommendations.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment, something that many of us still

have in our medicine chests at home, and that is the mercury fever thermometer.

I thank the Presiding Officer for his attention. I urge support and cosponsorship of my colleagues for this initiative.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

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

S. 351

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Reduction and Disposal Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

#### SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

##### "SEC. 3024. MERCURY.

"(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

"(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

"(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

"(A) careful handling of the thermometer to avoid breakage; and

"(B) proper cleanup of the thermometer and its contents in the event of breakage.

"(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to

States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

"(c) DISPOSAL OF COLLECTED MERCURY WASTE.—

"(1) INTERAGENCY TASK FORCE.—

"(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Interagency Task Force on Mercury' (referred to in this section as the 'Task Force').

"(B) MEMBERSHIP.—The Task Force shall be composed of 7 members, of whom—

"(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

"(ii) 1 member shall be appointed by each of—

"(I) the Secretary of State;

"(II) the Secretary of Defense;

"(III) the Secretary of Energy; and

"(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;

"(iii) 1 member shall be appointed by the President to represent the American Public Health Association; and

"(iv) 1 member shall be appointed by the President from the Environmental Council of the States.

"(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

"(D) TERM; VACANCIES.—

"(i) TERM.—A member shall be appointed for the life of the Task Force.

"(ii) VACANCIES.—A vacancy on the Task Force—

"(I) shall not affect the powers of the Task Force; and

"(II) shall be filled in the same manner as the original appointment was made.

"(E) MEETINGS.—

"(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

"(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

"(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

"(F) DUTIES.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning—

"(i) the long-term management and retirement of mercury collected from—

"(I) mercury fever thermometers;

"(II) other medical and commercial sources; and

"(III) government sources, including mercury stored by the Department of Defense and the Department of Energy;

"(ii) collection of mercury from industrial or other sources in the United States in cases in which the mercury is no longer needed, such as from retired chlor-alkali plants;

"(iii) programs to test the long-term durability of promising technologies for sequestration of mercury that has been retired from use;

"(iv) storage of mercury collected or sequestered under clause (i), (ii), or (iii) in a manner that ensures that there is no release of the mercury into the environment;

"(v) reduction of the total threat posed by mercury to humans and the environment; and

“(vi) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

“(I) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

“(II) the quantity of mercury used in products and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

“(III) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.

“(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

“(H) INFORMATION FROM FEDERAL AGENCIES.—

“(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

“(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

“(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

“(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

“(i) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

“(ii) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

“(iii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

“(L) STAFF AND FUNDING.—

“(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

“(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

“(I) the Department of Energy;

“(II) the Department of Defense; and

“(III) the Environmental Protection Agency.

“(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

“(iv) COMPENSATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

“(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

“(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

“(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

“(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

“(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).

“(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE DISPOSAL AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

“(A)(i) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and

“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and

“(B)(i) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and

“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

“(d) RELATION TO OTHER LAW.—Nothing in this section—

“(1) precludes any State from imposing any additional requirement; or

“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, of which—

“(1) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

“(2) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).”

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

“Sec. 3024. Mercury.”

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. SCHUMER, Mr. BREAUX, Mr. DURBIN, Mr. KERRY, Mr. DAYTON, Ms. CANTWELL, Mr. CORZINE, Mrs. CLINTON, Mr.

REID, Mr. AKAKA, Mrs. CARNAHAN, Mr. JOHNSON, Mr. CONRAD, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KOHL, Mr. NELSON of Nebraska, Mr. REED, Mr. LIEBERMAN, and Mr. BAYH):

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

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to increase the authorization for low-income energy assistance, weatherization and state energy conservation grants and to increase the energy efficiency of federal facilities. I am offering this bill on behalf of myself, Senator DASCHLE, and many of my colleagues.

Energy costs have been, and are expected, to remain especially high this year. We have had a long period of economic growth, enabled in part by extremely low oil and natural gas prices. But, we are finally experiencing the end of the excess capacity cushion that had kept the system functioning with low prices and relatively minor bumps along the way. Those extremely low oil and gas prices that consumers loved so much a few years ago devastated the domestic drilling industry. Drilling has recovered, so we will start seeing an impact on prices in the coming months as those supplies find their way to market.

In the interim, unusually cold weather early in the winter has resulted in natural gas bills at least 70 percent-100 percent higher than last year. Heating oil and propane prices correlate closely with natural gas. Farmers, especially, are seeing huge increases in propane prices this winter and are looking at dramatically higher fertilizer prices this spring. Natural gas prices and tight generating capacity are driving up electricity prices around the country, and many people in the southern states with high air conditioning needs will be especially hard hit this summer.

Applications for assistance have increased dramatically this year. Most states have already depleted the LIHEAP and Weatherization funds we appropriated for this year. Many states have laws prohibiting cutting off heating supplies during the winter, but when those prohibitions expire in March or April, the seriousness of the situation for low-income and working families will become harshly obvious. And assistance to low-income and working families for the summer cooling season will be impossible at current levels.

Some will say we need to address these issues as part of some comprehensive energy bill, yet to be written. I disagree.

We have immediate needs that cannot wait months, as we debate an ideal

energy policy. The Administration has told us it will not even have its proposal to us for another two months. Individuals, families and small businesses are suffering today from energy bills they cannot pay. This bill authorizes changes to the LIHEAP program to help alleviate the financial burdens in the near term. The bill also focuses attention on investment in energy efficiency through the low income weatherization program, state conservation grants and the federal energy management program. This bill covers needed changes to existing authorizations. Next we need to ensure that full funding is forthcoming as soon as possible.

Specifically, the base authorization for the Low-Income Home Energy Assistance Program to \$3.4 billion for fiscal years 2001 to 2005. The base funding has been relatively flat at roughly \$2 billion since the mid-1980's. This increase comes close to addressing the erosion in the program due to inflation, but does not take into consideration the increase in population.

The bill provides states with additional flexibility on the income level for recipients, by increasing eligibility from 150 percent to 200 percent of the poverty level. This change, which only applies for the remainder of this fiscal year, will give the states the flexibility to help working families.

The bill also increases the authorization for the weatherization program to \$310 million. The current appropriation is at \$162 million, down from \$300 million in the mid-1980s. The weatherization program is a long term investment in energy efficiency.

A one-time investment in weatherization yields savings of \$300–\$470 per household annually thereafter. The program requires trained staff, erratic and insufficient funding of the program has diminished its effectiveness in recent years. Increased energy efficiency is the least cost solution to meeting energy needs. Even at \$310 million the program is still lower in real dollars than in the 1980's.

The bill increases the authorization for grants to state energy programs to \$75 million. This program funds state conservation and emergency planning. The low level of funding in recent years has diminished the states' ability to implement state level conservation plans and to plan for emergencies in coordination with the Department of Energy and neighboring states.

Finally, Executive Order 13123 requires federal facilities to increase energy efficiency by 30 percent by 2005 and 35 percent by 2010 relative to 1985. The Federal Energy Management Program requires federal facility managers to evaluate opportunities for energy and water efficiency improvements and opportunities for siting renewable projects. Federal agencies spend \$4 billion per year to heat, coal and power facilities, we can and should do better.

The bill includes several amendments to the program clarifying and enhanc-

ing the use of alternative financing tools to minimize the need for additional government outlays. The bill calls for a concerted effort by facility managers to meet those targets early, thereby saving taxpayer dollars, reducing stress on the power grid and demand for fuels.

Companion measures, that I support, have been introduced by Senator KERRY, S. 295, Senator FEINSTEIN, S. 286, to provide emergency loans to small businesses.

There will be plenty of time in this Congress to consider the highly complex issues of U.S. energy supply and consumption. Senator MURKOWSKI and I intend to proceed with a series of hearings to evaluate the different elements of our energy policy and systems. We need to focus on how we can ensure adequate fuel supplies and sufficient infrastructure to deliver those fuels, whether electricity, natural gas, or gasoline without degradation of environmental quality. We also need to look at issues of supply diversity and efficiency. Those efforts will require some time on the part of the Congress and the Administration, in consultation with the states and the various stakeholders.

We should not allow that lengthy process, though, to prevent us from meeting clear and present needs. I urge my colleagues to support immediate passage of this bill and the small business bills.

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

S. 352

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Emergency Response Act of 2001".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) high energy costs are causing hardship for families;

(2) restructured energy markets have increased the need for a higher and more consistent level of funding for low income energy assistance programs;

(3) conservation programs implemented by the States and the low income weatherization program reduce costs and need for additional energy supplies;

(4) energy conservation is a cornerstone of national energy security policy;

(5) the Federal Government is the largest consumer of energy in the economy of the United States;

(6) many opportunities exist for significant energy cost savings within the Federal Government.

(b) PURPOSES.—The purposes of this Act are to provide assistance to those individuals most affected by high energy prices and to promote and accelerate energy conservation investments in private and Federal facilities.

#### SEC. 3. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION AND STATE ENERGY GRANTS.

(b) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "These are authorized to be appropriated to carry out the provisions of this

title (other than section 2607A), \$3,400,000,000 for each of fiscal years 2001 through 2005."

(2) Section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)) is amended by adding at the end the following:

"And except that during fiscal year 2001, a State may make payments under this title to households with incomes up to and including 200 percent of the poverty level for such State;"

(b) WEATHERIZATION ASSISTANCE.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "For fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "\$310,000,000 for each of fiscal years 2001 through 2005."

(b) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "\$75,000,000 for each of fiscal years 2001 through 2005".

#### SEC. 4. FEDERAL ENERGY MANAGEMENT REVIEWS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

(b) PRIORITY RESPONSE REVIEWS.—Each agency shall—

"(1) not later than October 1, 2001, undertake a comprehensive review of all practicable measures for—

"(A) increasing energy and water conservation, and

"(B) using renewable energy sources; and

"(2) not later than 180 days after completing the review, implement measures to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review."

#### SEC. 5. COST SAVINGS FROM REPLACEMENT FACILITIES.

Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

"(3)(A) In the case of any energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities being replaced.

"(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in subparagraph (A)."

#### SEC. 6. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

#### SEC. 7. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)(2)) is amended to read as follows:

"(2) the term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in either—

"(A) an existing federally owned building or buildings or other federally owned facilities as a result of—

"(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(ii) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(iii) the increased efficient use of existing water sources; or “(B) a replacement facility under section 801(a)(3).”

(b) **ENERGY SAVINGS CONTRACT.**—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

“The terms ‘energy savings contract’ and ‘energy savings performance contract’ mean a contract which provides for—

“(A) the performance of services for the design, acquisition, installation, testing, operations, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

“(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.”

(c) **ENERGY OR WATER CONSERVATION MEASURE.**—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

“The term ‘energy or water conservation measure’ means—

“(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8459(4)); or

“(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.”

Ms. CANTWELL. Mr. President, I am pleased to cosponsor the Energy Emergency Response Act of 2001, which will help low-income residents cope with high energy costs brought on by the crisis in California. I thank Senator BINGAMAN and others on the Committee on Energy and Natural Resources for their leadership in preparing this valuable legislation. The current crisis in energy supply and costs is a crucial and immediate problem for the people of Washington state. I am working on several fronts to help alleviate these effects.

The Energy Emergency Response Act of 2001 authorizes increased funding for the Low-Income Home Energy Assistance Program, LIHEAP. The program is a lifeline to many of our most vulnerable people, providing direct assistance to eligible households to pay for home energy. Because of the energy crisis, applications for LIHEAP assistance in Washington state have increased by more than 50 percent this year. We need to bolster the program, or it will fall short at a time when low-income people need it the most.

This bill also authorizes increased funding for the Weatherization Program that provides insulation for Washington state homes, educates families on energy conservation, tests furnaces and ovens for safety and efficiency, and makes homes safer and healthier places to live. An average household saves 20 percent in fuel and energy costs every year as a result of participating in the Weatherization program. In these times of soaring en-

ergy costs, those savings are especially important. That is why this bill authorizes increased funding and raises the eligibility to 200 percent of the poverty level.

The bill requires Federal facility managers to evaluate opportunities to increase efficiency of energy and water use and installation of renewable energy projects at federal facilities. It also requires that the evaluation period be followed by implementation of energy and water savings within the 180 days.

Energy Savings Performance Contract usage is enhanced by this bill. These are innovative financing methods that leverage private sector investment and expertise to accomplish energy savings and cost savings in federal facilities. The bill amends the Federal Energy Management Program to include savings realized from operation and maintenance efficiencies.

This bill also authorizes a total of \$75 million for state energy conservation. This is for energy efficiency and emergency planning at the state level. The bill also clarifies the definition of energy savings to include water conservation, excluding Federal hydroelectric facilities.

We are going to push for the funding of this bill to be appropriated through a special supplemental appropriation for 2001, adding \$1 billion to base funding for LIHEAP, \$152 million for weatherization, and \$37 million for state energy conservation grants. We will also attempt to get forward funding for LIHEAP for 2002.

I will be working with the Washington State delegation, Senator BINGAMAN, and the Energy and Natural Resources Committee to move this bill and to push for funding as soon as possible. The energy crisis will not be resolved easily, but we can and should make this investment a part of our overall response to this issue. I urge my colleagues to move quickly on this legislation, and I hope that the President will make LIHEAP a priority in his upcoming budget.

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

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

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that will begin to reform our relationship with Mexico, particularly as it relates to our partnership in fighting drugs. I am pleased to be joined in this effort by Senators DIANNE FEINSTEIN, PETE DOMENICI, PHIL GRAMM, JON KYL, and JEFF SESSIONS, who are cosponsoring the legislation I will introduce today.

As you know, President Bush will visit Mexico on February 16th. He will hold a one day summit with Mexico's new President Vicente Fox. Improving cooperation between our two countries in the war on drugs will figure prominently on the President's agenda when he meets with President Fox.

Now is the time that we take the right first step in our mutual efforts to stop the flow of drugs into the United States through Mexico.

Last year, the Senate passed a resolution expressing a Sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counter-drug program that more effectively addresses illegal drug trafficking.

The resolution stated that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to implement such strategies and programs.

The legislation I am offering today again provides that a waiver is appropriate for this year. It also directs that a long term solution be found to the massive drug problem.

As you know, by March 1, after just six weeks in office, President Bush will be required to re-certify to Congress that Mexico is making progress in the war on drugs.

Forcing a confrontation so soon on the most important issue that we face with Mexico will serve neither country, and it will not loosen the grip that the drug culture has on both of our societies and economies.

Our bill will authorize a one-year waiver for Mexico from the annual certification process. The various reports and assessments prepared by the Department of State, the Department of Justice, or the Office of National Drug Control Policy will still be required.

The legislation will simply eliminate the requirement that the President in effect “grade” Mexico's performance in this area a scant 12 weeks after a new Mexican President has taken office.

Our legislation also takes another important step. It asks the President, no later than June 30, 2001, to develop and submit to Congress, a strategic plan outlining proposed efforts to increase cooperation between our two countries in the fight against drugs.

We need proposals on both sides of the border that will combat drug gangs; money laundering; drug smuggling and any other items the President believes should be addressed.

It seems to me that we must look for a comprehensive solution to this problem. We must look beyond the certification process—that in many ways is broken.

The strategic plan called for in this resolution should serve as the beginning of a new effort in the war against drugs.

We have two new leaders who are committed to tackling this problem. This bill is a good first step for building on the new relationship. I submit

this to the Senate. I hope that we can consider this measure soon.

I want to say about the new leader of Mexico that he is taking a very positive approach and I think an aggressive one.

It was reported on February 2 of this year in the Washington Post in a by-line that has the Mexico City date line that the new head of Mexico's customs agency has fired more than 90 people, including virtually every manager, in the first major purge of government officials since President Fox took office in December.

Forty-five out of the customs department's 47 supervisors were fired on corruption issues. In addition, in the first month of this year 150 tractor-trailers containing contraband were stopped by the Mexican customs office. Last year, for the entire year, 38 tractor-trailers were stopped for contraband merchandise.

That is a good sign. That is a sign that President Fox is going to make good on his promise to purge the corruption out of the system. We applaud him. That is why I think we should give him a chance to sit down with President Bush and work out a cooperative plan, one that is not punitive or unilateral but one that is cooperative. It will be in the best interest of both our countries to stop the cancer of drug trafficking. It is a cancer on both of our societies. The criminal element in Mexico certainly takes away from the productivity of that country. The criminal element that has arisen in the United States that is preying on our children certainly must be stopped.

I hope we can have an expedited action on this bill because I think we can do some good. I intend to talk to our majority leader and the chairman of the Foreign Relations Committee to see if we can agree on something that will stop this decertification. Let's sit down and do something that will produce the results that both of our countries want.

By Mr. McCAIN:

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

Mr. McCAIN. Mr. President, today I am introducing a bicameral piece of legislation with my colleague Representative DEMINT ensuring that every American worker is provided with honest information about the financial status of the Social Security program, including the real value of their personal retirement benefits. It is our obligation to talk straight with working Americans about the true financial status of the Social Security program.

Under the current system, hard working Americans—young and old—are not receiving straight, honest information regarding the actual financial status of the Social Security program, including how much it is receiving

in payroll taxes and how much is needed to give promised benefits to seniors. It is our obligation to ensure that all Americans are provided with accurate information regarding exactly when the Social Security program will no longer have sufficient funds for paying full benefits.

Furthermore, we must begin providing working Americans with accurate, easy to understand information regarding the average rate of return they can expect to receive from Social Security as compared to the amount of taxes an individual pays into the program. It is only fair to be straight with everyone and let them know the true facts about how much they will pay in payroll taxes and what the limited return will be on their contributions.

Finally, I would like to take this opportunity to once again remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today and tomorrow's workers. It is time for us to talk straight to Americans about Social Security and begin working together in a bipartisan fashion to make the necessary changes to strengthen and save the nation's retirement program for the seniors of today and tomorrow.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

#### S. 354

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Straight Talk on Social Security Act of 2001".

#### SEC. 2. MATERIAL TO BE INCLUDED IN SOCIAL SECURITY ACCOUNT STATEMENT.

Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b-13(a)(2)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(E) a statement of the current social security tax rates applicable with respect to wages and self-employment income, including an indication of the combined total of such rates of employee and employer taxes with respect to wages; and

"(F)(i) as determined by the Chief Actuary of the Social Security Administration, a comparison of the total annual amount of social security tax inflows (including amounts appropriated under subsections (a) and (b) of section 201 of this Act and section 121(e) of the Social Security Amendments of 1983 (26 U.S.C. 401 note)) during the preceding calendar year to the total annual amount paid in benefits during such calendar year;

"(ii) as determined by such Chief Actuary—

"(I) a statement of whether the ratio of the inflows described in clause (i) for future calendar years to amounts paid for such calendar years is expected to result in a cash flow deficit,

"(II) the calendar year that is expected to be the year in which any such deficit will commence, and

"(III) the first calendar year in which funds in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will cease to be sufficient to cover any such deficit;

"(iii) an explanation that states in substance—

"(I) that the Trust Fund balances reflect resources authorized by the Congress to pay future benefits, but they do not consist of real economic assets that can be used in the future to fund benefits, and that such balances are claims against the United States Treasury that, when redeemed, must be financed through increased taxes, public borrowing, benefit reduction, or elimination of other Federal expenditures,

"(II) that such benefits are established and maintained only to the extent the laws enacted by the Congress to govern such benefits so provide, and

"(III) that, under current law, inflows to the Trust Funds are at levels inadequate to ensure indefinitely the payment of benefits in full; and

"(iv) in simple and easily understood terms—

"(I) a representation of the rate of return that a typical taxpayer retiring at retirement age (as defined in section 216(1)) credited each year with average wages and self-employment income would receive on old-age insurance benefits as compared to the total amount of employer, employee, and self-employment contributions of such a taxpayer, as determined by such Chief Actuary for each cohort of workers born in each year beginning with 1925, which shall be set out in chart or graph form with an explanatory caption or legend, and

"(II) an explanation for the occurrence of past changes in such rate of return and for the possible occurrence of future changes in such rate of return.

The Comptroller General of the United States shall consult with the Chief Actuary to the extent the Chief Actuary determines necessary to meet the requirements of subparagraph (F).".

By Ms. LANDRIEU (for herself,  
Mr. SANTORUM, Mr. BREAUX,  
Mr. CLELAND, Mr. DODD, Mr.  
DURBIN, Mr. FEINGOLD, Mrs.  
FEINSTEIN, Mr. HARKIN, Mr.  
JOHNSON, Mr. LEVIN, Mr.  
LIEBERMAN, Mr. NELSON of Florida,  
Mr. REID, Ms. STABENOW,  
Mr. TORRICELLI, Mr.



BROWNBACK, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORZINE, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, and Mrs. CARNAHAN):

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

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill which is long overdue. February is a particularly appropriate time to introduce this legislation, the Martin Luther King, Jr. Commemorative Coin Act of 2001, as this month we celebrate Black History Month.

Historian Carter G. Woodson began what was first called Negro History Week in 1926 when he realized schools were not teaching children about the history and achievements of black Americans. Now, for one month out of every year, we focus on the contributions of African-Americans during Black History Month. However, celebrations of the history and culture of black Americans should not be limited to just one month. By recognizing the history of black Americans every day of the year, we build the respect and perspective necessary to face the challenges before us.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, "Those who do not understand history are condemned to repeat it." America's history includes dark chapters—chapters in which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope, which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King, Jr. Commemorative Coin Act of 2001.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st century, I cannot think of a better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who

have been denied civil or human rights because of their race, religion, gender, sexual orientation, or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. As a society, we must always remember Dr. King's message, "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'"

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our nation's history, African-Americans were included on only 4 out of 157 commemorative coins:

Jackie Robinson who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life;

Booker T. Washington who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp;

George Washington Carver whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South; and

The Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us an opportunity to recognize the valuable contributions of all Americans who stood and were counted during our nation's civil rights struggle.

