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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 5, 2001, at 2:00 p.m.

Senate

FRIDAY, AUGUST 3, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

The PRESIDENT pro tempore. From its very beginning, the Senate has opened its daily sessions with prayer. It continues to this day. Tennyson, that great poet, said:

More things are wrought by prayer
Than this world dreams of.
Wherefore, let thy voice
Rise like a fountain for me night and day.

The prayer will be led today by the Senate Chaplain, Dr. Lloyd J. Ogilvie. Dr. Ogilvie, please.

PRAYER

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

Dear Father, bless the Senators as they begin the August recess. During the time away from the daily stresses and strains of Washington, renew them mentally, spiritually, and physically. Give them quality time with family and friends. May relationships with their constituents in their States be strengthened as the Senators listen and learn what is on their minds and hearts. May these leaders, who give so much of themselves, allow You to give them what they need. Help them to rest in You, wait patiently for You to replenish their souls, and enjoy the sheer pleasure of leisurely hours. So much depends on these men and women. Help free them to depend on You more deeply. As this portion of the 107th Senate comes to a close, may these Senators feel that they have done their best and that You are pleased. Whisper in their souls, ''Well done, good and faithful servant.'' You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. This morning, the Senate will vote on cloture on the Agriculture supplemental authorization bill. We expect to complete action on the bill today.

A reminder to all of my colleagues, all second-degree amendments to the bill must be filed before 10 o'clock. In addition, we expect to consider several Executive Calendar nominations today. I would like to begin the cloture vote in just a moment.

MEASURE PLACED ON THE CALENDAR—H.R. 2505

Mr. DASCHLE. I understand there is a bill due for a second reading.

The PRESIDENT pro tempore. The clerk will read the bill the second time.

The legislative clerk read as follows:

A bill (H.R. 2505) to amend title 18, United States Code, to prohibit human cloning.

Mr. DASCHLE. I object to any further proceedings at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 1246, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

Pending:

Lugar amendment No. 1212, in the nature of a substitute.

CLOTURE MOTION

The PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 102, S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon Corzine, Max Baucus, Patty Murray, Jeff Bingaman, Tim Johnson, Edward Kennedy,

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

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Jay Rockefeller, Daniel Akaka, Paul Wellstone, Mark Dayton, Maria Cantwell, Ben Nelson, Blanche Lincoln, Richard Durbin, Herb Kohl.

The PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—49

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Hutchinson	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Snowe
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—48

Allard	Feingold	Murkowski
Allen	Fitzgerald	Nickles
Bennett	Frist	Roberts
Bond	Gramm	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Helms	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Torricelli
Ensign	McCain	Voinovich
Enzi	McConnell	Warner

NOT VOTING—3

Boxer	Domenici	Inouye

The PRESIDENT pro tempore. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider.

The PRESIDENT pro tempore. The clerk will state the motion.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] enters a motion to reconsider the vote by which the motion to invoke cloture on S. 1246 was rejected.

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

The PRESIDENT pro tempore. The motion will be placed on the calendar. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DISASTER FUNDING FOR THE KLAMATH BASIN

Mr. WYDEN. Mr. President, I thank my colleague, Senator HARKIN, for this opportunity to speak on the drought funding and legislative needs for the Klamath Basin in southern Oregon.

I understand that the bill currently being considered, the Emergency Agriculture Assistance Act of 2001, is primarily a bill to provide money for farmers suffering market loss this year. A market loss, as I understand it, happens when a farmer receives less money for his crop than he spent to produce it. But, due to drought, my constituents were unable to plant their crops.

Mr. HARKIN. I appreciate your understanding that there is a difference between the economic-based problems we are trying to address in the current bill and natural disaster related relief in an emergency or supplemental funding bill later this year, once we know the full extent of nature's toll on agriculture this season. However, the Supplemental Appropriations Act of 2001 provided $20,000,000 for farmer families in the Klamath. How much additional money will the farmers in the basin be needing?

Mr. WYDEN. In the Supplemental Appropriations Act of 2001 Congress provided $20,000,000 in emergency money for farmer families in the Klamath. This amount was designed only to keep these farms afloat until further monetary assistance could be found or until the drought ended.

According to the Klamath Basin Water Users Association, this drought will cost the Klamath Basin agricultural community at least $200 million above the $20 million provided already. In 2000, the revenue for agriculture in the Klamath Basin, according to the USDA Farm Service Agency, was $132 million. The projected income for 2001 is only $28 million. There is a difference of $104 million in lost revenues alone. That figure does not include the increased costs my constituents incurred to get through the drought with their farms intact, such as well augmentation and cover crop planting to protect topsoil from erosion.

May I count on the consideration of the Senator from Iowa, the chairman of the Agriculture Committee and a member of the Agriculture Appropriation Subcommittee, as I pursue additional funding for the Klamath Basin farmers at the first possible opportunity?

Mr. HARKIN. I appreciate my friend's pursuit of relief for his constituents. I can promise to work closely with you concerning fair drought relief funding for the farm families in the Klamath Basin.

Mr. WYDEN. In addition, there are other solutions for the Klamath Basin, such as, but not limited to