Americans such as the late Reverend Avery C. Alexander, a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an advisor to Governor Morrison of Louisiana in the 1950s.

Heroes such as Dr. C.O. Simpkins of Shreveport, Louisiana, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T.J. Jemison of Baton Rouge—a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my state. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, "If you want the present to be different from the past, study the past." This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future. Most importantly, this coin would serve as a reminder every day of the year, not just during Black History Month, of the great contributions of Dr. King and all black Americans who have shaped this nation's history and future.

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

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

S. 355

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dr. Martin Luther King, Jr., Commemorative Coin Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) Dr. Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all its citizens;

(2) Dr. Martin Luther King, Jr. was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950's and 1960's;

(3) Dr. Martin Luther King, Jr. was the keynote speaker at the August 28, 1963, March on Washington, the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, he delivered his famous "I Have A Dream" speech, one of the classic orations in American history;

(4) Dr. Martin Luther King, Jr. was a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and was awarded the 1964 Nobel Peace Prize in recognition of his efforts;

(5) all Americans should commemorate the legacy of Dr. Martin Luther King, Jr. so

"that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'"; and

(6) efforts are underway to secure the personal papers of Dr. Martin Luther King, Jr., for the Library of Congress so that they may be preserved and studied for generations to come.

### SEC. 3. COIN SPECIFICATIONS.

(a) **\$1 SILVER COINS.**—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 \$1 coins, each of which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

### SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act from all available sources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

### SEC. 5. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the human rights legacy and leadership of Dr. Martin Luther King, Jr.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year "2003"; and
- (C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

- (1) selected by the Secretary after consultation with the Librarian of Congress, the Commission of Fine Arts, and the estate of Dr. Martin Luther King, Jr.; and
- (2) reviewed by the Citizens Commemorative Coin Advisory Committee.

### SEC. 6. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2003.

### SEC. 7. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in subsection (c) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **SURCHARGES.**—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

### SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Library of Congress for the purposes of purchasing and maintaining historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

poses of purchasing and maintaining historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

Mr. MILLER. Mr. President, I am pleased to be an original cosponsor of S. 355, the Martin Luther King Jr. Commemorative Coin Act. The bill would instruct the U.S. Treasury to mint coins to commemorate the many contributions of Dr. Martin Luther King, Jr. The proceeds from the sale of the proposed commemorative coin will be used by the Library of Congress to purchase and maintain historical materials related to the legacy of Dr. King and America's Civil Rights era for future generations.

The coin will be silver and will be minted under the Act for only a 1-year period beginning on January 1, 2003.

Dr. Martin Luther King Jr. was an extraordinary leader whose march for justice stretched far beyond the red clay hills of our beloved Georgia. His was a long, tumultuous journey and his vision of equality is one that touched the lives of so many people around this country, including my own.

I will continue to do all I can to assure that we preserve his legacy for generations to come. It is my hope that this commemorative coin will become a collector's treasure and that its popularity will help us preserve the timeless and poignant story of Dr. King and the civil rights movement for our children.

Dr. King spoke these words in his final sermon on the day before he died in 1968:

Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge, to make America what it ought to be.

I hope that every American who holds one of these commemorative coins in their hands will remember Dr. King's powerful message.

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, and Mr. BREAUX):  
S. 356. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, today I rise, along with Senators LINCOLN, BREAUX, and CARNAHAN, to introduce a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase. This legislation has particularly special meaning to Senators from Louisiana because the site of the actual transfer of the Louisiana Purchase in 1803, the Cabildo, is a building still located in Jackson Square in New Orleans.

The bicentennial of the Louisiana Purchase, which occurs in 2003, marks an event that more than any other, determined the character of our national life—determined that we should be a great expanding nation instead of a relatively small and stationary one.

For only \$15 million, three cents an acre, a remarkable bargain, all or part of 14 states were created out of vast

territory acquired in the Louisiana Purchase, virtually doubling the size of the United States. The largest peaceful land transaction in history, the Purchase opened the heartland of North America for exploration, settlement and achievement to the people of the United States and immigrant from around the world.

It made possible the travels of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life Out West. Around the world, the American Frontier became synonymous with the search for spiritual, economic and political freedom.

The bill we are introducing today creating this Commission would require an appropriation of no more than \$4,000,000. The Commission would be composed of a bipartisan group of 24 members, appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, the Commission will submit a report to the President and Congress detailing its recommendations for activities to celebrate the event. By March 31, 2005, the Commission is to submit a final report describing all activities, programs, expenditures and donations relating to its work.

Commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance public understanding of the impact of westward expansion on American society and can provide lessons for democratic governance in our own time. I call on my colleagues to join us in honoring this momentous occasion in our nation's history and provide the proper ways and means for us to celebrate it appropriately.

Mr. President, again, this bill is to establish a national commission on the bicentennial of the Louisiana purchase. This, hopefully, is going to be an exciting celebration for our Nation. Of course, it will take place in the year 2003. This legislation has particularly special meaning to the Senators from Louisiana because the site of the actual transfer of the Louisiana purchase, of course, which was in 1803, took place in the Cabildo, a building that still stands right there on the historic Jackson Square in New Orleans.

The bicentennial of the Louisiana purchase which will occur in 2003 marks an event that more than any other determined the character of our national life. It determined that we should be a great and expanding Nation instead of a relatively small and stationary one.

As we all remember from our history classes, for only \$15 million, 3 cents an acre—a remarkable bargain, actually, for part or all of 14 States that were created out of this vast territory acquired in the Louisiana Purchase, virtually doubling the size of the United States—this was, in fact, the largest

peaceful land transaction in history. The purchase opened the heartland of North America for exploration, settlement, and achievement to the people of the United States and immigrants from around the world. It made possible the travel of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life out West.

Around the world, the American frontier became synonymous with the search for spiritual, economic, and political freedom. So the bill we are introducing today creates a commission. It would require an appropriation of no more than \$4 million. The commission would be composed of a bipartisan group of 24 members appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, according to our legislation, the commission will submit a report to the President and Congress detailing its recommendations and activities to celebrate this wonderful event.

Hopefully, by March of 2005, the commission will submit a final report describing all of the activities and programs, expenditures, and donations relating to its work.

The commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance a public understanding of the impact of the westward expansion on American society, and, I think, provide for all of us, adults and children alike, lessons we can use each day as we press forward for more stable and robust and terrific democracy and for governance in our time.

I call on colleagues today to join us in honoring this occasion in our Nation's history so we can provide the proper ways and means for us to celebrate it fully and appropriately.

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

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

S. 356

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Louisiana Purchase Bicentennial Commission Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Bicentennial of the Louisiana Purchase occurs in 2003, 200 years after the United States, under the leadership of President Thomas Jefferson and after due consideration and approval by Congress, paid \$15,000,000 to France in order to acquire the vast area in the western half of the Mississippi River Basin;

(2) the Louisiana Purchase was the largest peaceful land transaction in history, virtually doubling the size of the United States;

(3) the Louisiana Purchase opened the heartland of the North American continent for exploration, settlement, and achievement to the people of the United States;

(4) in the wake of the Louisiana Purchase, the new frontier attracted immigrants from around the world and became synonymous with the search for spiritual, economic, and political freedom;

(5) today the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming make up what was the Louisiana Territory; and

(6) commemoration of the Louisiana Purchase and the opening of the West would—

(A) enhance public understanding of the impact of westward expansion on the society of the United States; and

(B) provide lessons for continued democratic governance in the United States.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) BICENTENNIAL.—The term "Bicentennial" means the 200th anniversary of the Louisiana Purchase.

(2) COMMISSION.—The term "Commission" means the National Commission on the Bicentennial of the Louisiana Purchase established under section 4(a).

#### SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Bicentennial of the Louisiana Purchase".

(b) DUTIES.—The Commission shall plan, encourage, coordinate, and conduct the commemoration of the Bicentennial.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 24 members, of which 12 members shall be Republicans and 12 members shall be Democrats, including—

(A) 12 members, of which 6 members shall be Republicans and 6 members shall be Democrats, appointed by the President to represent the United States;

(B) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the majority and minority leaders of the Senate; and

(C) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) CRITERIA.—A member of the Commission shall be chosen from among individuals that have demonstrated a strong sense of public service, expertise in the appropriate professions, scholarship, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Commission shall not be an employee or former employee of the Federal Government.

(4) INTERNATIONAL PARTICIPATION.—The President shall invite the Governments of France and Spain to appoint, not later than 60 days after the date of enactment of this Act, 1 individual to serve as a nonvoting member of the Commission.

(5) DATE OF APPOINTMENTS.—The appointment of a member of the Commission described in paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCY.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(f) MEETINGS.—The Commission shall meet at the call of the Co-Chairpersons described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision-making purposes shall be 13 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CO-CHAIRPERSONS AND VICE CO-CHAIRPERSONS.—

(1) CO-CHAIRPERSONS.—The President shall designate 2 of the members, 1 of which shall be a Republican and 1 of which shall be a Democrat, to be Co-Chairpersons of the Commission.

(2) CO-VICE-CHAIRPERSONS.—The Commission shall select 2 Co-Vice-Chairpersons, 1 of which shall be a Republican and 1 of which shall be a Democrat, from among the members of the Commission.

#### SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop activities appropriate to commemorate the Bicentennial including a limited number of proposed projects to be undertaken by the appropriate Federal departments and agencies that commemorate the Bicentennial by seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) consult with and encourage Indian tribes, appropriate Federal departments and agencies, State and local governments, elementary and secondary schools, colleges and universities, foreign governments, and private organizations to organize and participate in Bicentennial activities commemorating or examining—

(A) the history of the Louisiana Territory;

(B) the negotiations of the Louisiana Purchase;

(C) voyages of discovery;

(D) frontier movements; and

(E) the westward expansion of the United States; and

(3) coordinate activities throughout the United States and internationally that relate to the history and influence of the Louisiana Purchase.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and Congress a comprehensive report that includes specific recommendations for—

(A) the allocation of financial and administrative responsibility among participating entities and persons with respect to commemoration of the Bicentennial; and

(B) the commemoration of the Bicentennial and related events through programs and activities, such as—

(i) the production, publication, and distribution of books, pamphlets, films, electronic publications, and other educational materials focusing on the history and impact of the Louisiana Purchase on the United States and the world;

(ii) bibliographical and documentary projects, publications, and electronic resources;

(iii) conferences, convocations, lectures, seminars, and other programs;

(iv) the development of programs by and for libraries, museums, parks and historic sites, including international and national traveling exhibitions;

(v) ceremonies and celebrations commemorating specific events;

(vi) the production, distribution, and performance of artistic works, and of programs

and activities, focusing on the international and national significance of the Louisiana Purchase and the westward movement opening the frontier for present and future generations; and

(vii) the issuance of commemorative coins, medals, certificates of recognition, and stamps.

(2) **ANNUAL REPORT.**—The Commission shall submit an annual report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

- (A) the President;
- (B) the Senate; and
- (C) the House of Representatives.

(3) **FINAL REPORT.**—Not later than March 31, 2005, the Commission shall submit a final report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

- (A) the President;
- (B) the Senate; and
- (C) the House of Representatives.

(c) **ASSISTANCE.**—In carrying out this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies.

#### SEC. 6. POWERS OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission may provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects that will contribute to public awareness of, and interest in, the Bicentennial, except that any commemorative coin, medal, or postage stamp recommended to be issued by the United States shall be sold only by a Federal department or agency;

(2) competitions and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the Bicentennial;

(3) a Bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of Bicentennial historical and commemorative significance; and

(4) the design and designation of logos, symbols, or marks for use in connection with the commemoration of the Bicentennial shall establish procedures regarding their use.

(b) **ADVISORY COMMITTEE.**—The Commission may appoint such advisory committees as the Commission determines necessary to carry out the purposes of this Act.

#### SEC. 7. ADMINISTRATION.

(a) **LOCATION OF OFFICE.**—

(1) **PRINCIPAL OFFICE.**—The principal office of the Commission shall be in New Orleans, Louisiana.

(2) **SATELLITE OFFICE.**—The Commission may establish a satellite office in Washington, D.C.

(b) **STAFF.**—

(1) **APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.**—

(A) **IN GENERAL.**—The Co-Chairpersons, with the advice of the Commission, may appoint and terminate a director and deputy director without regard to the civil service laws (including regulations).

(B) **DELEGATION TO DIRECTOR.**—The Commission may delegate such powers and duties to the director as may be necessary for the efficient operation and management of the Commission.

(2) **STAFF PAID FROM FEDERAL FUNDS.**—The Commission may use any available Federal funds to appoint and fix the compensation of not more than 10 additional personnel staff members, as the Commission determines necessary.

(3) **STAFF PAID FROM NON-FEDERAL FUNDS.**—The Commission may use any available non-Federal funds to appoint and fix the compensation of additional personnel.

(4) **COMPENSATION.**—

(A) **MEMBERS.**—

(i) **IN GENERAL.**—A member of the Commission shall serve without compensation.

(ii) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) **STAFF.**—

(i) **IN GENERAL.**—The Co-Chairpersons of the Commission may fix the compensation of the director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—

(I) **DIRECTOR.**—The rate of pay for the director shall not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(II) **DEPUTY DIRECTOR.**—The rate of pay for the deputy director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(III) **STAFF MEMBERS.**—The rate of pay for staff members appointed under paragraph (2) shall not exceed the rate payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(c) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—On request of the Commission, the head of any Federal agency or department may detail any of the personnel of the agency or department to the Commission to assist the Commission in carrying out this Act.

(2) **REIMBURSEMENT.**—A detail of personnel under this subsection shall be without reimbursement by the Commission to the agency from which the employee was detailed.

(3) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) **OTHER REVENUES AND EXPENDITURES.**—

(1) **IN GENERAL.**—The Commission may procure supplies, services, and property, enter into contracts, and expend funds appropriated, donated, or received to carry out contracts.

(2) **DONATIONS.**—

(A) **IN GENERAL.**—The Commission may solicit, accept, use, and dispose of donations of money, property, or personal services.

(B) **LIMITATIONS.**—Subject to subparagraph (C), the Commission shall not accept donations—

(i) the value of which exceeds \$50,000 annually, in the case of donations from an individual; or

(ii) the value of which exceeds \$250,000 annually, in the case of donations from a person other than an individual.

(C) **NONPROFIT ORGANIZATION.**—The limitations in subparagraph (B) shall not apply in the case of an organization that is—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(4) **ACQUIRED ITEMS.**—Any book, manuscript, miscellaneous printed matter, memorabilia, relic, and other material or property relating to the time period of the Louisiana Purchase acquired by the Commission may be deposited for preservation in national,

State, or local libraries, museums, archives, or other agencies with the consent of the depository institution.

(e) **POSTAL SERVICES.**—The Commission may use the United States mail to carry out this Act in the same manner and under the same conditions as other agencies of the Federal Government.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), there are authorized to be appropriated to carry out the purposes of this Act—

(1) \$1,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2005.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated under this section for any fiscal year shall remain available until March 31, 2005.

(c) **LIMITATION.**—The total amount of funds made available under this section shall not exceed \$4,000,000.

#### SEC. 9. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective March 31, 2005.

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

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

Mr. FRIST. Mr. President, I am pleased to once again stand before the Senate and speak on the critical issue of Medicare reform and prescription drugs. Over the past 3 years, I have worked extensively on this issue with my friend Senator BREAU, and we have introduced two pieces of bipartisan legislation comprehensively reforming and strengthening the Medicare program. Therefore, I am thrilled today to reintroduce these bills along with Senator BREAU as we take the next step in this process towards improving Medicare.

No one disputes that Medicare needs changes. Every year, Congress considers numerous proposals to update the Medicare program—some more far-reaching than others. We have a strong consensus on the importance of a prescription drug benefit to Medicare beneficiaries. What remains for us, then, is to strengthen the Medicare program in a way that will bring it into the 21st century—by allowing seniors to have a prescription drug benefit, bringing the overall benefits package into line with what most other Americans receive, and giving the program the flexibility to change and grow over the years.

We all know Medicare's shortcomings. It is projected to be bankrupt by 2025. It only covers 53 percent of beneficiaries' health care costs, making seniors spend an average of \$2,000 per year out-of-pocket on health care. It does not cover prescription drugs, long-term care, eyeglasses or dental care. As the fourth-largest item in the budget, its spending, left unchecked will consume an ever-increasing share of the Federal budget. A generational time-bomb awaits it as 77 million baby boomers begin to enter the program in 2010. It is an example of Congressional

micromanagement at its worst, and its regulatory system encompasses more than 130,000 pages of HCFA regulations.

Designed in 1965, the Medicare program remains mired in the past. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators ever imagined. It has simply not kept pace with the changing nature of health care. We must fix the program—not just continue to tinker around the edges.

I believe that the overwhelming public support for a prescription drug benefit gives us a real opportunity to improve Medicare in a bipartisan, comprehensive manner. Seniors absolutely need prescription drug benefits, but a free-standing drug benefit that fails to address the underlying program only exacerbates Medicare's financial and administrative troubles while removing the political will to tackle the pressing need for system-wide reform.

Therefore, any reform legislation, while including prescription drug coverage, must also address these other issues facing the program. The first bill we introduce today, "Breau-Frist I," was the first bipartisan attempt to comprehensively reform Medicare in the program's 35-year history. Breau-Frist I draws heavily on the recommendations of the National Bipartisan Commission on the Future of Medicare and is modeled after the Federal Employees Health Benefit Plan, (FEHBP), a plan through which we and millions of other Federal employees receive health care. This is a plan with a forty year track record of success in providing quality comprehensive health coverage.

Breau-Frist I does three main things. First, it replaces the current system for competing health plans in Medicare, which is not working very well, with a new system based on the FEHBP. A new Medicare Board, not HCFA, would oversee the competition. It also requires that all Medicare plans, including the HCFA-sponsored plans, have a high option with prescription drug coverage and a limit on seniors' out-of-pocket costs. The Government would make the least cost high option plan available to low-income seniors for free and would share a part of the cost with all beneficiaries choosing a high option plan. Finally, it gives HCFA the opportunity to manage the government-run plans more like a business, with less regulation and less need for Congressional micromanagement.

Building on Breau-Frist I and the findings of the Medicare Commission, our second piece of legislation, "Breau-Frist II," takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. The bill will provide seniors the option to choose the kind of health care coverage that best suits their indi-

vidual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

Breau-Frist II establishes the Competitive Medicare Agency, CMA, an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. Seniors are guaranteed a minimum benefit but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is important to pass along the same choices we, as members of Congress, have. Seniors deserve no less.

The bill also provides drug coverage premium subsidies for low-income beneficiaries and addresses the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again.

Both of these bills will prove successful in placing Medicare on the right road to financial stability and quality health care. They will ensure more competition, provide a universal prescription drug benefit, protect low-income and rural Americans and create new measures of Medicare's financial solvency.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. By moving forward on this legislation, we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future. I look forward to working with Senator BREAU, my colleagues on both sides of the aisle, and the White House towards this critical goal.

By Mr. SHELBY:

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

Mr. SHELBY. Mr. President, I rise to introduce the Senior Reserve Officers' Training Corps Eligibility Reform Act of 2001. I believe this bill will shore up the military's ability to recruit and re-

tain qualified junior officers. This legislation will reform our college level Reserve Officer Training Corps Units by expanding eligibility for those programs.

This bill contains two primary provisions which will alter the way in which ROTC determines eligibility. First, it will allow active duty enlisted personnel, who have been selected for an officer commissioning program, to participate in ROTC training. These enlisted personnel are already on college campuses and are attached administratively to an ROTC unit. Their tuition is paid by their respective service and they earn their regular active duty pay while earning their degree. However, these enlisted personnel do not normally begin their formal officer training until after earning their degree when they attend their respective service's officer candidate school. On average, our military's officer candidate schools are three months long. This legislation would permit these personnel to complete their officer training at the ROTC unit which serves the college or university they are attending. This would be a more equitable use of an officer candidate's time and would decrease the time and cost associated with training. Additionally, it will free up positions at officer training schools and significantly increase their ability to cope with fluctuations in the number of officer recruits.

Second, this legislation increases the maximum age for participation in ROTC scholarship programs from 27 to 35. In other words, if a cadet or midshipman can complete their degree and earn their commission, by the maximum legal commissioning age of 35, they should be able to earn a scholarship which will pay for that education. This provision will allow the services to use scholarship money to cover the entire commissioning envelope. Our military recruiters will be able to provide financial incentives to an older yet valuable age group. I have been told that officer trainees in the 27 to 35 age group are more mature and focused and are less likely to try to back out of their service commitment.

This legislation is one small initiative in our effort to rebuild the morale and readiness of our armed forces. Whether they be infantry commanders, pilots, submariners, intelligence analysts or information technology specialists, our junior officer ranks are depleted across the spectrum. In conjunction with the service academies and officer candidate schools, the ROTC scholarship program has been the backbone of our military's ability to train and commission high quality junior officers. My proposal today would merely expand this established program to include regular active duty personnel and an older and more seasoned citizenry. Overall, I believe that this bill will help the military to commission more junior officers, especially those with valuable prior enlisted service. I urge my colleagues to support it.

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

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

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators INHOFE and ENZI in introducing legislation that attempts to diminish the scope of a problem that is facing our air transport industry, namely a critical shortage of pilots. The pilot shortage is starting to have effects in many rural states.

In response to this problem, I am today introducing a bill that would repeal the Federal Aviation Administration (FAA) rule which now requires pilots who fly under Part 121 to retire at age 60. Under my legislation, pilots in excellent health would be allowed to continue to pilot commercial airliners until their 65th birthday.

The Age 60 rule was instituted 40 years ago when commercial jets were first entering service. The rule was established without the benefit of medical or scientific studies or public comment. The most recent study, the results of which were released in 1993, examined the correlation between age and accident rate as pilots approach 60. That study found no increase in accidents.

The FAA contends that although science does not dictate retirement at the age of 60, it is the age range when sharp increases in disease mortality and morbidity occur. In FAA's view it is too risky to allow older pilots to fly the largest aircraft, carrying the greatest number of passengers over the longest non-stop distances, in the highest density traffic.

However, 44 countries worldwide have relaxed the age 60 rule within the last ten years primarily because the pilot shortage is a worldwide phenomenon. Many of these air carriers currently fly into U.S. airspace.

One of the ways carriers are attempting to adapt to the shortage is to lower their flight time requirements. In my view, this is a risk factor the FAA should be concerned about.

How did this shortage occur? The reason is simple: There has been an explosive growth of the major airlines worldwide, and there's a shortage of military pilots who used to feed the system. In addition, there is an aging pilot pool that must retire at age 60.

Add to this domino effect the decline in the number of people learning to fly, due primarily to the cost, and the pool of available pilots has shrunk.

The shortage acutely affects my home state of Alaska because we depend on air transport far more than any other state. Rural residents in Alaska have no way out other than by air service. There are no rural routes, state or interstate highways serving most rural residents in Alaska and the airplane for many of them is their lifeline to the outside world.

The pilot shortage has left Alaskan carriers scrambling for pilots. Alaska's

carriers must hire from the available pilot pool in the lower 48. Many of these pilots view flying in Alaska as a stepping stone that allows them to build up flight time. Although they get great flying experience in my home state, in nearly all instances when a pilot gets a higher-pay job offer with a larger carrier in the lower 48, he leaves Alaska.

According to the Alaska Air Carriers Association, raising the retirement age to 65 will help alleviate the shortage and keep experienced pilots flying and serving rural Alaskans.

I would note that what is happening across the country is that the major carriers are luring pilots from commuter airlines, who in turn recruit from the air charter and corporate industry, who in turn hire flight instructors, agriculture pilots, etc. Which leaves rural carriers strapped. The big fish are feeding off the little ones.

Small carriers simply cannot compete with the salaries, benefits and training costs of the major carriers. They simply do not have the financial resources.

According to figures provided by the Federal Aviation Administration, there were 694,000 pilots in 1988 and 616,342 in 1997. Within that number, private pilot certificates fell from approximately 300,000 in 1988 to 247,604 in 1997. Commercial certificates, like air taxi and small commuter pilots, fell from 143,000 in 1988 to 125,300 in 1997. The number of total pilots in Alaska fell from more than 10,000 in 1988 to approximately 8,700 in 1997.

However, light is beginning to show at the end of the tunnel. Organizations such as the Aircraft Owners and Pilots Association (AOPA) and the General Aviation Manufacturers Association (GAMA) have been monitoring this shortage for some time and have stepped up to the plate to get people interested in flying. AOPA has started a pilot mentoring program in 1994 and approximately 30,000 have entered the program. GAMA's "Be a Pilot" program is starting to bring more potential pilots into flight training.

Even the Air Force is starting to institute new programs to keep pilots.

In Alaska, as a result of a precedent-setting program involving Yute Air, the Association of Village Council Presidents, the University of Alaska, Anchorage, Aero Tech Flight Service, Inc., and the FAA, a program was developed to train rural Alaska Natives to fly. Seven are on their way to pilot careers.

Also, the number of students working on pilot licenses at the University's Flight Technology program has almost doubled in two years.

It is my hope that the shortage has hit rock bottom. But even so, it will take years before a cadre of qualified pilots is ready to take to the friendly skies.

The time has come for Congress to wrestle with this problem. As long as a pilot can pass the rigorous medical

exam, he or she should be allowed to fly. Air service is critical to keep commerce alive, especially in rural states.

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

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

S. 361

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

#### SECTION 1. AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 30 days after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

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

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

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

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

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

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

Mr. DORGAN. Mr. President, today I'm reintroducing several bills that are needed to fix glaring problems in our Internal Revenue Code.

Clearly, the issue of tax cuts will be the subject of extensive debate in the coming months. I think a responsible new tax relief plan could be crafted to ease the tax burden on working families and others who need it. I also believe that if the expected surpluses materialize, a significant part should be used to pay down the federal debt.

But, as we move forward with this debate about new tax breaks, I think Congress needs to remember that there are a number of tax fairness matters pending from previous years that we must address without any further delay.



First, when Congress enacted a new \$500,000 capital gains exclusion for home sales in 1997, it offered a good deal to those families who live in urban areas affected by rising home and land prices. Unfortunately, this provision offers little or no benefits for family farmers because their farm homes are part of the larger farmstead. By itself, the farmhouse often has little value in relation to the surrounding farmland and buildings. This means that farmers who are selling the whole farm because they are retiring or who are being forced out of business because of the downturn in the farm economy may face a hefty tax bill at a time they can least afford it.

Legislation that Senator HAGEL and I are introducing today recognizes the economic realities of farming and extends the benefit of the \$500,000 capital gains tax exclusion to farm families. Specifically, our legislation would expand the \$500,000 capital gains exclusion for home sales to cover family farmers who sell their farmhouses or surrounding farmland, so long as they are actively farming prior to the sales.

We have introduced virtually identical legislation in the past. Our approach has garnered substantial bipartisan support from most of our colleagues. If we enact a major tax bill this year, we believe it ought to include language to correct this capital gains tax problem that many of our nation's farmers urgently need fixed.

Second, I'm introducing legislation along with Senators JOHNSON, DASCHLE and others to immediately eliminate the disparity between sole proprietors and their large corporate competitors in the tax treatment of their health insurance costs. Under current federal tax law, we tell our biggest corporations that they can deduct 100 percent of their health insurance costs, while we say to our nation's sole proprietors that they can deduct only 60 percent of these same costs. Almost everyone agrees that this circumstance is indefensible and needs to be remedied. Current law fixes this problem by 2003, but small business owners should not have to wait. Congress should act now to give them the full deduction.

This legislation addresses this inequity facing family farmers, ranchers, and other self-employed individuals by permitting them to deduct 100-percent of their health insurance costs beginning this year. The health of a family farmer or small business owner is just as important as the health of an officer of a large corporation and our tax laws should reflect that simple fact now.

The third bill I'm introducing today addresses what I believe is a major flaw in the current federal income tax expensing provision that hinders many small businesses from making needed building improvements. Under current law, small businesses generally can deduct immediately up to \$24,000 in qualifying purchases of equipment and machinery. But they must depreciate over 39 years the costs of any storefront or

other structural building improvements, even if those improvements are crucial to the business or to the maintenance of a Main Street.

This legislation tells the local drug store, shoe store or barber shop, which doesn't have much need for equipment purchases but does need to improve the storefront or interior, that it should be able to deduct the costs of such improvements, rather than be forced to depreciate them over nearly four decades. Specifically, my bill expands the current \$24,000 expensing provision to cover investments in depreciable real property. The bill also increases the expensing amount to \$25,000, which is currently scheduled to occur by the year 2003.

There are Main Streets across this country that were built or refurbished decades ago and now need investments and improvements. Our federal tax laws ought to assist small businesses to make such improvements, and my legislation is a simple way to accomplish that.

The Senate unanimously agreed to an amendment I offered to a larger tax bill last summer that would have made the changes I have proposed in the three bills I introduce today. Unfortunately, none of these provisions was included in the final version of that tax bill or other legislation before the Congress adjourned last year.

Therefore, I would urge my Senate colleagues to cosponsor each of these bills and work with me to get them added to any tax package passed by the Congress this year.

By Mr. THOMAS:

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

Mr. THOMAS. Mr. President, I rise today to introduce a bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes.

Recently many of my constituents in and around Yellowstone and Grand Teton National Parks witnessed the bureaucracy exercise its powers and run roughshod over those who disagreed with its findings.

For years, the National Park Service managed and encouraged recreational snowmobiling in Yellowstone and Grand Teton National Parks and on the adjacent John D. Rockefeller, Jr. Memorial Parkway, providing thousands of Americans an opportunity to enjoy the winter wonders of the Yellowstone plateau and the majestic surrounding countryside.

Instead of continuing this reasonable approach to winter access, or constructively addressing perceived adverse issues; The Clinton administration hijacked the National Park Service effort to update Yellowstone's winter use management plan; corrupted the environmental impact statement process; cut off meaningful participation by co-

operating states, local communities and citizens; disregarded critical facts and science, and injected new anti-snowmobile alternatives into the process at the last moment.

In short, federal land managers cast aside their statutory duties and obligations and instead accepted interpretations of law twisted to stage a grand political gesture—the banning of snowmobiles from National Parks, including Yellowstone and Grand Teton.

Snowmobiles often come under fire from those who suspect that the machines degrade air and water quality, despite the fact that scientists were unable to produce or confirm any resource degradation in the recent environmental impact study conducted by the National Park Service. In this regard, I have met personally with the presidents and CEO's of the four major snowmobile manufacturers. They have informed me, that as soon as the Environmental Protection Agency issues emission standards, they can produce and market snowmobiles that meet or exceed the standards within three years.

Mr. President, the industry only needs to have the emission standards set so that they can get on with their business. In fact, the Environmental Protection Agency, EPA, was in the process of creating standards; however, EPA employees were told to stand down by the President's appointees until the Yellowstone scenario was played out. They did not want to be confused by the facts nor did they desire to constructively address the perceived problems.

Headlines were more important than people as well as the economic viability of small communities and businesses in Idaho, Montana and Wyoming. Press reports were more important than providing winter visitors continued access to their parks.

The bureaucrats did decide that the "snowcoach only no other snowmachine" scenario is the only way people should enjoy, experience and view the majesty that winter brings to the Yellowstone region.

The "snowcoach only" scenario is unfortunately another bureaucratic snafu. No one considered that today's snowcoach is mechanically unreliable and it lacks the speed necessary to see much of the park in a day. While the snowcoach may be the correct and preferred mode of transportation for some, it is not for many. Telling local businessmen that more comfortable, more reliable snowcoaches will be developed in the next few years at taxpayer expense serves absolutely no purpose. I know of no such budget request or plan and I know of no one willing to invest in such a risky scheme.

I do know that a viable alternative for winter access is possible. More importantly, access can be attained in an environmentally sound manner. It is not an issue that should be ignored. I doubt that the new rules and regulations will stand the scrutiny of our

court system. The International Snowmobile Manufacturer's Association and other parties have already filed suit against the Department of the Interior and the National Park Service challenging the government's arbitrary and capricious decision to reverse decades of traditional activity.

In watching the progress and the mistakes made, along with the information and facts ignored, I believe there is a real possibility that the newly issued rules and regulations will be overturned.

It is for this reason that I am introducing this legislation today. I believe that a proactive, constructive and environmentally sound approval to winter access to our parks needs to be discussed and implemented.

This legislation, when enacted, will:

(1) direct the EPA, within two years, to promulgate final national standards governing emissions by snowmobiles;

(2) the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System, and

(3) not later than five years after the enactment of this act, the National Park Service will not allow a snowmachine to operate within the boundaries of a park that does not meet the new emission and noise standards.

The measure also provides the Secretary with authorities to close portions of parks if damage to the resource can be shown and the bill requires comprehensive studies; which, to date, have not been completed, much less initiated. The studies will assess the impacts of recreational snowmobile use within the affected units of the System on park resources, visitor use and enjoyment, and adjacent communities.

I am not suggesting that snowmachine users have unfettered access across park lands. Any use will be closely monitored and highly regulated. Some are unaware of the fact that currently snowmachines in parks are limited to the same established roadways used by hundreds of automobiles during the summer months. The users are not allowed to travel at will in parks as they are allowed on other federal lands.

There will be some who will admit that cleaner, quieter machines are not that much different than the automobiles that tend to clog our park roadways from time to time. They would be correct, except that there are far fewer snowmachines visiting our parks than there are automobiles. They will point out; however, that snowmachines harass wildlife.

Some of the folks at Yellowstone coined a phrase—"bison ping pong." Evidently, there is a VCR tape that has been circulated showing two individuals on snowmobiles harassing a bison within the boundaries of Yellowstone National Park. I have not seen the tape and I cannot attest to its veracity.

Currently, there are laws that make it a federal crime to engage or participate in such activities. The National Park Service has all of the powers and authorities it needs to address this management problem or illegal activity, if indeed, it exists. I would advocate, that anyone apprehended in a park engaged in this sort of illegal activity, should be prosecuted to the fullest extent of the law, and in addition to fines and jail time, their machines should be confiscated.

The bottom line in the snowmobile debate is that with a little care, the program can be well managed, without causing damage to the park resources, including the wildlife therein.

Finally, I am committed to work with my colleagues toward the passage of this legislation. I am willing to compromise where necessary and I am willing to listen to all sides of this issue. I firmly believe that we can reach resolution.

The concept and management style which advocates the theory that there may be a problem with a particular activity, but we don't really know what the problem is—therefore the activity should be eliminated no matter who or what is inconvenienced, forced out of business, or denied access to our natural treasures—should not be allowed to continue unchecked.

I am an avid supporter and protector of our National Park System. I firmly believe this winter use can be accommodated through good management, good science and a little common sense.

I ask unanimous consent that the text of the bill, a synopsis of snowmobile regulations, and a section-by-section analysis be printed in the RECORD.

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

S. 365

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

#### SECTION 1. SHORT TITLE.

This act may be cited as the "National Park Service Winter Access Act".

#### SEC. 2. SNOWMOBILES.

##### (a) FINDINGS.—

(1) Recreational snowmobile use within units of the National Park system is an established, traditional, and legitimate means of visitor use and enjoyment of these public lands when conducted in a manner that does not adversely affect or impair park resources and values.

(2) The snowmobile manufacturers and the Environmental Protection Agency will be working to establish emissions standards for a new generation of snowmobiles. This new generation of machines will be cleaner and quieter and should be available to the public within five years.

(3) Cleaner, quieter snowmobiles may provide the public with a greater opportunity to enjoy the National Park System in a manner that is consistent with park resources and values.

##### (b) INTERIM PARK OPERATIONS.—

(1) As is consistent with the Act entitled, "An Act to establish a National Park Service, and for other purposes," approved Au-

gust 25, 1916 (16 U.S.C. 1 et seq.), in the following units of the National Park System where snowmobile use occurred or was authorized as of January 1, 2000, such use shall continue restricted to levels of no less than the average wintertime use and activity over the last three winters. This use can be subject to other reasonable regulations governing such use existing as of January 1, 2000, including emergency closure authority:

Acadia National Park, Maine  
Black Canyon of the Gunnison National Park, Colorado

Crater Lake National Park, Oregon  
Grand Teton National Park, Wyoming  
Mount Rainier National Park, Washington  
North Cascades National Park, Washington  
Olympic National Park, Washington  
Rocky Mountain National Park, Colorado  
Sequoia National Park, California  
Kings Canyon National Park, California  
Theodore Roosevelt National Park, North Dakota

Voyageurs National Park, Minnesota  
Yellowstone National Park, Idaho, Montana, Wyoming

Zion National Park, Utah  
Appalachian National Scenic Trail, Multi-States

Saint Croix National Scenic River, Wisconsin, Minnesota

Pictured Rocks National Seashore, Michigan

Cedar Breaks National Monument, Utah  
Dinosaur National Monument, Colorado, Utah

Grand Portage National Monument, Minnesota

Blue Ridge Parkway, North Carolina, Virginia

John D. Rockefeller, Jr. Parkway, Wyoming

Herbert Hoover National Historic Site, Iowa

Perry's Victory National Historic Site, Ohio

Bighorn Canyon National Recreation Area, Montana, Wyoming

Curecanti National Recreation Area, Colorado

Delaware Water Gap National Recreation Area, New Jersey, Pennsylvania

Lake Chelan National Recreation Area, Washington

Ross Lake National Recreation Area, Washington

(2)(i) Notwithstanding subsection (b)(1), and consistent with other applicable laws, the Secretary has the authority, if necessary, to address or avert significant environmental impacts in a particular unit or portion of a unit, to restrict snowmobile use and activity down to a level that is no less than 50% below the three year average level established under subsection (b)(1). The restrictions shall apply to the smallest practical portion of the unit adequate to address the impacts.

(ii) Before restricting use and activity in this manner, the Secretary shall make a finding of significant environmental impact based on on-the-ground study in the affected unit or portion of the unit and sound, peer-reviewed scientific information applicable to that unit or portion of the unit. Within at least 90 days before finalizing such restrictions, the Secretary shall notify the Senate Committee on Energy and Natural Resources and the House Committee on Resources of its intent and provide the public with at least 30 days to comment on the proposal.

(3) Consistent with other applicable law, the National Park Service may prohibit recreational snowmobile use within all units of the system not listed in subsection (b)(1).

##### (c) LONG-TERM PROGRAM AND OPERATIONS.—

(1) Within two years after the enactment of this Act, the Environmental Protection

Agency shall promulgate final national standards governing emissions by snowmobiles.

(2) The Environmental Protection Agency may engage in negotiated rulemaking with the snowmobile manufacturers regarding this standard.

(3) Taking into account noise reductions achieved in conjunction with the emissions standard described in subsection (c)(1), not later than five years following the date of enactment of this Act, the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System.

(d) MANAGEMENT PLANS AND STUDIES.—

(1) The National Park Service is directed to prepare management plans to assure education and enforcement of regulations governing recreational snowmobile use within the system.

(2) The National Park Service shall conduct new comprehensive studies to assess the impacts of recreational snowmobile use within the affected units of the system on park resources, visitor use and enjoyment, and adjacent communities. Among other things, these studies must include consideration of the EPA snowmobile emission standards, snowmobiles that are produced in response to those standards, and technological and other advances occurring or anticipated at that time. The conclusions derived from such studies shall be the basis for any proposed revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (g)(1) of this section.

(3) Not later than four years following the date of enactment of this Act, the National Park Service shall prepare a Report to Congress concerning the proper use of snowmobiles for recreation in National Park System units. Among other things, this Report shall consider the impact of the snowmobiles complaint with the emission standards set in subsection (c)(1) on wildlife, the environment, and other relevant factors.

(4) Not later than five years after the date of enactment of this Act, and based upon the findings of the report to Congress described in subsection (d)(3) and other relevant information, the National Park Service shall propose revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (b)(1) of this Act.

(i) No management plan or regulation developed in accordance with subsection (d)(4) shall permit the entry of snowmobiles that do not meet the emission and noise standards described in subsections (c)(1) and (c)(3), respectively, into the units of the National Park System described in section (b)(1) of this Act.

(e) SAVINGS CLAUSE.—

Nothing herein is intended to affect the provisions of Public Law 96-487, including but not limited to, Section 1110(a).

SYNOPSIS

YELLOWSTONE NATIONAL PARK

The regulation delineates a timeline that eliminates all recreational snowmobile access by the end of the 2003-04 season. This prohibition will be implemented incrementally over several years. Upon the effective date, February 21, 2001, the regulation designates established routes for snowmobiles and snowcoaches, public safety and air pollution restrictions for snowmobiles and snowcoaches, designated periods of operation for snowcoaches, permit and license requirements for snowmobile operators, and a prohibition on snowplanes.

Effective through the end of the 2001-2002 winter season, the use of snowmobiles is limited

to the unplowed roadway. There are further restrictions on the routes available to snowmobiles during the 2002-2003 winter season and there are restrictions placed on what hours during the day that snowmobiles may be operated. Additional restrictions during this period include a daily limit on the number of snowmobiles allowed to use the park each day, a requirement for snowmobiles to be accompanied by a guide in groups of no more than 11. By the end of the 2003-2005 winter season, the use of snowmobiles in Yellowstone is prohibited.

JOHN D. ROCKEFELLER, JR., MEMORIAL

PARKWAY

As in Yellowstone there are restrictions and requirements that go into effect immediately, such as registration, licensing, rules of the road, and restriction to keep snowmobiles on designated routes. Effective until the end of 2001-2002 winter season use, snowmobiles are required to stay on designated routes. Snowplanes are prohibited.

During the 2002-2003 season there are specific routes designated for snowmobile travel, limits on the numbers of snowmobiles each day are imposed, and the hours of operation are prescribed.

The prohibition on all snowmobile use occurs one year earlier than in Yellowstone, at the end of the 2002-2003 season.

GRAND TETON NATIONAL PARK

The regulations restricting snowmobile and snowplane use at Grand Teton NP vary from those found at Yellowstone and the John D. Rockefeller Memorial Parkway primarily to allow for access across parklands and access to private lands within the park. Recreational snowmobile use is eliminated entirely from Grand Teton NP, except for snowmobile use over certain designated routes and for specific purposes. Snowplane use is allowed to continue under permit until the end of the 2001-2002 season.

Upon the regulations effective date several public safety, licensing, and registration requirements are imposed, there is an exception on licensing for individuals accessing private and adjacent public lands.

The regulation specifies designated snowmobile routes that are effective to the end of the 2001-2002 winter season most of which follow unplowed roads. During the 2002-2003 winter season only the Continental Divide Snowmobile Trail is designated for snowmobile use. Effective winter use season of 2003-2004, the only snowmobile use is for reasonable and direct access to adjacent public and private lands via designated routes.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act's short title as the "National Park Service Winter Access Act."

Section 2(a) finds that snowmobile use in the National Park System is an established, traditional, and legitimate means of visitor use and enjoyment.

Paragraph 2 finds that snowmobile manufacturers and the Environmental Protection Agency will work together to establish emission standards for a new generation of snowmobiles which should be available in five years.

Paragraph 3 states that cleaner and quieter snowmobiles may provide the public the opportunity to enjoy the parks in a manner consistent with park values.

Subsection 2(b)(1) directs that until new emission standards and the new generation snowmobiles are available, the National Park Service will allow snowmobiles use to continue at levels no less than the average wintertime use and activity over the last three years. This subsection designates 29 National Park Service areas where such use will continue.

Paragraph 2(b)(2)(i) allows the Secretary to restrict snowmobile use and activity down to a level no less than 50% below the three year average level to address or avert significant environmental impacts. Such restrictions apply to the smallest practical area to address the impact.

Paragraph 2(b)(2)(ii) requires that before restricting snowmobile activity, the Secretary must make a finding of significant environmental impact and present these findings to House and Senate Committees as well as give adequate public notice.

Paragraph 2(b)(3) allows the National Park Service to prohibit snowmobile use in all areas not listed in paragraph 2(b)(1).

Subsection 2(c) requires the EPA to promulgate national standards on snowmobile emission.

Paragraph 2 allows the Environmental Protection Agency to engage in negotiated rulemaking with snowmobile manufacturers on emissions standards.

Paragraph 3 requires the National Park Service to set noise standards for snowmobile use within five years of this act's enactment, in conjunction with the Society of Automotive Engineers.

Subsection 2(d) directs the National Park Service to complete management plans addressing education and enforcement of regulations regarding recreational snowmobile use in the National Park System.

Paragraph 2 directs the National Park Service to conduct new studies on the impacts of recreational snowmobile use in the park system. The studies will consider the new EPA standards and anticipated changes in technology.

Paragraph 3 directs the National Park Service to prepare a Report to Congress addressing the use of snowmobiles in National Park Service units within four years of the act's enactment.

Paragraph 4 requires the National Park Service to propose revised regulations governing the use of snowmobiles in units affected by this act within five years of the enactment of the act. These regulations should include a prohibition on snowmobiles that do not meet established noise and emission standards.

Subsection 2(e) states that nothing in this act will affect the access provisions of the Alaska National Interest Lands Act (PL 96-487).

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

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

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, CLELAND, GORDON SMITH, CANTWELL, WYDEN and BOXER to reintroduce the Agricultural Market Access and Development Act of 2001.

Trade is the lifeblood of Washington state's economy. From aerospace to software to agriculture, one out of every three jobs in my state is trade-related. Without access to markets around the world, Washington state's economy cannot function.

The legislation I am introducing today would open and expand markets for U.S. agricultural exports. It would

help rural economies. It would create jobs in regions that need them the most.

In the 106th Congress, we focused our attention on opening markets to American goods and services. I strongly supported efforts to pass permanent normal trade relations for China, to reform our ineffective unilateral sanctions policies, and to create new trade relationships with Africa and the Caribbean Basin.

Our nation's producers generally supported these efforts, but their enthusiasm for new trade agreements is waning.

It's difficult for our farmers and ranchers to endorse new trade agreements when our trade partners heavily subsidize their producers.

It's difficult for farmers and ranchers to get excited about potential new markets when federal agencies give a green light to imports from nations that won't let our products in.

It's difficult for farmers and ranchers to support free trade when our competitors have the advantage of cheaper labor, cheaper land, cheaper water and fewer environmental regulations.

When these trade challenges are combined with low prices, a strong dollar, the 1997 Asian financial crisis, and higher energy and fertilizer prices, I understand why many of our farmers and ranchers are losing patience with our trade agreements.

I believe agricultural producers and rural communities should continue to support free trade. U.S. producers are so productive that we can't afford not to push for more open markets.

But I also believe we should give our agricultural producers a fighting chance to succeed. We need to pursue trade agreements that are fair. We need to enforce the good agreements we make. And we need to invest in market promotion and development.

The legislation I am introducing today will help give producers a fighting chance. It invests in market share, not potential markets. It builds on success, not rhetoric.

Current law authorizes hundreds of millions of dollars for the U.S. Department of Agriculture's Export Enhancement Program. But the program isn't being used. Current law does not allow the Secretary of Agriculture to transfer those authorized funds to programs that are being used, like the Market Access Program and the Foreign Market Development "Cooperator" Program.

My bill would change that.

The Agricultural Market Access and Development Act does three things.

First, it raises the existing cap on the Market Access Program from \$90 million to \$200 million.

Second, it creates a \$35 million floor for the Foreign Market Development "Cooperator" Program.

The Market Access Program and the Cooperator Program have helped to expand markets for apples, potatoes, wheat, wine and other products from

Washington state and around the nation. Under these programs, the federal government reimburses a non-profit industry association or a private business for a portion of trade promotion activities.

Third, the bill establishes a mechanism to pay for these changes. It authorizes the Secretary of Agriculture to transfer a percentage of unspent funds under the Export Enhancement Program to market access and development programs.

The legislation I am introducing today is nearly identical to S. 1983, which I introduced in 1999. In the 106th Congress, more than eighty agriculture and food organizations wrote to Members of Congress supporting S. 1983. I believe we will have equal—if not greater—support as we start working on the next farm bill.

I urge my colleagues to cosponsor and support the Agricultural Market Access and Development Act.

Ms. CANTWELL. Mr. President, I am pleased to announce that I am cosponsoring the Agricultural Market Access and Development Act of 2001, which was introduced by Senator MURRAY today. This bill will authorize increases in the funding levels for agricultural market access and development programs in 2001 and 2002. These programs provide matching funds to assure aggressive marketing of our agricultural products in the international markets.

U.S. exports of high-value and consumer-oriented agricultural products have increased steadily in recent years but are facing stiff competition from foreign sources. In 1998 foreign competitors outspent the U.S. by nearly 4 to 1 on export promotion activities. The Market Access Program is a cost-sharing approach to help U.S. farmers and growers close this funding gap. Program funds are used to generically support important Washington agricultural products.

Washington State depends on agriculture to provide jobs, particularly in Eastern Washington which has been left out of the prosperity of the Puget Sound region. Apple growers in the Yakima valley must have new markets if their businesses are to survive and prosper. Eastern Washington needs these jobs and we need this program.

Export markets provide some of the best economic support to the agricultural community. Agricultural products are an important part of the dynamic market mix that makes Washington a thriving, productive economic area. The matching funding of the Market Access Program helps to provide support and encouragement for the farmers and growers so important to Washington State and the Northwest.

I thank Senator MURRAY for the leadership she has shown in promoting and protecting our agricultural interests. I look forward to continuing close cooperation with Senator MURRAY, other members of the Washington State delegation, as well as State and local lead-

ers to support our valued agricultural interests.

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

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

Mrs. BOXER. Mr. President, within 48 hours of assuming the Presidency, President Bush issued a policy that will hurt the women of the world. A policy that takes us back to the 1980s, rather than ahead to the new century.

His policy, the Mexico City gag rule, cuts U.S. funding to any organization that uses its own funds to provide abortion services. It even cuts U.S. funds if the organization uses its own funds to simply counsel women on all their options which include abortions.

As a result, many organizations will be forced to either limit their services or simply close their doors to women across the world. And, this will cause women and families increased misery and death.

The current facts are chilling.

Approximately 78,000 women throughout the world die each year as a result of unsafe abortions. At least one-fourth of all unsafe abortions in the world are to girls aged 15-19. By 2015, contraceptive needs in developing countries will grow by more than 40 percent.

Make no mistake, the Mexican city gag rule will restrict family planning, not abortions.

The media has mistakenly portrayed the Mexico City policy. I think we need to be clear of what this policy does and does not do:

It does not change the fact that no United States funds can be used for abortion services. That is already law, and has been since 1973. It does restrict foreign organizations in ways that would be unconstitutional here at home.

It is puzzling for me to understand how anyone could fail to realize that family planning is crucial to preventing abortions.

According to Population Action International, research shows that higher levels of contraception use are associated with lower reliance on abortion.

For example, the recent increased availability of modern family planning methods has already resulted in a 33 percent drop in the abortion rate in Russia and a 60 percent reduction in Hungary.

Additionally, we know that young girls between the ages of 15 and 19 are

twice as likely to die in childbirth as older mothers. Talk about a policy that is cruel to girls and young women—this is it.

Family planning can significantly improve the health of these girls and young women by teaching them to postpone childbearing until the healthiest times in their life, which would in turn prevent abortions.

However, as a result of the harsh penalties imposed by the Mexico City gag rule, family planning groups will not be able to adequately counsel these desperate women.

Picture a woman who has already walked sometimes half a day to get to the nearest clinic. How can we expect these clinics to then tell this woman who is seeking services on her own volition, that they cannot counsel her on the full array of her legal options when there is no other clinic within a hundred miles of them?

Additionally, the Mexico City policy goes against a fundamental tenet of American society . . . freedom of speech.

That is why today in the Senate today, I am introducing the bipartisan "Global Democracy Promotion Act."

The Boxer-Snowe bill aims to overturn the draconian restrictions place upon international family planning programs put in place by President Bush on January 22. Our bill will allow these organizations to continue to provide legal family planning services without needlessly restricting their funds.

Family planning organizations should not be prevented from using their own privately raised funds to provide legal abortion services, including counseling and referral services.

These groups should not be forced to relinquish their right to free speech in order to receive United States funding. This type of restriction is un-American and undermines our key foreign policy goal of supporting democracy worldwide.

The true bipartisan consensus is that family planning organizations should be supported, not punished, for helping women in need. We hope President Bush will change his mind and reverse his order. If not, we will work hard to overturn it.

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

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

S. 367

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Democracy Promotion Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intoler-

able in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

#### SEC. 3. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for the "Global Democracy Act of 2001", introduced by my friend and colleague from California, Senator BOXER.

Last month, President Bush announced that he was reinstating the "global gag rule" restricting United States assistance to international family planning organizations. I was extremely disappointed and amazed that the President opted to start his Administration with such a divisive action.

If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources

needed to control their reproductive destinies and their health. International family planning programs reduce poverty, improve health, and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

The "Global Democracy Promotion Act of 2001" will allow foreign Non Governmental Organizations that receive U.S. family planning assistance to use non-U.S. funds to provide legal abortion services, including counseling and referrals and will lift the restrictions on lobbying and advocacy.

The United States must reclaim its leadership role on international family planning and reproductive issues. The United States must renew its commitment to help those around the world who need and want our help and assistance. I urge my colleagues to support this bill.

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

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

Mr. McCAIN. Mr. President, on behalf of the nearly 280 million Americans in this country, today I am introducing the American Voting Standards and Technology Act. After one of the closest and most contested elections in our Nation's history, Americans want to have complete confidence in the electoral process. We can accomplish that goal by ridding politics of large, unregulated contributions, and by ensuring that every vote is counted and recorded accurately.

The key to achieving meaningful reform and to restoring Americans' faith in government, is finding both a short-term and a long-term solution to the widespread abuses of the past election. I have devised a two-pronged strategy toward realizing these necessary changes in our electoral system. First, on January 22, Senator FEINGOLD and I introduced the Bipartisan Campaign Reform Act of 2001. This measure bans soft money contributions, restricts corporate and union spending on electioneering ads, and provides for greater disclosure and stronger election laws. I look forward to bringing campaign finance reform back to the floor next month.

The bill that I am introducing today represents the second part of my electoral reform strategy. One of the most flagrant violations of our democratic electoral process was highlighted this past November by the overwhelming number of precincts who reported voting machine flaws. This is an embarrassment to our democracy. The American Voting Standards and Technology

Act was written to directly address the root of these voting controversies—the actual machines. In the 2000 election, pre-scored punch-card ballots were used by one in three voters. These archaic “votomatic” machines, engineered in the 1960’s, continue to be employed throughout the country, yet their ability to accurately record voters is questionable. In 1988, The National Institute of Standards and Technology, NIST, recommended the elimination of prescored ballot cards, but this recommendation was unfortunately never heeded.

To compound the problems with pre-scored punch cards, numerous studies reveal that throughout the country, ballots cast by African Americans were nullified at a much higher rate than those of Caucasians. In Atlanta’s Fulton County, which uses old punch-card voting machines, one of every 16 ballots for president was invalidated, while two largely white neighboring counties, Cobb and Gwinnett, using more modern equipment had a rate of 1 in 200. Similar patterns were found in Florida and Illinois. We cannot encourage and expect every American to vote if we ignore the inequalities that are inherent in our entire voting system.

The National Association of Secretaries of States recently issued fifteen recommendations aimed at avoiding the problems of last year’s presidential election. The resolution recommends that States: Ensure equal access to the election system for the elderly, disabled, and minority communities; modernize voting machines and equipment; and conduct aggressive voter education and outreach programs. The resolution also advocates that Congress authorize an update of the voluntary federal voting standards and fund the development of voluntary management standards for each voting system. Senator HOLLINGS and I have written the American Voting Standards and Technology Act in response to these recommendations.

This legislation that we are introducing today has three targets: First, it directs NIST to develop voluntary consensus standards to ensure the accuracy and validation of the voting process. Second, it authorizes matching grants to State agencies to purchase new or rehabilitated voting equipment to improve the ability of the public to cast a timely and accurate vote for the candidate of their choice. Finally, it authorizes grants throughout the Department of Commerce to State agencies to strengthen voter education campaigns. Both Senator HOLLINGS and I have been working closely with NIST to begin this process now so that the next election will not bring the same confusion and frustration at the polls.

How can we encourage young Americans to vote if they believe their vote may not be counted? We must modernize our voting machinery and improve our voting process without bargaining the States and local govern-

ments with excessive rules and regulations. The American Voting Standards and Technology Act accomplishes these goals.

Mr. HOLLINGS. Mr. President, it has been said that there’s no system worse than democracy—except for all of the other ones. What this aphorism reveals is that though democracy, in its republican form of elections, is the best form of government that we know of at this point, it nevertheless has its shortcomings, be they human or mechanical. A close election certainly tends to highlight these human and mechanical flaws in our voting systems. This was never more proven than by last year’s Presidential election. Last November and December stories of overvotes, undervotes, and hanging chads flooded the media. Many voters complained that confusing butterfly ballots led them to make unintended choices, while others claimed they were denied the opportunity to vote by being left off of the registration rolls or through intimidation.

Unfortunately, these problems are not new. We’ve had difficulties using punch cards and other machine-readable ballots for more than 30 years. Federal officials were made aware of these issues as early as 1978, by a National Bureau of Standards, now NIST, study, *Science & Technology: Effective Use of Computing Technology in Vote-Tallying*. That study—and another in 1988—found difficulties in vote-tallying stemming from management failures, technology failures, and human operational failures. The 1978 report cited major difficulties in 7 cities. One of the key recommendations was the elimination of the pre-scored punch card, similar to the kind used in Palm Beach County’s Votomatic machines.

We know that there is a problem, the question is what are we going to do about it? Senator MCCAIN and I have one answer—the American Voting Standards and Technology Act, which we are introducing today. In short, the Act would direct the National Institute of Standards and Technology to develop voluntary consensus standards to ensure the accuracy and validation of the voting process from voter registration through any recount. Quite simply, NIST knows standards—it has been in the standards game for over 100 years. Its experts know how to work with stakeholders like state and local governments and private sector technology leaders to build valid, usable, reliable standards that people trust. The agency updates its standards regularly.

NIST’s voluntary voting standards could set a threshold for accuracy, maintenance, and usability of voting systems that would feed into the second leg of our program—matching grants to State and local government agencies to purchase new or rehabilitated voting equipment. We want to give priority in this program to the places least able to afford state of the art voting equipment—the precincts

with high unemployment and low income levels.

However, because we don’t want to buy new equipment if no one knows how to use it, our bill would authorize the Department of Commerce to give grants to State agencies to strengthen voter education campaigns. We want voters to understand how to use the technology that is in their polling place and how to determine if their vote will be correctly counted.

The right to vote is the most fundamental right bestowed upon Americans by the U.S. Constitution. There are millions of Americans who lost faith in the guarantee and exercise of this fundamental right due to the circumstances of the last election. Senator MCCAIN and I do not claim to know how to restore the American people’s faith in our voting systems. However, we do have an idea that setting basic performance standards, helping election officials acquire systems which meet those standards, and helping voters use those systems is part of the solution. When we return from the President’s Day recess, we plan to schedule hearings to work through the details of our legislation and improve it. We realize that our American Voting Standards and Technology Act is only one piece of the pie, and we also look forward to working with other Senators who are examining other aspects of the electoral system.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 369

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

**SECTION 1. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.**

(a) **INTERNAL REVENUE CODE.**—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking “an arrangement” and inserting “a lease agreement”.

(b) **SOCIAL SECURITY ACT.**—Section 211(a)(1)(A) of the Social Security Act is amended by striking “an arrangement” and inserting “a lease agreement”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

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

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



Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 370

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

**SECTION 1. EXEMPTION OF AGRICULTURAL BONDS FROM STATE VOLUME CAP.**

(a) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exemption for certain bonds) is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by inserting after paragraph (4) the following new paragraph:

“(5) any qualified small issue bond described in section 144(a)(12)(B)(ii).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

By Mr. REED:

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

Mr. REED. Mr. President, I rise today to introduce legislation that seeks to remove barriers to learning by encouraging communities to coordinate community services through school-based or school-linked family centers. These centers would provide a comprehensive array of information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of children and their families.

As we strive to ensure the academic and future success of our students, we must recognize that the increasingly complex needs of children cannot be met by our schools and teachers alone. Children bring many social, health, and family problems to school, which leaves them in no shape to learn.

Some facts to illustrate this point:

Today, 7.5 million children under the age of 18 require mental health services, while the National Institute of Mental Health estimates that fewer than one in five receive the help they need.

11.3 million children—more than 90 percent of them in working families—have no health insurance.

It is estimated that nearly five million school-age children spend time without adult supervision during a typical week. Meanwhile, FBI data show that the peak hours for violent juvenile crime occur during the after-school hours of 3:00 p.m. to 8:00 p.m.

Also according to the FBI, juveniles accounted for 17 percent of all violent crime arrests in 1997, and juveniles are victims in nearly 25 percent of all crimes.

Programs and services exist to deal with these and other needs facing children—SCHIP, WIC, and after school programs, to name a few. However, too many children can't access such pro-

grams and services, and, consequently, too many children don't get the help they need. This is because these services are often too disjointed and fragmented, making it difficult for many families to find a point of entry. This problem is especially acute in low-income urban and rural areas.

To address these and other serious issues facing our children and families, a few states and localities have established centers and developed programs designed to provide families with access and linkages to needed social services, like health and mental health care, nutritional programs, child care, housing, and job training, in a location that is easily accessed by families—their children's school. The aim of my legislation is to support and expand such efforts.

Research indicates that school-linked family center programs are a cost-effective way to provide supports to children and families. According to a report by the Department of Education's Northeast and Islands Regional Educational Laboratory, school-linked services can also “help to increase student achievement, save money and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully.” Moreover, according to a 1999 American Association of School Administrators Nationwide Survey, 82 percent of parents would like family centers in their schools to help improve their schools.

My legislation, the Child Opportunity Zone Family Center Act, builds on a successful model in my home state of Rhode Island, the Rhode Island Child Opportunity Zone (COZ) Family Center initiative, as well as Kentucky's Family Resource and Youth Service Centers, and Minnesota's Family Service program.

The Child Opportunity Zone Family Center Act, which is supported by more than 30 health, education, and children's organizations, would provide grants on a competitive basis to partnerships consisting of a high poverty public school; school district; other public agency, such as a department of health or social services; and non-profit community organizations. Partnerships would be required to complete a needs assessment, and then use this information to provide children and families with linkages to existing community prevention and intervention services in core areas such as education, child care, non-school hours care and enrichment programs, health services, mental health services, nutrition, family support, literacy services, parenting skills, and dropout prevention. In addition, partnerships would provide violence prevention education to children and families, as well as training to enable families to help their children meet challenging standards and succeed in school.

The guiding principle of Rhode Island's COZ Family Centers is to help children and families get the assistance they need so children are ready to learn in the classroom. This principle is reflected in my legislation, which contains accountability provisions to ensure that partnerships focus on improvements in student achievement, family participation in schools, access to health care, mental health care, child care, as well as family support services, and work to reduce violence among youth, truancy, suspension, and dropout rates in order to continue to receive funding.

As we again begin to consider the reauthorization of the Elementary and Secondary Education Act, I believe that it is critical that we do all we can to provide a seamless, integrated system of support for children and families. By giving families an opportunity to get the support they need, we can truly help children come to school ready to learn and in turn help children succeed in school and life. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD along with a letter of support.

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

S. 371

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

**SECTION 1. CHILD OPPORTUNITY ZONE FAMILY CENTERS.**

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

**“Part L—Child Opportunity Zone Family Centers**

**“SEC. 10995A. SHORT TITLE.**

“This part may be cited as the ‘Child Opportunity Zone Family Center Act of 2001’.

**“SEC. 10995B. PURPOSE.**

“The purpose of this part is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

**“SEC. 10995C. DEFINITIONS.**

“In this part:

“(1) CHILD OPPORTUNITY ZONE FAMILY CENTER.—The term ‘child opportunity zone family center’ means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

“(2) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a partnership—

“(A) that contains—

“(i) at least 1 public elementary school or secondary school that—

“(I) receives assistance under title I and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

“(II) demonstrates parent involvement and parent support for the partnership's activities;

“(i) a local educational agency;

“(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

“(iv) a nonprofit community-based organization, providing health, mental health, or social services;

“(v) a local child care resource and referral agency; and

“(vi) a local organization representing parents; and

“(B) that may contain—

“(i) an institution of higher education; and

“(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

#### **“SEC. 10995D. GRANTS AUTHORIZED.**

“(a) IN GENERAL.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

“(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

#### **“SEC. 10995E. REQUIRED ACTIVITIES.**

“Each eligible partnership receiving a grant under this part shall use the grant funds—

“(1) in accordance with the needs assessment described in section 10995F(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, nutrition, literacy services, parenting skills, and drop-out prevention;

“(2) to provide intensive, high-quality, research-based programs that—

“(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

“(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

“(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards, including assisting families to—

“(A) understand the applicable accountability systems, including State and local content standards, performance standards, and assessments, their children's educational performance in comparison to the standards, and the steps the school is taking to address the children's needs and to help the children meet the standards; and

“(B) communicate effectively with personnel responsible for providing educational services to the families' children, and to participate in the development and implementation of school-parent compacts, parent involvement policies, and school plans.

#### **“SEC. 10995F. APPLICATIONS.**

“(a) IN GENERAL.—Each eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

“(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this part will be tailored to meet the specific needs of the children and families to be served;

“(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

“(3) describe how the partnership will effectively coordinate with the centers under section 1118 and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

“(4) describe the partnership's plan to—

“(A) develop and carry out the activities assisted under this part with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

“(B) coordinate the activities assisted under this part with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

“(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

“(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

“(A) determine the impact of activities assisted under this part as described in section 10995I(a); and

“(B) improve the activities assisted under this part; and

“(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this part.

#### **“SEC. 10995G. FEDERAL SHARE.**

“The Federal share of the cost of establishing and expanding child opportunity zone family centers—

“(1) for the first year for which an eligible partnership receives assistance under this part shall not exceed 90 percent;

“(2) for the second such year, shall not exceed 80 percent;

“(3) for the third such year, shall not exceed 70 percent;

“(4) for the fourth such year, shall not exceed 60 percent; and

“(5) for the fifth such year, shall not exceed 50 percent.

#### **“SEC. 10995H. FUNDING.**

“(a) CONTINUATION OF FUNDING.—Each eligible partnership that receives a grant under this part shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 10995I(a).

“(b) LIMITATION ON USE OF FUNDS TO OFFSET OTHER PROGRAMS.—Notwithstanding any other provision of law, none of the funds received under a grant under this part may be used to pay for expenses related to any other Federal program, including treating such funds as an offset against such a Federal program.

#### **“SEC. 10995I. EVALUATIONS AND REPORTS.**

“(a) LOCAL EVALUATIONS.—Each partnership receiving funds under this part shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnership's performance

assessment effectiveness in reaching and meeting the needs of families and children served under this part, including performance measures demonstrating—

“(1) improvements in areas such as student achievement, family participation in schools, and access to health care, mental health care, child care, and family support services, resulting from activities assisted under this part; and

“(2) reductions in such areas as violence among youth, truancy, suspension, and drop-out rates, resulting from activities assisted under this part.

“(b) NATIONAL EVALUATIONS.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this part to carry out a national evaluation of the effectiveness of the activities assisted under this part. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2001, and every year thereafter and shall be submitted to Congress.

“(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this part.

#### **“SEC. 10995J. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2005.”

AMERICAN ASSOCIATION  
OF UNIVERSITY WOMEN,  
*Washington, DC, February 15, 2001.*

DEAR SENATOR REED: The undersigned organizations, representing parents, educators, early childhood professionals, health professionals, pupil services personnel, and education advocates thank you for introducing the Child Opportunity Zone Family Center Act (COZ). The Reed COZ bill would ensure the coordination of services in order to remove barriers to learning. According to a report of the Northeast and Islands Regional Educational Laboratory, school-linked services “help to increase student achievement, save money, and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully.”

Unfortunately, too many children today are struggling with a variety of problems that make their ability to meet challenging academic standards much more difficult. Inadequate access to health care, lack of family and child mental health services, poor nutrition, abuse, and other social ills undercut these children's ability to succeed in the classroom and in their daily lives. The coordination of schools with the range of supportive services that children and families need is particularly important in low-income urban and rural areas. Families that need and would otherwise be eligible to receive services simply cannot access them without coordination at or through the schools.

The Reed COZ bill draws on successful efforts already underway in some areas. Kentucky's Family Resource and Youth Service Centers, Minnesota's Family Service program, and Rhode Island's Child Opportunity Zone Family Center Initiative need to be replicated more widely. The current barriers to these important services are pervasive in every state. We believe that these proposed grants are critical to helping schools and school districts partner with communities and parents to make possible the school-

linked or school-based coordination of the necessary services for strengthening our nation's children.

Once again, we thank you for introducing the Reed Child Opportunity Zone Family Center Act. We look forward to working with you on this and many other important issues in the future.

Sincerely,

American Association of University Women.

American Association for Marriage and Family Therapy.

American Association of School Administrators.

American Counseling Association.

American Federation of Teachers.

American Psychological Association.

American School Counselor Association.

Association of Educational Service Agencies.

Council for Exceptional Children.

General Federation of Women's Clubs.

National Alliance of Black School Educators.

National Alliance for Partnerships in Equity.

National Association for Bilingual Education.

National Association for the Education of Young Children.

National Association of Elementary School Principals.

National Association of Pupil Services Administrators.

National Association of School Psychologists.

National Association of Secondary School Principals.

National Association of Social Workers.

National Association of State Directors of Special Education.

National Coalition for Sex Equity in Education.

National Council of Administrative Women in Education.

National Council of La Raza.

National Education Association.

National Education Knowledge Industry Association.

National PTA.

National Rural Education Association.

National School Boards Association.

School Social Work Association of America.

Wider Opportunities for Women.

Women & Philanthropy.

By Mr. REED (for himself, Mr.

WELLSTONE, and Mrs. MURRAY):

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

Mr. REED. Mr. President, I rise today to introduce the Parent Act, which seeks to increase parental involvement in the educational lives of their children.

Research, experience, and reason tell us that providing parents with opportunities to play active roles in their children's schools empowers them to help their children excel. When parents are actively involved in their child's education, not only does their own child go further, but their child's school also improves to the benefit of all students. Indeed, as I have witnessed in Rhode Island, and I am sure my colleagues can attest to this in their states, our best schools are not

simply those with the finest teachers and principals, but those which strive to engage parents in the education of their children.

Research shows that regardless of economic, ethnic, or cultural background, parental involvement is a major factor in determining a child's academic success. Parental involvement contributes to better grades and test scores, higher homework completion rates, better attendance, and greater discipline. Further, when parental involvement is a school priority, schools have fewer failing students, achieve better reputations in the community, and show improvements in staff morale.

In 1999, the American Association of School Administrators conducted a nationwide survey and found that 96 percent of parents believe that parental involvement is critical for a student to succeed in school and that 84 percent believe in parent involvement so strongly that they are willing to require such involvement. Further, a recent National PTA survey revealed that 91 percent of parents recognize that it is extremely important for parents to be involved in their children's school. Unfortunately, even as we extol the virtue of parental involvement, we must recognize that reality falls far short of that goal. The National PTA survey also found that roughly half the parents surveyed felt they were inadequately informed about ways in which they could participate in schools, or even gain access to basic information about their children's studies and their children's teachers. There are also other obstacles to greater parental involvement, such as working parents who find it difficult to get to schools and be involved or parents who have had negative schooling experiences and are wary of entering schools to participate in their children's education.

With more than 90 percent of parents believing that parental involvement is critical to a child's academic achievement and less than 50 percent of parents believing that their schools adequately involve them in their children's education, the reauthorization of the Elementary and Secondary Education Act, ESEA provides an opportunity to help bring schools and parents together, and to ensure parents have the tools to become meaningfully and effectively involved in their children's education. While the ESEA currently contains parental involvement provisions, they mainly apply to Title I schools and students, and have not been fully implemented.

That is why I am pleased to be joined by Senators WELLSTONE and MURRAY and Representative LYNN WOOLSEY in the other body in introducing the Parent Act. This legislation would amend the ESEA to bolster existing, and add new, parental involvement provisions.

The Parent Act requires that all schools implement effective, research-based parental involvement best practices, and it provides technical assist-

ance to schools that are having problems implementing parental involvement programs. My bill also seeks to improve parental access to information about their children's education and a school's parental involvement policies; ensure that professional development activities provide training to teachers and administrators on how to foster relationships with parents and encourage parental involvement; utilize technology to expand efforts to connect schools and teachers with parents; and promote parental involvement in drug and violence prevention programs. Further, the bill requires each local district to make available to parents an annual report card which explains how a school is performing with respect to student achievement, teacher qualification, class size, school safety, dropout rates, the actions the school is taking to involve parents in school activities and decision making, and other school performance indicators.

The Parent Act also offers \$500 million for school districts, with strict accountability measures, to supplement and support recognized and proven initiatives that improve student achievement through parental involvement. Currently, section 1118 of Title I requires districts to develop written parental involvement policies and requires schools to develop school-parent compacts, hold annual meetings for parents at schools, and involve parents in school review and improvement policies and plans. Local districts are required to spend 1 percent of their Title I allotment for this purpose, unless that 1 percent amounts to less than \$5,000. In Rhode Island, however, in only 9 of the 34 districts that receive Title I funds is this amount above \$5,000, and this situation is similar across the nation. In fact, the Final Report of the National Assessment of Title I found that a quarter of Title I schools do not have required school-parent compacts, more than four years after they were required. As Secretary Paige stated at his confirmation hearing, "increased assistance will be needed" to enhance parental involvement.

Last Congress, during the Health, Education, Labor, and Pensions Committee debate on ESEA, many provisions of the Parent Act were added to S. 2, the ESEA reauthorization bill. But S. 2 did not go far enough to ensure the parental involvement provisions of ESEA are actually implemented. The accountability provisions of the Parent Act and its grant resources are essential to making sure all of the elements for effective parental involvement are in place.

To succeed in the endeavor of increasing parental involvement, we must depend on parents, teachers, and school administrators throughout the country to work collaboratively to implement effective programs. However, federal leadership is needed to provide schools, teachers, and parents with the tools required for this task.

The bottom line of federal support for education is to increase student

achievement. Parental involvement is essential to ensuring that our students succeed. This legislation is strongly supported by the National PTA, and I urge my colleagues to join Senators WELLSTONE and MURRAY, Representative WOOLSEY, and me in supporting the Parent Act, and working for its inclusion in the ESEA reauthorization.

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

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

S. 372

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Parent Act of 2001".

#### SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

#### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Parents are the first and most influential educators of their children.

(2) The Federal Government must provide leadership, technical assistance, and financial support to States and local educational agencies, as partners, in helping the agencies implement successful and effective parental involvement policies and programs that lead to improved student achievement.

(3) State and local education officials, as well as teachers, principals, and other staff at the school level, must work as partners with the parents of the children they serve.

(4) Research has documented that, regardless of the economic, ethnic, or cultural background of the family, parental involvement in a child's education is a major factor in determining success in school.

(5) Parental involvement in a child's education contributes to positive outcomes such as improved grades and test scores, higher expectations for student achievement, better school attendance, improved homework completion rates, decreased violence and substance abuse, and higher rates of graduation and enrollment in postsecondary education.

(6) Numerous education laws now require meaningful parental involvement, including title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and elements of these laws should be extended to other Federal education programs.

#### SEC. 4. BASIC PROGRAMS.

(a) STATE PLAN.—Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (c)(1)(B), by striking "and technical assistance under section 1117" and inserting "technical assistance under section 1117, and parental involvement under section 1118";

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

"(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State has

identified or developed effective research-based best practices designed to foster meaningful parental involvement. Such best practices shall—

"(1) be disseminated to all schools and local educational agencies in the State;

"(2) be implemented in all schools in the State; and

"(3) address the full range of parental involvement activities required under section 1118."

(b) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), and (10) respectively; and

(B) by inserting after paragraph (3) the following:

"(4) a description of the strategy the local educational agency will use to implement effective parental involvement in accordance with section 1118";

(2) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I); and

(B) by inserting after subparagraph (C) the following:

"(D) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119"; and

(3) in subsection (e)(3), by inserting before the period the following: "and if such agency's parental involvement activities are in accordance with section 1118".

(c) SCHOOLWIDE PROGRAMS.—Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (b)(1)(E), by inserting after "involvement" the following: "in accordance with section 1118"; and

(2) in subsection (b)(2)(A)(iv), by inserting after "results" the following: "in a language the family can understand".

(d) TARGETED ASSISTANCE.—Section 1115(c)(1)(H) (20 U.S.C. 6315(c)(1)(H)) is amended by inserting after "involvement" the following: "in accordance with section 1118".

(e) ASSESSMENTS.—Section 1116 (20 U.S.C. 6317) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to the parental involvement programs described in section 1118, the professional development activities described in section 1119, and other activities assisted under this Act";

(2) in subsection (c)(4), by inserting after "elements of student performance problems" the following: "that addresses school problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development requirements in section 1119";

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) annually review the effectiveness of the action or activities carried out under this part by each local educational agency receiving funds under this part with respect to parental involvement, professional development, and other activities assisted under this Act; and"; and

(4) in subsection (d)(5)(i)—

(A) in subclause (I), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(III) address problems, if any, in implementing the parental involvement requirements described in section 1118 and the professional development provisions described in section 1119; and"

(f) STATE ASSISTANCE.—Section 1117 (20 U.S.C. 6317) is amended—

(1) in subsection (a)(1), by inserting "parental involvement," after "including"; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) by inserting "parents," after "including"; and

(ii) by inserting "parental involvement programs," after "successful"; and

(B) by adding at the end the following:

"(4) PARENTAL INVOLVEMENT.—Each State shall collect and disseminate effective parental involvement practices to local educational agencies and schools. Such practices shall—

"(A) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

"(B) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents."

(g) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting before the semicolon the following: "activities that will lead to improved student achievement for all students";

(2) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

"(B)(i) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

"(ii)(I) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(II) Each application submitted under subclause (I) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.

"(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

"(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph, to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

"(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

"(vi) There are authorized to be appropriated to carry out this subparagraph \$500,000,000 for fiscal year 2002, and such sums

as may be necessary for each of the 4 succeeding fiscal years, of which the Secretary may reserve not more than .20 percent to carry out the reviews described in clause (iv)."; and

(C) in subparagraph (C) (as so redesignated), by inserting "and granted under subparagraph (B)" after "subparagraph (A)";

(3) in subsection (b)(1), by inserting before the last sentence the following: "Parents shall be notified of the policy in the language most familiar to the parents.";

(4) in subsection (e)—

(A) in paragraph (1), by striking "participating parents" and inserting "all parents of children served by the school or agency, as appropriate,"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(C) materials or training using technology to foster parental involvement;";

(5) in subsection (g), by adding at the end the following: "Such local educational agencies and schools may use information, technical assistance, and other support from the parental information and resource centers to create parent resource centers in schools."; and

(6) by adding at the end the following:

"(i) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if such policies and practices meet the requirements of section 1118 and are meaningful and targeted to improve home and school communication, student achievement, and parental involvement in school planning, review, and improvement.".

#### SEC. 5. PROFESSIONAL DEVELOPMENT.

(a) PURPOSES.—Section 2002(2) (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(G) incorporates training in effective practices in order to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and

"(H) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.".

(b) AUTHORIZED ACTIVITIES.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking "and" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage the parent's involvement in the full range of parental involvement activities described in section 1118.".

(c) STATE APPLICATIONS.—Section 2205(b)(2) (20 U.S.C. 6645(b)(2)) is amended—

(1) in subparagraph (N), by striking "and" after the semicolon;

(2) by redesignating subparagraph (O) as subparagraph (P); and

(3) by inserting after subparagraph (N) the following:

"(O) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and".

(d) STATE-LEVEL ACTIVITIES.—Section 2207 (20 U.S.C. 6647) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following:

"(12) providing professional development programs that enable teachers, administrators, and pupil services personnel to effectively communicate with and involve parents in the education process to support school planning, review, improvement, and classroom instruction, and to work effectively with parent volunteers;".

(e) LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.—Section 2208 (20 U.S.C. 6648) is amended—

(1) in subsection (c)(2), by inserting "parents," after "administrators,"; and

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and

(B) by inserting after subparagraph (H) the following:

"(I) describe the specific professional development strategies that will be implemented to improve parental involvement in education and how such agency will be held accountable for implementing such strategies.".

(f) LOCAL ALLOCATION.—Section 2210(b)(3) (20 U.S.C. 6650(b)(3)) is amended—

(1) by redesignating subparagraphs (P) and (Q) as subparagraphs (Q) and (R), respectively; and

(2) by inserting after subparagraph (O) the following:

"(P) professional development activities designed to enable teachers, administrators, and pupil services personnel to communicate with parents regarding student achievement on assessments;".

#### SEC. 6. TECHNOLOGY FOR EDUCATION.

(a) FINDINGS.—Section 3111 (20 U.S.C. 6811) is amended—

(1) in paragraph (6), by inserting "and by facilitating mentor relationships," after "by means of telecommunications,";

(2) in paragraph (14), by striking "and" after the semicolon;

(3) in paragraph (15), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

"(16) access to education technology and teachers trained in how to incorporate the technology into their instruction leads to improved student achievement, motivation, and school attendance;

"(17) the use of technology in education can enhance the educational opportunities schools can offer students with special needs; and

"(18) the introduction of education technology increases parental involvement, which has been shown to improve student achievement.".

(b) STATEMENT OF PURPOSE.—Section 3112 (20 U.S.C. 6812) is amended—

(1) in paragraph (11), by striking "and" after the semicolon;

(2) in paragraph (12), by striking the period and inserting "; and"; and

(3) by adding after paragraph (12), the following:

"(13) development and support for technology and technology programming that will enhance and facilitate meaningful parental involvement;".

(c) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—Section 3121(c)(4) (20 U.S.C. 6831(c)(4)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(G) increased parental involvement in schools through the use of technology;".

(d) FEDERAL LEADERSHIP.—Section 3122(c) (20 U.S.C. 6832(c)) is amended—

(1) in paragraph (15), by striking "and" after the semicolon;

(2) by redesignating paragraph (16) as paragraph (17); and

(3) by inserting after paragraph (15) the following:

"(16) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement; and".

(e) LOCAL USES OF FUNDS.—Section 3134 (20 U.S.C. 6844) is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

"(8) providing support to help parents understand the technology being applied in their child's education so that parents are able to reinforce their child's learning.".

(f) LOCAL APPLICATIONS.—Section 3135 (20 U.S.C. 6845) is amended—

(1) in paragraph (1)(D)—

(A) in clause (i), by striking "and" after the semicolon;

(B) in clause (ii), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iii) a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction their child receives at school;";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(C) improve parental involvement in schools;";

(3) in paragraph (4)(B), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.".

(g) NATIONAL CHALLENGE GRANTS.—Section 3136(c) (20 U.S.C. 6846(c)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) the project will enhance parental involvement by providing parents the information needed to more fully participate in their child's learning.".

#### SEC. 7. DRUG-FREE SCHOOLS AND COMMUNITIES.

(a) STATE APPLICATIONS.—Section 4112 (20 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting ", including how the agency will receive input from parents regarding the use of such funds" after "4113(b)"; and

(B) in paragraph (6), by inserting ", and how such review will include input from parents" after "4115"; and

(2) in subsection (c)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).";

(b) EVALUATION AND REPORTING.—Section 4117 (20 U.S.C. 7117) is amended—

(1) in subsection (b)(1)—  
(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(C) on the State’s efforts to inform parents of, and include parents in, violence and drug prevention efforts.”; and

(2) in the first sentence of subsection (c), by striking the period and inserting “and a description of how parents were informed of, and participated in, violence and drug prevention efforts.”.

#### SEC. 8. INNOVATIVE EDUCATION PROGRAM STRATEGIES.

(a) DEFINITION.—Section 6003 (20 U.S.C. 7303) is amended—

(1) by striking “children, and (3)” and inserting “children, (3) adopting meaningful parental involvement policies and practices, and (4)”; and

(2) by adding at the end the following:

“(F) A climate that promotes meaningful parental involvement in the classroom and in site-based activities.”.

(b) STATE APPLICATIONS.—Section 6202(a) (20 U.S.C. 7332(a)) is amended—

(1) in paragraph (6), by striking “and” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) provides information on the parental involvement policies and practices promoted by the State.”.

(c) TARGETED USES OF FUNDS.—Section 6301(b) (20 U.S.C. 7351(b)) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (9) the following:

“(10) programs to promote the meaningful involvement of parents.”.

(d) LOCAL APPLICATIONS.—Section 6303(a)(1)(A) (20 U.S.C. 7353(a)(1)(A)) is amended by inserting “, including parental involvement,” before “designed”.

#### SEC. 9. GENERAL PROVISIONS.

(a) DEFINITION.—Section 14101 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (24) through (30) as paragraphs (25) through (31), respectively; and

(2) by inserting after paragraph (23) the following:

“(24) PARENTAL INVOLVEMENT.—The term ‘parental involvement’, when used with respect to a school, means—

“(A) the school engages parents in regular, two-way, and meaningful communication;

“(B) parenting skills are promoted and supported at the school;

“(C) parents play an integral role in assisting student learning;

“(D) parents are welcome in the school;

“(E) parents are included in decision-making and advisory committees at the school; and

“(F) parents are included in other activities described in section 1118.”.

(b) PARENTAL INVOLVEMENT.—Title XIV (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

#### “PART H—PARENTAL INVOLVEMENT

##### “SEC. 14901. PARENTAL INVOLVEMENT.

“(a) STATE PARENTAL INVOLVEMENT PLAN.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

“(1) a description of the agency’s parental involvement policies, consistent with section 1118, including specific details about—

“(A) how Federal funds will be used to implement such policies; and

“(B) successful research-based practices in schools throughout the State; and

“(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

“(b) PARENTAL REVIEW OF STATE PARENTAL INVOLVEMENT PLAN.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

“(1) providing public notice of the policies in a manner and language understandable to parents;

“(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

“(3) including the comments received with the submission.

“(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents and in an easily understandable manner.

“(d) REPORT CARDS.—

“(1) IN GENERAL.—Each local educational agency that receives assistance under this Act shall prepare and make available to parents an annual report card that puts into context various factors that affect student performance, such as the socioeconomic status of families in the school attendance area, the level of student mobility, and the availability of other student support services, and includes, at a minimum—

“(A) student achievement information as demonstrated by how students within schools served by the local educational agency perform on tests;

“(B) other measurements of student achievement;

“(C) teacher qualifications;

“(D) class size;

“(E) school safety;

“(F) dropout rates;

“(G) actions being taken by schools served by the local educational agency to involve parents in school activities and decision making; and

“(H) information concerning whether schools served by the local educational agency have been identified for school improvement, and if so, what technical assistance, supports, and resources have been provided to help the schools improve student achievement.

“(2) STUDENT DATA.—Student data in each report card under paragraph (1) shall contain disaggregated results for the following categories:

“(A) Gender.

“(B) Racial and ethnic group.

“(C) Migrant status.

“(D) Students with disabilities, as compared with students who are not disabled.

“(E) Economically disadvantaged students, as compared with students who are not economically disadvantaged.

“(F) Students with limited English proficiency, as compared with students who are proficient in English.

“(3) FORMAT.—School report cards under this subsection shall—

“(A) be in a format that—

“(i) is informative to the parents and the public;

“(ii) is easily understandable; and

“(iii) is in the language most familiar to the parents; and

“(B) provide a clear description of statistical data.

“(4) OTHER INFORMATION.—A local educational agency may include in the agency’s report card under this subsection any other appropriate information.

“(5) PUBLIC DISSEMINATION.—Beginning in the 2002-2003 school year, the local educational agency shall publicly report the information described in paragraph (1) through such means as posting on the Internet, distribution to the media, and through public agencies.

“(6) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.”.

By Mr. REED:

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

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development opportunities for teachers and administrators.

I have long worked to improve the quality of teaching in America’s classrooms for the simple reason that well-trained and well-prepared teachers and principals are central to improving the academic performance and achievement of students. In the 105th Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained, and I was pleased that this legislation was included in the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, ESEA, the focus shifts to increasing support for both new and veteran classroom teachers, as well as school principals.

Research shows that professional development programs, however, too often consist of fragmented, one-shot workshops, at which teachers passively listen to experts, and lack significant opportunity for teacher interaction. The Department of Education recently evaluated the Eisenhower Professional Development program and found that the vast majority of professional development opportunities are not of sufficient duration or intensity to generate significant improvements in teaching. Other studies support that finding and show that such professional development fails to improve or even impact teaching practice.

We do not expect students to learn their “ABCs” after one day of lessons, and we should not expect a one-day professional development workshop to yield the desired results. Indeed, the Department of Education found that teaching would improve if teachers experienced consistent, high-quality professional development.

Moreover, a recent survey of teachers found that professional development is too short-term and lacks intensity. In fact, recent studies indicated that the majority of teachers participated in



professional development activities from one to eight hours, or for no more than one day a year.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

There is also widespread agreement that a good principal is the keystone of a good school. However, there is great concern that the supply of quality principals may not meet the increasing demand for quality school leadership. Unfortunately, the depth and quality of support and development programs for both new and veteran principals varies widely, which creates another gap in our education system.

I am introducing legislation today which would reform professional development for teachers and principals.

There is broad consensus among experts about the elements that truly constitute an effective professional development program. Research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to work collaboratively; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, the higher their students scored on mathematics achievement on the state's assessment. Further, Community School District 2 in New York City has seen its investment in sustained, intensive professional development pay off with significant increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and offsite training opportunities. I have visited District 2 and have seen this outstanding professional development first hand.

My legislation builds on these successful models and the research on effective professional development to create a new formula program for high-quality professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, my legislation funds the following activities: mentoring; peer observation and coaching;

curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum, addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; as well as release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, Department of Education data show that the Eisenhower Professional Development program activities are most effective when they are sponsored by institutions of higher education.

My legislation will also provide funding for leadership training to encourage highly qualified individuals to become principals, and to develop and enhance leadership, management, parental involvement, and mentoring skills for principals and superintendents. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical. Further, my legislation will provide funding for programs to encourage highly qualified and effective teachers to become mentoring teachers.

We know that our schools with the highest percentage of poverty have the greatest need for professional development improvement and resources, and that is why my bill targets funding to these schools.

Importantly, the Professional Development Reform Act offers resources but it demands results. The bill's strong accountability provisions require that school districts and schools which receive funding actually improve student performance and increase participation in sustained professional development in three years in order to secure additional funding.

In sum, my legislation seeks to ensure that new teachers and principals have the support they need to be successful educators, that all teachers have access to high quality professional development regardless of the content areas they teach, and that professional development does not isolate teachers, but rather brings teachers together as part of a coordinated and comprehensive strategy aligned with standards.

The time for action is now because schools must hire an estimated 2.2 million new teachers over the next decade due to increasing enrollments, the retirement of approximately half of our current teaching force, and high attrition rates. Ensuring that teachers and principals have the training, assist-

ance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century. The Professional Development Reform Act, by increasing our professional development investment and focusing it on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the ESEA.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 373

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

#### **SECTION 1. PROFESSIONAL DEVELOPMENT.**

(a) **SHORT TITLE.**—This section may be cited as the “Professional Development Reform Act”.

(b) **AMENDMENTS.**—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

- (1) by redesignating part E as part F; and
- (2) by inserting after part D the following:

#### **“PART E—PROFESSIONAL DEVELOPMENT**

##### **“SEC. 2351. PURPOSES.**

“The purposes of this part are as follows:

“(1) To improve the academic achievement of students by providing every student with a well-prepared teacher and every school with an effective principal.

“(2) To provide every beginning teacher with structured support, including a qualified and trained mentor teacher, to facilitate the transition into successful teaching.

“(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

“(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

“(5) To transform, strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—

“(A) are collaborative, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

“(B) allow teachers regular opportunities to practice and reflect upon their teaching and learning; and

“(C) are responsive to teacher needs.

##### **“SEC. 2352. DEFINITIONS.**

“In this part:

“(1) **PROFESSIONAL DEVELOPMENT.**—The term ‘professional development’ means effective professional development that—

“(A) is sustained, high quality, intensive, and comprehensive;

“(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to help elementary school or secondary school students

meet challenging State content standards and challenging State student performance standards;

“(C) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects;

“(D) includes sustained activities to encourage and provide instruction on how to work with and involve parents to foster student achievement, to address the specific needs of diverse students, including limited English proficient students, individuals with disabilities, and economically disadvantaged individuals, to integrate technology into the curriculum, to improve understanding and the use of student assessments, and to improve classroom management skills; and

“(E) includes sustained onsite training opportunities that provide active learning and observational opportunities for elementary school or secondary school teachers to model effective practice.

“(2) ADMINISTRATOR.—The term ‘administrator’ means a school principal or superintendent.

“(3) BEGINNING TEACHER.—The term ‘beginning teacher’ means an elementary school or secondary school teacher who has taught for 3 years or less.

“(4) MENTORING.—The term ‘mentoring’ means structured guidance and induction activities that provide ongoing and regular support to beginning teachers.

#### “SEC. 2353. STATE ALLOTMENT OF FUNDS.

“From the amount appropriated under section 2361 that is not reserved under section 2360 for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under section 2354 in an amount that bears the same relation to the amount appropriated under section 2361 that is not reserved under section 2360 for the fiscal year as the amount the State educational agency received under part A of title I for the fiscal year bears to the amount received under such part by all States having applications so approved for the fiscal year.

#### “SEC. 2354. STATE APPLICATION AND ACCOUNTABILITY PROVISIONS.

“Each State educational agency desiring an allotment under section 2353 for a fiscal year shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

“(1) a description of the strategy to be used to implement State activities described in section 2355;

“(2) a description of how the State educational agency will assist local educational agencies in transforming, strengthening, and improving professional development;

“(3) a description of how the activities described in section 2355 and the assistance described in paragraph (2) will assist the State in achieving the State’s goals for comprehensive education reform, will help all students meet challenging State content standards and challenging State student performance standards, and will help all teachers meet State standards for teaching excellence;

“(4) a description of the manner in which the State educational agency will ensure, consistent with the State’s comprehensive education reform plan policies, or statutes, that funds provided under this part will be effectively coordinated with all Federal and State professional development funds and activities, including funds and activities under this title, titles I, III, VI, and VII of this Act, title II of the Higher Education Act of 1965, section 307 of the Department of Education Appropriations Act, 1999, and the Goals 2000: Educate America Act; and

“(5) a description of—

“(A) how the State educational agency will collect and utilize data for evaluation of the activities carried out by local educational agencies under this part, including collecting baseline data in order to measure changes in the professional development opportunities provided to teachers and measure improvements in teaching practice and student performance; and

“(B) the specific performance measures the State educational agency will use to determine the need for technical assistance described in section 2355(3) and to make a continuation of funding determination under section 2358.

#### “SEC. 2355. STATE ACTIVITIES.

“From the amount allotted to a State educational agency under section 2353 for a fiscal year, the State educational agency—

“(1) shall reserve not more than 5 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, professional associations of administrators, institutions of higher education, or other groups or institutions that are responsive to the needs of administrators, or partnerships of those entities, programs that provide effective leadership training—

“(A) to encourage highly qualified individuals to become administrators; and

“(B) to develop and enhance instructional leadership, school management, parent involvement, mentoring, and staff evaluation skills of administrators;

“(2) shall reserve 3 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, institutions of higher education, or other groups or institutions that are responsive to the needs of teachers, or partnerships of those entities, programs that provide effective leadership and mentor training—

“(A) to encourage highly qualified and effective teachers to become mentor teachers; and

“(B) to develop and enhance the mentoring and peer coaching skills of such qualified and effective teachers;

“(3) may reserve not more than 2.5 percent for providing technical assistance and dissemination of information to schools and local educational agencies to help the schools and local educational agencies implement effective professional development activities that are aligned with challenging State content standards, challenging State student performance standards, and State standards for teaching excellence; and

“(4) may reserve not more than 2.5 percent for evaluating the effectiveness of the professional development provided by schools and local educational agencies under this part in improving teaching practice, increasing the academic achievement of students, and helping students meet challenging State content standards and challenging State student performance standards, and for administrative costs.

#### “SEC. 2356. LOCAL PROVISIONS.

“(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 for the fiscal year to each local educational agency in the State that is eligible to receive assistance under part A of title I for the fiscal year in an amount that bears the same relation to the allotted funds that are not reserved under section 2355 as

the amount such local educational agency received under such part for the fiscal year bears to the amount all such local educational agencies in the State received under such part for the fiscal year.

“(b) APPLICATION AND ACCOUNTABILITY PROVISIONS.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require. The application shall include—

“(1) a description of how the local educational agency plans—

“(A) to work with schools served by the local educational agency that are described in section 2357 to carry out the local activities described in section 2357; and

“(B) to meet the purposes described in section 2351;

“(2) a description of the manner in which the local educational agency will ensure that—

“(A) the grant funds will be used—

“(i) to provide teachers with the knowledge and skills necessary, including subject matter and teaching methods, to teach students to meet the proficient or advanced level of performance on challenging State content standards and challenging State student performance standards, and to carry out any local education reform plans or policies; and

“(ii) to help teachers meet standards for teaching excellence; and

“(B) funds provided under this part will be effectively coordinated with all Federal, State, and local professional development funds and activities;

“(3) a description of how the professional development and mentoring activities to be carried out through the grant will address the ongoing professional development and mentoring of teachers and administrators;

“(4) a description of the local educational agency’s strategy for—

“(A) selecting and training highly qualified mentor teachers (utilizing teachers certified by the National Board for Professional Teaching Standards and teachers granted advanced certification as a master or mentor teacher by the State, where possible), for matching such mentor teachers (from the beginning teachers’ teaching disciplines) with the beginning teachers; and

“(B) providing release time for the teachers (utilizing highly qualified substitute teachers and high quality retired teachers, where possible);

“(5) a description of how the local educational agency will provide training to enable the teachers to address the needs of students with disabilities, students with limited English proficiency, and other students with special needs;

“(6) a description of how the professional development and mentoring activities will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students;

“(7) a description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child’s education, and encourage parents to become collaborators with schools in promoting their child’s education;

“(8) a description of how the local educational agency will collect and analyze data on the quality and impact of activities carried out in schools under this part, and the specific performance measures the local educational agency will use in the local educational agency’s evaluation process;

“(9) a description of the local educational agency’s plan to develop and carry out the activities described in section 2357 with the extensive participation of administrators, teachers, parents, and the partnering institution described in section 2357(4); and

“(10) a description of the local educational agency’s strategy to ensure that there is schoolwide participation in the schools to be served.

**“SEC. 2357. LOCAL ACTIVITIES.**

“Each local educational agency receiving an allocation under this part shall use the allocation to carry out professional development activities in schools served by the local educational agency that have the highest percentages of students living in poverty, as measured in accordance with section 1113(a)(5), including—

“(1) mentoring, team teaching, and peer observation and coaching;

“(2) dedicated time for collaborative lesson planning and curriculum development meetings;

“(3) consultation with exemplary teachers and short-term and long-term visits to other classrooms and schools;

“(4) partnering with institutions of higher education and, where appropriate, educational nonprofit organizations, for joint efforts in designing the sustained professional development opportunities, for providing advanced content area courses and other assistance to improve the content knowledge and pedagogical practices of teachers, and providing training to address areas of teacher and administrator shortages, as appropriate;

“(5) providing release time (including compensation for mentor teachers and substitute teachers as necessary) for activities described in this section; and

“(6) developing professional development networks, through Internet links, where available, that—

“(A) provide a forum for interaction among teachers and administrators; and

“(B) allow the exchange of information regarding advances in content and pedagogy.

**“SEC. 2358. CONTINUATION OF FUNDING.**

“Each local educational agency or school that receives funding under this part shall be eligible to continue to receive the funding after the third year the local educational agency or school receives the funding if the local educational agency or school demonstrates that the local educational agency or school has—

“(1) improved student performance;

“(2) increased participation in sustained professional development and mentoring programs;

“(3) reduced the number of out-of-field placements and the number of teachers who are not certified or licensed;

“(4) reduced the beginning teacher attrition rate for the local educational agency or school; and

“(5) increased partnerships and linkages with institutions of higher education.

**“SEC. 2359. SUPPLEMENT NOT SUPPLANT.**

“Funds made available under this part shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to teacher programs or professional development.

**“SEC. 2360. NATIONAL ACTIVITIES.**

“(a) RESERVATION.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

“(b) NATIONAL EVALUATION.—

“(1) IN GENERAL.—The Secretary shall provide for an annual, independent, national

evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

“(2) STATE REPORTS.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(4).

“(3) REPORT TO CONGRESS.—The Secretary annually shall submit to Congress a report that describes the information in the national evaluation and the State reports.

“(c) DISSEMINATION.—The Secretary shall collect and broadly disseminate information (including creating and maintaining a national database or clearinghouse) to help States, local educational agencies, schools, teachers, and institutions of higher education learn about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teaching and administrator opportunities.

**“SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$1,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.”.

By Mr. GRASSLEY (for himself,

Mr. HARKIN, and Mr. COCHRAN):

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

Mr. GRASSLEY. Mr. President, I want to draw my colleagues’ attention to the critical role our National Guard plays in efforts to rid our country of illegal drugs—a role that I believe should be expanded. The Guard operates several regional support schools around the nation, that facilitate valuable training for state and local law enforcement agencies. These schools are dedicated to teaching counterdrug-related skills to State and local law enforcement agencies and community based organizations. These counterdrug schools provide training to thousands of people each year that would otherwise not be able to receive it for a lack of resources.

Operating under the authority of Title 32, United States Code, Section 112, the National Guard actively supports local, state, and federal law enforcement agencies and community based antidrug coalitions. As a part of this effort, the National Guard currently operates four schools that provide unique and invaluable assistance to those individuals at the forefront of our country’s drug interdiction and demand reduction effort. These schools, located in Pennsylvania, Florida, Mississippi, and California, have proved their effectiveness in developing training and educational opportunities for local law enforcement officials—opportunities that would not otherwise exist.

I note, however, that the vagaries in funding and geographical distribution of the existing schools have limited the effectiveness of these training pro-

grams. Our national drug problem is not a coastal problem, but affects all communities throughout the United States. I believe we need a more centrally located school to provide more accessible training in the Midwest and Northwest United States.

In addition to the need for a fifth school in the upper-Midwest, we should also consider the current budgeting process for these schools. I believe a critical element in achieving quality training for law enforcement and being cost-effective at the same time must include a unified National Guard Counterdrug schools budget which fully funds the schools. Rather than being pieced together from the National Guard State budgets, Defense Department support, and Congressional line items, there should be a discrete item for these National Guard schools so Congress can have a clearer idea of the mission, the funding, and the accomplishments of these schools.

Today, joining with my colleagues Senator HARKIN and Senator COCHRAN, I am introducing legislation that will accomplish these objectives. This legislation clarifies the authorities of the National Guard Bureau to operate the four existing counterdrug schools. In addition, it would establish one additional school in Iowa to serve law enforcement agencies in the Midwest and Northwest United States. It will establish a separate line of funding for these counterdrug schools with an authorized funding level of \$25 million for FY 2002.

I want to take a moment to say something additional about the fifth school (Midwest Counterdrug Training Center, MCTC, to be established at Camp Dodge, located in Johnston, Iowa. Designed to fulfill a need for training in the Midwest and Northwest United States, it would be primarily supported by the Iowa National Guard, and serve as a training center for State and local law enforcement agencies in the Midwest and Northwest United States. Camp Dodge has much of the physical infrastructure necessary for the school, including housing and being the hub for a state-wide fiber optic network that allows for live, two way video and audio communication between Camp Dodge and every National Guard Armory and school district in the State of Iowa.

I hope all of my colleagues will join me in supporting this legislation, which I now send to the desk and ask that it be printed in the RECORD.

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

S. 374

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

**SECTION 1. NATIONAL GUARD COUNTERDRUG SCHOOLS.**

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate not more than five schools (to be known generally as “National Guard counterdrug schools”) for

the provision by the National Guard of training in drug interdiction and counter-drug activities, and drug demand reduction activities, to the personnel of the following:

- (1) Federal agencies.
- (2) State and local law enforcement agencies.
- (3) Community-based organizations engaged in such activities.
- (4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(b) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

- (1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.
- (2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.
- (3) The Midwest Counterdrug Training Center (MCTC), to be established in Johnston, Iowa.
- (4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.
- (5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(c) USE OF NATIONAL GUARD PERSONNEL.—

(1) To the extent provided for in the State drug interdiction and counter-drug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (a) at that school.

(2) In this subsection, the term "State drug interdiction and counter-drug activities plan", in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(d) ANNUAL REPORTS ON ACTIVITIES.—(1) Not later than February 1, 2002, and annually thereafter, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools.

(2) Each report under paragraph (1) shall set forth the following:

(A) The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(3) The report under paragraph (1) in 2002 shall set forth, in addition to the matters described in paragraph (2), a description of the activities relating to the establishment of the Midwest Counterdrug Training Center in Johnston, Iowa.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002, \$25,000,000 for purposes of the National Guard counterdrug schools in that fiscal year.

(2) The amount authorized to be appropriated by paragraph (1) is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002.

(f) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by subsection (e)(1)—

(A) \$4,000,000 shall be available for the National Interagency Civil-Military Institute, San Luis Obispo, California;

(B) \$8,000,000 shall be available for the Multi-Jurisdictional Counterdrug Task Force Training, St. Petersburg, Florida;

(C) \$3,000,000 shall be available for the Midwest Counterdrug Training Center, Johnston, Iowa;

(D) \$5,000,000 shall be available for the Regional Counterdrug Training Academy, Meridian, Mississippi; and

(E) \$5,000,000 shall be available for the Northeast Regional Counterdrug Training Center, Fort Indiantown Gap, Pennsylvania.

(2) Amounts available under paragraph (1) shall remain available until expended.

(g) FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2002.—(1) The budget of the President that is submitted to Congress under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 2002 shall set forth as a separate budget item the amount requested for such fiscal year for the National Guard counterdrug schools.

(2) It is the sense of Congress that—

(A) the amount authorized to appropriated for the National Guard counterdrug schools for any fiscal year after fiscal year 2002 should not be less than the amount authorized to be appropriated for those schools for fiscal year 2002 by subsection (e)(1), in constant fiscal year 2002 dollars; and

(B) the amount made available to each National Guard counterdrug school for any fiscal year after fiscal year 2002 should not be less than the amount made available for such school for fiscal year 2002 by subsection (f)(1), in constant fiscal year 2002 dollars, except that the amount made available for the Midwest Counterdrug Training School should not be less than \$5,000,000, in constant fiscal year 2002 dollars.

Mr. HARKIN. Mr. President, today I am introducing two bills that I believe will help address a critical need for Iowa state and local law enforcement.

These bills, which would provide needed training assistance in narcotics as well as overall law enforcement, are based on my conversations with Iowa law enforcement officials last summer.

The National Guard Counter Drug Schools Act, which I am cosponsoring with my colleague from Iowa, Senator GRASSLEY, would create a new counterdrug training school at Camp Dodge in Johnston, Iowa that law enforcement can use for the specialized training on drug investigations, including those cases that involve methamphetamine.

The National Guard has four of these centers in Florida, Pennsylvania, California and Mississippi. But, Senator GRASSLEY and I recognized the need for one in the Midwest—to help state and local law enforcement in their efforts to reduce the supply and demand of methamphetamine and other dangerous drugs.

The second one, which I am cosponsoring with Senator HUTCHINSON from Arkansas, would focus on rural law enforcement—and would provide new training and assistance resources for small town sheriff and police departments.

Right now, rural law enforcement officers in Iowa and across the country have limited resources where they can get continued training for general investigations, the latest in forensics technology and technical assistance.

One place where many of them go is the National Center for Rural Law Enforcement in Little Rock, Arkansas. But, these small departments need something that's closer to home.

The Rural Law Enforcement Assistance Act would bring the Center closer to these officers by expanding the center into branches in eight regions across the country.

I believe these two bills will help ensure that rural law enforcement agencies receive the training and assistance they need to make their communities safer.

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

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

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED, JEFFORDS, and KERRY, I am introducing legislation to help facilitate East Timor's transition to independence. Congressman LANTOS, Congressman CHRIS SMITH, and others have introduced identical legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor's infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation's Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor's leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national produce is \$340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive.

The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes \$25 million in bilateral assistance, \$2 million for a Peace Corps presence and \$1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask that a copy of the bill appear in the RECORD, and I urge my colleagues to support this bill.

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

S. 375

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "East Timor Transition to Independence Act of 2001".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent then retaliated against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering at least 1,000 people.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began to provide overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is \$340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require \$300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

#### SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) help ensure that the nature and pace of the economic transition in East Timor is consistent with the needs and priorities of the East Timorese people, that East Timor develops a strong and independent economic infrastructure, and that the incomes of the East Timorese people rise accordingly;

(3) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(4)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(5) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration;

(C) the possible establishment of an international tribunal for East Timor; and

(D) sharing with the United Nations Transitional Administration for East Timor (UNTAET) and East Timorese investigators any unclassified information relevant to past atrocities in East Timor gathered by the United States Government; and

(6)(A) as an interim step, support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia-Pacific Economic Cooperation (APEC) group, the Association of Southeast Asian Nations (ASEAN), and other international institutions; and

(B) after East Timor achieves independence, support full membership for East Timor in these and other international institutions, as appropriate.

#### SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor's health care infrastructure, educational programs, and programs strengthening the role of women in society;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out this section \$30,000,000 for each of the fiscal years 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### SEC. 5. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

#### SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Peace Corps to carry out this section \$2,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to

carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection \$1,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(B) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(C) **EXPORT-IMPORT BANK.**—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

**SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) relating to generalized system of preferences).

(b) **TECHNICAL ASSISTANCE.**—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

**SEC. 9. BILATERAL INVESTMENT TREATY.**

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

**SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.**

(a) **AUTHORITY.**—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of State, \$1,000,000 for the fiscal year 2002 and \$1,000,000 for the fiscal year 2003 to carry out subsection (a).

**SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.**

(a) **DEVELOPMENT OF DETAILED PLAN.**—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) **SUBSEQUENT REPORTS.**—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) **FORM OF REPORT.**—Each report submitted under this subsection shall be in unclassified form, with a classified annex as necessary.

**SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.**

(a) **AUTHORIZATION.**—Beginning on the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) **CERTIFICATION.**—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) **STUDY AND REPORT.**—

(1) **STUDY.**—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) **REPORT.**—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

**SEC. 13. AUTHORITY FOR RADIO BROADCASTING.**

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative

source of accurate, objective, and comprehensive news.

**SEC. 14. REPORTING REQUIREMENT.**

(a) **IN GENERAL.**—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) **INFORMATION.**—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities;

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and

(7) statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.

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

S. 376. A bill to amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States



counterdrug efforts, and for other purposes; to the Committee on Foreign Relations.

Mr. GRASSLEY. Mr. President, I am sending to the desk a bill for myself and Mr. DEWINE to reform the current certification requirement for international drug control. As many members know, I have been a strong supporter of the drug certification process. I remain one. Of late, however, we have seen a lot of criticism of the process. Some of this has been by foreign countries and some here at home. Rather than answer all of these criticisms, I want to take a few moments to address what I believe have been misconceptions about the process.

The first point I want to make is to remind my colleagues why Congress required certification in the first place. It arose because we believed that doing something here and overseas about the drug problem was in the national interests. The public agreed. I might add the public has not changed its mind. I don't believe that we ought to do so either.

Most of the drugs available in the United States today come from overseas. They are produced overseas and smuggled to this country. That production is illegal. It is illegal in international law. It is illegal in the domestic laws of all the countries where these drugs are produced. It is illegal to smuggle the drugs. Here and abroad. The consequences of that smuggling—illegal drugs on our streets—are felt in homes and neighborhoods and schools all across this country.

I continue to believe that it is in our interest to stop that production and flow. I own that we have an obligation to expect countries to abide by international law, bilateral agreements, and their own legal codes on drug production and trafficking. I believe that it is not just a quirk of U.S. interest to expect that we and others commit ourselves to stopping this illegal production and trade. In fact, I believe that we have a moral obligation to stop these activities. In order to do that, we need a clear, knowable process that holds ourselves and other countries to account for what we do to help stop this production and trade.

Drug dealers do more harm to this country every year than all the terrorists put together have done in the past 10 years. Let me ask my colleagues, would you seriously offer to ignore or suspend the requirements that we have put in place that hold others to an international standard of conduct on stopping terrorism? Human rights? I think not. But that is one of the things being proposed for how to deal with international drug certification. I do not propose that we be any less committed to stopping illegal drugs internationally than we are when other important concerns are involved, and I ask my colleagues to support this view.

I also would point out that this is no time to carve out special exemptions for any one country or region. We re-

main collectively responsible to act responsibly on this issue. That means every one of us.

My second point on why we have the certification process is to note congressional intent. We passed the law 15 years ago to make stopping illegal drug production and transit a national priority. I do not believe that most members of Congress nor the majority of the U.S. public believe that it is time to change that. Drug trafficking and threats from major criminal organizations have grown worse not better. Our third largest foreign assistance program is to help Colombia deal with problems arising from trafficking and the thugs that promote it. Is it really time to say we no longer regard international drug trafficking as a national priority? I happen to believe that it is not.

I would also note that we have had repeated demonstrations in the past several years of the effectiveness of certification in securing improved international cooperation. Administration officials have testified repeatedly as to its effectiveness and utility. It has also given us needed leverage in specific cases to make important progress. I for one am unwilling to undo a process that has paid such dividends.

On the other hand, I am aware that the certification process has raised a number of concerns here and abroad in the past few years. While I do not think that the solution in response to these concerns is to suspend the process, I do have a suggestion that I believe will help. Hence the bill Senator DEWINE and I send to the desk.

Briefly what this proposal does is to simplify the current methodology. At present, we have a three-step certification process: the President can certify a country as fully cooperating, decertify a country as failing to cooperate, or decertify with a national interest waiver. This aspect of the process has been the main source of contention. It has led some to believe that it forces the Administration to be less than candid about some countries that might be on the list. It has also complicated our relations with important allies.

What this proposal does is to go to a decertification only standard. This is similar to what we do with terrorism and human rights. In other words, the default position is that all countries are doing the right thing on meeting international drug control standards. The only countries singled out for consideration are those whose actions are clearly outside a reasonable assessment of accountability as defined in current law.

Our bill simplifies a complex process and focuses attention on the bad guys. It gives the President more flexibility. In doing so, we keep accountability. We keep a useful process in place. We avoid unnecessary complications with friends and allies doing the responsible thing. We maintain necessary report-

ing on international efforts. We keep our eye on a critical issue.

The provision also sunsets in three years unless Congress acts to keep it. That means we have a chance to drive it around the block, kick the tires, and see if it's a lemon or not.

I urge my colleagues to join us in supporting this bill and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 376

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

**SECTION 1. THREE-YEAR MODIFICATION OF PROCEDURES RELATING TO ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.**

(a) IN GENERAL.—Chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amended by adding at the end the following new section:

**“SEC. 490A. LIMITATIONS DURING FISCAL YEARS 2002, 2003, AND 2004 ON ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.**

“(a) ANNUAL IDENTIFICATION OF COUNTRIES NOT COOPERATING.—Not later than November 1 of 2001, 2002, and 2003, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that the President proposes to be subject to the provisions of subsection (f) in the fiscal year in which the country is so identified by reason that such country—

“(1) is not cooperating fully with the United States in achieving full compliance with the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

“(2) is not taking adequate steps on its own to achieve full compliance with the goals and objectives of the Convention; or

“(3) is not taking adequate steps to achieve full compliance with the goals and objectives of a bilateral agreement with the United States on illicit drug control.

“(b) COUNTRIES SUBJECT TO WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL ASSISTANCE.—

“(1) IDENTIFICATION.—Not later than March 1 of 2002, 2003, and 2004, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that shall be subject to the provisions of subsection (f) during the fiscal year in which the country is so identified under this subsection by reason of its identification in the most recent report under subsection (a).

“(2) LIMITATION ON COUNTRIES IDENTIFIED.—A country may be identified in a report under paragraph (1) only if the country is also identified in the most recent report under subsection (a).

“(c) CONSIDERATIONS REGARDING COOPERATION.—In determining whether or not a country is to be identified in a report under subsection (a) or (b), the President shall consider the extent to which the country—

“(1) has met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such matters as illicit cultivation, production, distribution, sale, transport, financing, money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

“(2) has accomplished the goals described in the applicable bilateral narcotics control agreement with the United States or a multilateral agreement;

“(3) has taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

“(4) in the case of a country that is a producer of licit opium—

“(A) maintains licit production and stockpiles of opium at levels no higher than those consistent with licit market demand; and

“(B) has taken adequate steps to prevent significant diversion of its licit cultivation and production of opium into illicit markets and to prevent illicit cultivation and production of opium.

“(d) OMISSION FOR NATIONAL SECURITY REASONS.—

“(1) IN GENERAL.—The President may omit from identification in a report under subsection (b) a country identified in the most recent report under subsection (a) if the President determines that the vital national security interests of the United States require that the country be so omitted.

“(2) NOTICE TO CONGRESS.—If the President omits a country under paragraph (1) from a report under subsection (b), the President shall include in the report under that subsection—

“(A) a full and complete description of the vital national security interests of the United States placed at risk if the country is not so omitted; and

“(B) a statement weighing the risk described in subparagraph (A) against the risk posed to the vital national security interests of the United States by reason of the failure of the country to cooperate fully with the United States in combatting narcotics or to take adequate steps to combat narcotics on its own.

“(e) CONGRESSIONAL ACTION.—

“(1) IN GENERAL.—The provisions of subsection (f) shall apply to a country in a fiscal year if Congress enacts a joint resolution, not later than March 30 of the fiscal year, providing that such provisions shall apply to the country in the fiscal year.

“(2) COVERED COUNTRIES.—A joint resolution referred to in paragraph (1) may apply to a country for a fiscal year only if the country was not identified in the report in the fiscal year under subsection (b).

“(3) SENATE PROCEDURES.—Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765), except that for purposes of that section the certification referred to in section 601(a)(2)(B) of that Act shall be the applicable report of the President under subsection (b) of this section.

“(f) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL ASSISTANCE.—

“(1) BILATERAL ASSISTANCE.—Commencing on March 1 of a fiscal year in which a country is identified in a report under subsection (b), or March 31 in the case of a country covered by a joint resolution enacted in accordance with subsection (e), fifty percent of the United States assistance allocated to the country for the fiscal year in the report required by section 653 shall be withheld from obligation and expenditure.

“(2) MULTILATERAL ASSISTANCE.—Commencing on March 1 of a year in which a country is identified in a report under subsection (b), or March 31 in the case of a coun-

try covered by a joint resolution enacted in accordance with subsection (e), the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after that date, against any loan or other utilization of the funds of such institution for the country.

“(3) MULTILATERAL DEVELOPMENT BANK DEFINED.—In this subsection, the term ‘multilateral development bank’ means the following:

“(A) The International Bank for Reconstruction and Development.

“(B) The International Development Association.

“(C) The Inter-American Development Bank.

“(D) The Asian Development Bank.

“(E) The African Development Bank.

“(F) The European Bank for Reconstruction and Development.

“(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means the following:

“(1) The Committees on Foreign Relations and Appropriations of the Senate.

“(2) The Committees on International Relations and Appropriations of the House of Representatives.”

(b) RELATIONSHIP TO CURRENT CERTIFICATION PROCESS.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended by adding at the end the following new subsection:

“(i) LIMITATION ON APPLICABILITY.—This section shall not apply during fiscal years 2002, 2003, and 2004. For limitations on assistance during those fiscal years for countries not cooperating with United States counterdrug efforts see section 490A.”

(c) CONFORMING AMENDMENT.—Section 489(a)(3)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(3)(A)) is amended by inserting after “under section 490(h)” the following “or, in 2002, 2003, and 2004, as otherwise determined by the President for purposes of this section”.

## SEC. 2. INCLUSION OF MAJOR DRUG TRAFFICKING ORGANIZATIONS IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h), as amended by this Act, is further amended—

(1) in subsection (a), by adding after the flush matter at the end of paragraph (7) the following new paragraph (8):

“(8) The identity of each organization determined by the President to be a major drug trafficking organization, including a description of the activities of such organization during the 2 fiscal years preceding the fiscal year of the report.”; and

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

“(c) DEFINITIONS.—In this section:

“(1) MAJOR DRUG TRAFFICKING ORGANIZATION.—The term ‘major drug trafficking organization’ means any organization engaged in substantial amounts of illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, engages in money laundering or proceeds from such activities, or otherwise endeavor or attempt to do so, or to assist, abet, conspire, or collude with others to do so.

“(2) NARCOTIC DRUG; CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms ‘narcotic drug’, ‘controlled substance’, and ‘listed chemical’ have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).”

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

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

Mr. DURBIN. Mr. President, today Senator FITZGERALD and I are introducing legislation naming the Job Corps Center in Chicago, Illinois, for our former colleague, Senator Paul Simon.

During his 12 years in the Senate, Paul Simon was a stalwart champion of the Job Corps program and the work it does in connecting disadvantaged young people to the job market. He led the fight for the job corps as chairman of the authorizing subcommittee of jurisdiction and also through requests to the Senate Appropriations Committee. During most of this time, Chicago was the last remaining large city without a Job Corps center, despite the community's strong interest in the program. Securing a charter for a Job Corps center in Chicago was one of Paul Simon's top priorities in the latter half of his service in the Senate.

Working within the established process for establishing new centers, Paul Simon pressed ahead with Illinois allies like former U.S. Representative John Porter, Chicago Mayor Richard Daley, and the Job Corps community to ensure that Chicago's application met all program specifications and that the funds for expansion would be there when Chicago's charter was approved. These years of effort succeeded in meeting that goal. Eventually funds were appropriated for expansion of the Job Corps program, and Chicago's Job Corps center now is open and serving the Chicago community and, most importantly, its young people.

Naming the Chicago Job Corps Center for Paul Simon would be especially fitting for three reasons: Job training and employment policy are central elements of the legacy of his service in Congress; he has long been recognized as a diligent and effective champion of the Job Corps' mission; and he spent years to fulfill the goal of opening a Job Corps center in Chicago. Other centers in the Job Corps network have been named for individuals, and this designation would be particularly fitting for the Chicago center, a facility Paul Simon worked tirelessly to create.

Paul Simon was clearly one of the Senate's most respected voices. This legislation would honor his service and his commitment to youth and job training. It is a small but very appropriate way to recognize his leadership. I invite my colleagues to join Senator FITZGERALD and me in honoring Senator Paul Simon through this legislation.

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

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

Mr. KERRY. Mr. President, I am pleased to join my colleagues Senators SCHUMER and BROWNBACK as an original cosponsor on the Federal Election Modernization Act of 2001. It has been approximately three months since Americans cast their vote for President, and for many, there remains a degree of uneasiness about the whole process. Many Americans who voted or tried to vote feel disenfranchised. They believe their votes didn't count and their voices weren't heard.

We can be thankful that we are past the days of poll taxes, literacy tests, and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy nation in the world to be using voting equipment that is 30 years old. And it is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn't get counted, while their white suburban neighbors, using better equipment, could rest assured that there were no voting irregularities in their precincts that would have caused their votes to be discarded.

If we can't promise all of our citizens that their votes will count equally, then all of the past work this nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

That is why I am pleased to join my colleagues on this bill. The bill creates a blue ribbon commission that will study the way we administer Federal elections and recommend ways to modernize the process. The bill also establishes a five-year, \$2.5 billion grant program to help upgrade state and local election systems.

Both of these elements are critical if we are going to have real reform of our election processes. The commission, which will include among its advisory members a representative from the US Commission on Civil Rights, will study methods of voting and counting votes, methods of ensuring accessibility to the polls and to voting equipment, and

methods of identifying registered voters. Its mission will be to provide Congress with recommendations to better ensure that all of our citizens can exercise their fundamental right to vote and have that vote count.

The second piece of this legislation provides states with a portion of the estimated \$3-9 billion they will need to upgrade their voting systems. This bill provides \$2.5 billion over five years in Federal matching grants to States and localities to buy new voting equipment, overhaul election administration technology, train poll workers, or implement any other recommendation of the Commission. States and localities will maintain their independence in administering their elections, as states are not required to carry out the Commission's recommendations. But more and more states are sure to apply for grants to finance the reforms they wish to adopt.

The Federal government must provide states with at least a portion of the resources they will need to overhaul their voting systems. State officials, from governors to county supervisors, face competing demands for funds every day, as they decide how to pay their teachers, pave their roads, and remove their garbage. When it comes to paying for Federal elections, buying the newest, most reliable technology may be far down on their list of priorities. That is why the Federal matching grant program is so important. It gives the incentive, as well as the resources, to make improvements that are necessary to assure the integrity of our elections.

If there is a silver lining to the chaos that followed the election in November, it is that Congress is now fully aware that we must repair our election system nationwide. This bill is critical to that effort.

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

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

Mr. ALLARD. Mrs. President, the bad taste left in everyone's mouth after the Florida election debacle is certainly strongest in those who had their franchise questioned while, incredibly, they were away serving our country. Military men and women are forced to give up some opportunities during their military service that the rest of us can still enjoy. They surrender some of the freedom of speech, privacy and personnel liberty that we take for granted. But losing their right to vote is never something they agreed to face, and never something we should allow them to face.

The bill I am introducing today with Senator KAY BAILEY HUTCHISON, the Military Voter Support Act, enhances the voting ability of absentee military voters in six key ways. This bill will help us ensure that we will not see the repeat of campaign lawyers scrutinizing military ballots in a partisan attempt to silence their voice.

I know that I was not the only one who felt outrage over this. My office received a flood of calls and letters from Colorado citizens equally upset. I hope this bill proves to our uniformed voters that we not only value their service, we value their voice, and we value their right to vote.

The language applies to service members, their spouses, and voting age dependents who are necessarily absentee with them.

The bill prohibits a state from disqualifying a ballot based upon lack of postmark or witness signature alone—this was the basis for most absentee ballot challenges in Florida. Technical faults beyond the control of the voter should not endanger their ballot.

The bill secures the voting residence of a military voter as they travel on orders. It prevents a repeat of the 1997 Texas lawsuit challenging future intent of residency.

It will allow polling places to be operated on military installations to serve military voters and others at the discretion of the appropriate service Secretary. The law against this was revived and enforced by the Clinton Administration for the 2000 elections.

There is a Catch-22 for military voters who are discharged and move before an election but after the residency deadline. They cannot vote through the military absentee ballot system. Yet sometimes they are not able to fulfill deadlines to establish residency in a State. This bill allows them to use the proper discharge forms as a residency waiver and vote in person at their new polling site.

Given the technologies available to us, it should be possible for the military to devise and run an efficient and reliable electronic voting program. The bill calls for a demonstration program during the 2002 elections of a possible electronic voting system for the 2004 elections.

After each election the Pentagon Federal Voting Assistance Program makes recommendations to each state on ways to improve the voting ability of absentee voters by state statute changes. This bill brings more attention to bear on these improvements—and hopefully generates more state legislature interest—by requiring the states to report on their implementation of these suggestions to the Secretary of Defense. I believe this mild requirement upon a state will raise the profile of these fixes, and facilitate in-depth discussion and study by the states. And that will, in turn, only serve to improve military absentee voting.

I sincerely hope that military members understand that we in the Congress are as outraged as they are about the problems they experienced in voting. This bill is a way to attack those problems. With it, I hope the 2002 election and every one following is a far better demonstration of our democracy and the value we place on the right to vote.

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

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

Ms. SNOWE. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination in Health Insurance Act. I am delighted to be joined by Senators FRIST, JEFFORDS, COLLINS, DEWINE, and ENZI as original cosponsors of this bill, which provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

Similar language passed the Senate in the last Congress as part of the Patients' Bill of Rights, and as an amendment to the FY2001 Labor-HHS-Education appropriations bill by a vote of 58 to 40. The only substantive difference between this year's legislation and last year's is the inclusion of a safe harbor provision to prevent conflict with the new HHS medical confidentiality regulations.

This bill ensures that people cannot be denied insurance coverage on the basis of genetic information, cannot be dropped from coverage on the basis of genetic information, cannot be charged exorbitant premiums based on genetic information, and cannot be discriminated against for requesting or receiving genetic services.

The bill also ensures that insurance companies cannot release a person's genetic information without their prior consent, and cannot carve out covered services because of an inherited genetic disorder. Finally, we included safe harbor language to prevent conflict with the new privacy regulations published in December by the Department of Health and Human Services.

Scientists are finding genetic links to a whole host of diseases such as breast cancer and Huntington's disease—in fact, there are now tests for over 450 disorders including Alzheimer's, cystic fibrosis, Parkinson's, glaucoma, and kidney and colon cancer. Last June America learned that scientists have completed their mapping of the human gene. This was a remarkable and historic event that opens the door to new scientific breakthroughs that may well help lead us one day to the cause and cure for many of these diseases.

Unfortunately, this remarkable news has the potential to become a dan-

gerous tool. As the old adage goes, "knowledge is power" and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Today in America, we know that an estimated 15 million people are affected by over 4,000 currently known genetic disorders. And while we cannot yet prevent the diseases that genetic testing can help us find, we can give carriers of these mutated genes the information they need to take extra precautions to protect their health and that of their loved ones.

It is important to remember that while genetic testing is helpful as an informational tool, it still remains an inexact science. Prediction does not mean certainty—in the case of the Alzheimer's gene, for example, there is less than a 35 percent chance that a patient who tests positive for the mutated gene will actually develop the disease. And yet, that person should not have to worry about their health insurance coverage?

For instance, when it comes to breast cancer, we know that early detection can often mean the difference between life and death. We also know that women who inherit mutated forms of either of two genes related to breast cancer—BRCA1 or BRCA2 have an 85 percent risk of developing the disease. So, should a woman test positive, she is more likely to take measures such as regular mammograms and self-examinations that can detect cancer early—thereby giving herself a fighting chance.

But at the end of the day, all of this means nothing if people are afraid to take advantage of genetic testing. And people are afraid that the trade-off for gaining an edge in the battle against disease could be losing health insurance—or higher premiums. That's just plain wrong. We need every advantage we can get when it comes to breast cancer and other diseases, and that's why we need this bill.

The bill we are offering will address these concerns and will allow our health care system to catch up to the tremendous health care advances of the past few years. It makes no sense to be on the cutting edge of medicine but remain in the dark ages when it comes to genetic discrimination.

Anyone who has heard me speak on this issue before has heard me tell of the story of Bonnie Lee Tucker, a constituent whose situation is so compelling that it bears repeating. Indeed, Bonnie Lee puts a face and a name to the very problem I am trying to address here with this bill.

Nine women in Bonnie Lee's immediate family have been diagnosed with breast cancer. And Bonnie Lee herself is a breast cancer survivor. So you can imagine that Bonnie Lee is very worried about her daughter, and would like more than anything to have the BRCA test for breast cancer. But she hasn't

because she is frightened that having this test could ruin her daughter's chances of ever obtaining insurance in the future.

Bonnie Lee Tucker is not alone. Across this country there are mothers and fathers who are caught in a grip of fear for their children—fear that they may have passed along a disease that, without early detection and treatment could kill their child and fear that if a genetic test detects a mutated gene they will have ruined their children's chance of obtaining insurance further down the line.

This bill will put an end to discriminatory insurance practices based on genetic testing and allow patients the freedom to access vital information about their health—and I hope my colleagues will join us in supporting it.

Mr. FRIST. Mr. President, I rise today to speak on the critical issue of genetic discrimination and to once again proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, and DEWINE, in introducing the Genetic Information Nondiscrimination in Health Insurance Act of 2001. This progressive, forward-looking legislation, which we have developed and pushed over the past several years, will provide patients with real protections against the threat of genetic discrimination in health insurance.

This week, researchers will, for the first time, publish the complete human genome map and sequence. As a physician and researcher, I applaud the completion of this work, and recognize that, although much has been done, much more remains before we may have a complete understanding of the human gene and its role in many diseases.

Over the past several years, I have closely followed the progress of the research into the human gene, aware of the prospect that it has to radically alter the practice of medicine, but also concerned by its potential for harm. The past generation has witnessed dramatic progress in this area—and I am aware of the great differences in medicine between the time when my father was visiting patients' homes with his black doctor's bag and my own experiences in heart and lung transplantation. But our increasing knowledge of the human genome represents an opportunity for revolutionary advances in medical diagnoses and treatment. Having access to these secrets of the human gene may open doors to an entirely new way of practicing medicine over the coming decades, by producing drugs designed for specific genes and genetically engineered organs for use in organ transplants, as well as enhancing the ability of preventive care based in large part on genetic testing.

We have already identified genes that are associated with an increased risk of diseases such as breast cancer, colon cancer and Alzheimer's dementia. In the past several weeks, in fact, researchers announced the discovery of a gene linked with type 1, or juvenile, diabetes, noting that, although the gene

may not be the sole cause of the disease, targeting the gene, may help prevent its onset. As science moves forward, researchers will continue to learn more about links between genes and the risk of future disease. And, as more is learned in these fields, physicians will be able to better treat their patients against the risk of future diseases by prescribing preventive measures based on an individual's genetic tests.

However, as important as these advances are, there exists a threat to our ability to realize their full potential. If, as has been found to be the case, patients fear retribution for carrying "bad" genes and refuse to be tested, then much of the fruits of these labors will have been in vain. As more individuals fear discrimination in health insurance through denial of coverage or costly premiums, they will be more likely to refuse genetic testing. For example, as I noted when we first introduced this legislation two years ago, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination.

Often here in the United States Senate, we are asked to pass legislation in response to past or ongoing problems. But the legislation we are introducing today gives us a great opportunity to avoid this, to pass forward-thinking legislation that will prevent a problem, rather than be forced to revisit this issue in a few years to attempt to remedy a problem.

Particularly in the fields of biomedical research, where scientific progress moves at a rate much quicker than public policy debate and legislation, we are often forced to confront issues after the fact. But although we know that the fear of health insurance discrimination based upon one's genetic test results is already present in society, we have an opportunity through this legislation to calm that fear and to prevent such discrimination from ever taking place. But let no one misunderstand me. While this legislation is a chance to prevent what might happen, our window of opportunity is rapidly shortening. The every-escalating speed of genetic discovery demands that Congress move to prohibit discrimination against healthy individuals who may have a genetic predisposition to disease.

The bill that I introduce today with Senators SNOWE and JEFFORDS does just that. The Genetic Information Nondiscrimination in Health Insurance Act of 2001 prohibits group health plans or health insurance issuers from adjusting premiums based on predictive genetic information regarding an individual. It prohibits issuers in the individual insurance market from using predictive genetic information to deny coverage or set premium rates. It prohibits insurers from even asking an individual for predictive genetic information or requiring that person to under-

go genetic testing. And it makes certain that insurers establish and maintain appropriate safeguards for the confidentiality of predictive genetic information as well as provide patients a description of those procedures in place to safeguard their predictive genetic information.

Over the past several years, Congress has invested great amounts in biomedical research, through the push to double the budget of the National Institutes of Health and other initiatives. The underlying goal in these endeavors has been to see patients benefit from our investments and fully utilize these medical advancements to improve their health. The deciphering of the human genome presents an unparalleled opportunity to move towards this goal of improving patients' health, but this will not be possible unless individuals are willing to be tested. Patients must feel safe from repercussions based on their genetic profile. The prohibition of genetic discrimination in insurance will remove the greatest barrier to testing and thus further accelerate our scientific progress.

Patients must not forgo genetic testing because they fear they may be discriminated against in insurance. We have the opportunity—we have the duty—to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

By Ms. SNOWE:

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

S. 384. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable; to the Committee on Finance.

Ms. SNOWE. Mr. President, long-term care is an issue that continues to tug at Congress and this country. In 1997 close to \$117 billion was spent on long-term care—almost 12 percent of total U.S. health care expenditures. And it is estimated that those in need of long-term care will double by 2025, up from the 9 million using these vital services today.

The appropriate care for an individual should be an issue that is made by that individual and their loved ones. For many people, remaining at home is their choice. It allows them to remain with their loved ones in familiar surroundings. But we all know the truth is that in many cases it comes down to the financial realities of the family. We need to do more to assist these people and their families so that they really do have a choice.

Toward that end I am introducing a bill that provides a tax credit for families caring for a relative who suffers

from Alzheimer's disease. When I first came to Congress over 20 years ago, not a single piece of legislation devoted to Alzheimer's disease had even been introduced. We have come a long way since then, as today "Alzheimer's" is a household word. It is also the most expensive uninsured illness in America.

Alzheimer's treatment is estimated to cost \$100 billion each year. And according to the Alzheimer's Association it costs businesses in this country more than \$33 billion a year due to caregiver absenteeism. Sadly, the number of those affected by this disease is rising and will continue to rise dramatically, from 4 million today to over 14 million by the middle of the century. As staggering as these numbers are, they pale in comparison to the emotional costs this disease places on the family.

The first bill I am introducing today would allow families to deduct the cost of home care and adult day and respite care provided to a dependent suffering from Alzheimer's disease. This bill is important because we need to, as a country, help lessen the financial and emotional cost of Alzheimer's by providing some relief to Alzheimer's patients and their families.

The second bill I am introducing today will strengthen the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of the tax credit to low-income taxpayers. This bill expands the dependent care tax credit, makes it applicable respite care expenses, and makes it refundable.

In 1976, the dependent care tax credit was created to help low- and moderate-income families alleviate the burden of employment-related dependent care. We have changed the DCTC since it was created 25 years ago and in fact, in the 1985 Tax Reform Act we indexed all the basic provision of the tax code that determine tax liability except for DCTC. We need to make the credit relevant by updating it to reflect today's world.

As more and more women enter the workforce combined with the aging of our population, we are continuing to see an increased need for both child and elder care. Expenses incurred for this care can place a large burden on a family's finances. The cost of full time child care can range from \$4,000 to \$10,000. The cost of nursing home care is more than of \$40,000 a year. Managing these costs is difficult for many families, but it is exceptionally burdensome for those in lower income brackets.

My legislation will do that by indexing the credit to inflation and making it refundable so that those who do not reach the tax thresholds will still receive assistance. It also raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earning \$15,000 or less. The scale would then be reduced by 1 percentage point for each additional \$1,000 more of income, down to a credit of 20 percent for person earning \$45,000 or more.

In order to assist those who care for loved ones at home, the bill also expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to \$1,200 for one qualifying dependent care and \$2,400 for two qualifying dependents.

I hope my colleagues will join me in supporting these two bills that will provide assistance to families that wish to provide long term care to their loved ones at home.

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

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

Mr. THURMOND. Mr. President, I rise to introduce legislation to improve our existing laws regarding the Junior Reserve Officers' Training Corps programs, more commonly known as JROTC. Established by Congress in 1916, Junior ROTC has demonstrated over the decades that it works. Junior ROTC is an elective high school course taught by retired military personnel at selected private and public high schools in the United States and its territories. It is also taught abroad through the Department of Defense Dependents School System. The main goal of JROTC is to motivate and develop young people. In order to accomplish this goal, the program combines classroom instruction and extracurricular activities oriented on attaining an awareness of the rights, responsibilities, and privileges of citizenship; developing the student's sense of personal responsibility; building life skills; and providing leadership opportunities.

As we are all aware, President Bush recently placed our Nation's youth at the top of his agenda. In his forward to the "No Child Left Behind" Education Reform Plan, the President stated that "[the] mission is to build the mind and character of every child, from every background." There is no existing education program that accomplishes exactly this goal better than JROTC. What students study in Junior ROTC is not primarily found in textbooks. What is learned by students enrolled in JROTC is not at the disposal of students and schools without the JROTC programs. As former Commandant of the Marine Corps, General Charles Krulak, summarized in a March 19, 1999 letter to me, "as we seek to identify and develop young men and women of character, this program does it all."

Widely recognized studies have praised JROTC as having a dramatic positive impact in high school education. In fact, one report noted that JROTC cadets boast a better class attendance rate, a lower number of disciplinary infractions, and a higher number of graduates. The report also

stated that "Cadets performed better than the overall school population in every area that is routinely measured by educators, including: academic performance, grade point average, the Scholastic Aptitude Test, and the American College Test." It comes as no surprise that schools districts throughout the United States are clamoring to establish JROTC units at hundreds of high schools.

While the primary purpose of JROTC is to develop good citizens, there are, in fact, tangible benefits to our Nation's Armed Services. Statistics demonstrate that over 40 percent of students who graduate from the JROTC program choose some form of military service. Without a doubt, this fact proves conclusively that good citizens choose to serve their country.

The JROTC program's contribution to our Nation's schools, communities and Armed Forces is no less than remarkable in conveying a sense of service, patriotism, leadership communication skills, team work, and self-esteem. After JROTC and advancing into their futures, young men and women carry such virtues into America's society while serving as a bridge between the military and civil society at a time when the two have tended to diverge. The dividends of this cannot be overstated.

Soon we will be unable to expand the proven and praised Junior Reserve Officers' Training Corps programs. By law, the JROTC program is limited to having 3,500 units for schools throughout the United States. Each of our military services have limits to the number of units they may establish, and the Marine Corps has already reached its limitations. Without changing existing law, thousands of high schools will never have the opportunity to reap the benefits of the JROTC program. Furthermore, some Services have encountered difficulty recruiting retired Officers and Non-Commissioned Officers to fill instructor positions at certain high schools, especially in inner-city and rural schools. These staffing difficulties compromise the ability to establish these especially critical new units.

The legislation that I am introducing today is straightforward and simple. It seeks to repeal limitations on the number of Junior Reserve Officers' Training Corps units and opens the door to the many retired Guard and Reserve Officers and Non-Commissioned Officers who have expressed an interest in serving as JROTC instructors, but because of the existing law are unable to do so.

I urge my colleagues to support this legislation. Every Member in Congress has a stake in assuring its unfettered enactment.

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

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

S. 385

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

**SECTION 1. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.**

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

**SEC. 2. CLARIFICATION OF AUTHORITY TO AUTHORIZE EMPLOYMENT OF RETIRED NATIONAL GUARD AND RESERVE PERSONNEL AS JROTC ADMINISTRATORS AND INSTRUCTORS.**

Section 2031(d) of title 10, United States Code, is amended by inserting "regular or reserve component" after "as administrators and instructors in the program, retired" in the matter preceding paragraph (1).

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

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

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Great Falls area in Paterson, New Jersey. I am joined by my colleagues from New Jersey, Senator CORZINE, and pleased to announce that companion legislation has already been introduced in the House of Representatives by Congressman BILL PASCRELL.

Paterson is known as America's first industrialized city. Alexander Hamilton founded Paterson in 1792 as a mercantile private-public partnership, using the powerful falls to power industry. He built a laboratory, and established the Society for the Establishment of Useful Manufactures which actively promoted the textiles industry. Textiles were a large part of the development of industry in Paterson, once known as the Silk City, and regarded as the center of the textile industry for many years.

New and developing industries located to Paterson and contributed to the growth of the city. New immigrants, arriving at nearby Ellis Island, settled in Paterson, and provided the workforce necessary for this newly industrialized city to thrive.

Rich in history, the Paterson Great Falls is also endowed with natural beauty. The Great Falls is an island of beauty in a sea of urban development. The Great Falls is the second largest waterfall on the East Coast, and attracts visitors from within and outside of New Jersey.

Paterson Great Falls is also an educational tool for New Jersey's children. Students young and old travel to Paterson Great Falls to witness its natural splendor, to learn about the industrial revolution, and the pioneers who helped build our Nation.

This area is truly a valuable asset to the State of New Jersey, and I feel it is



only proper to share this wonderful resource with the entire nation by establishing the Paterson Great Falls as a unit of the National Park Service, NPS.

The Federal Government has already acknowledged the significance of Great Falls, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence Great Falls, and the NPS would provide staff and tours, and allow for a better, more educational interpretation of the site.

This designation is warranted. Our Nation's urban history is currently under-represented by the NPS. Not many sites tell the story of the growth of our Nation and its economy from that of agrarian to industrial. Other than Lowell, Massachusetts, a one-time industry powerhouse whose historic district was designated a national park, I am not aware of another NPS site which represents our Nation's rich urban history.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Paterson Great Falls area. I ask that my colleagues join me in support of this worthy effort, so that a critical chapter in the story of our nation may be told to future generations.

## SENATE RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 15—TO DESIGNATE A NATIONAL DAY OF RECONCILIATION

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 15

*Resolved by the Senate (the House of Representatives concurring),* That on a date to be determined by the Speaker of the House of Representatives and the President pro tempore of the Senate, the Chaplain of the House of Representatives and the Chaplain of the Senate shall conduct a joint assembly, to be conducted in the House Chamber, in which Members of the House of Representatives and the Senate will be able to express the past struggles that we as a Nation have experienced, overcome, and still struggle with, and thereby lead the Nation in beginning the process of reconciliation.

SENATE CONCURRENT RESOLUTION 15—EXPRESSING THE SENSE OF CONGRESS THAT THE GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE IN NEWPORT, RHODE ISLAND, WHICH IS ON DISPLAY AT THE B'NAI B'RITH KLUTZNICK NATIONAL JEWISH MUSEUM IN WASHINGTON, D.C., IS ONE OF THE MOST SIGNIFICANT EARLY STATEMENTS BUTTRESSING THE NASCENT AMERICAN CONSTITUTIONAL GUARANTEE OF RELIGIOUS FREEDOM.

Mr. CHAFEE (for himself and Mr. REED) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support";

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an

important tool for teaching tolerance to children and adults alike.

Mr. REED. Mr. President, I rise to join my colleague from Rhode Island, Senator CHAFEE, in introducing a resolution commemorating the letter sent by President George Washington to Touro Synagogue in Newport Rhode Island, the oldest Jewish house of worship in the United States.

When Roger Williams came to Rhode Island in the 1630s, an individual's right to worship without government interference was unknown in other colonies or countries of the world. He made religious tolerance the core principle of his new settlement, and it became a beacon of hope for those suffering from persecution.

By the middle of the 17th century, 15 Jewish families, who knew the pain of intolerance firsthand, arrived in Newport to reclaim their faith and rebuild their lives. This group included Jews from Spain and Portugal who had been forced to become Christian converts to escape persecution. Rhode Island's lively experiment promised a new beginning.

The 18th century saw many steps toward the realization of this promise, as increasing trade and religious tolerance spurred the growth of Newport and its Jewish community. By 1759, with about 75 families totaling some 300 people, the Congregation turned to the construction of a permanent house of worship. Four years later, this Synagogue was dedicated in a service led by Reverend Isaac Touro, the spiritual leader of the Congregation.

As this country's first President, George Washington was the leader of a nation still crafting its ideals and identity. Although the new Constitution had won ratification, many Americans feared that its concentration of power in a federal government threatened the individual liberties for which they had so recently gone to war. To alleviate these fears, Washington began a nationwide tour in support of a Bill of Rights that would explicitly protect basic freedoms of Americans against government intrusion.

This tour brought Washington to Newport in August 1790. During his visit, Washington received an eloquent letter from Moses Seixas, the warden of Touro Synagogue. Seixas commended the President for his work and leadership in establishing a government that respected the inalienable rights of all citizens.

Washington's response embraced Seixas' simple, elegant phrases to renew his and the nation's commitment to Rhode Island's founding principle. Addressing a Congregation dedicated to religious liberty in a state based on this ideal, Washington reaffirmed religious freedom as essential to the new nation's identity.

When Washington declared that "the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as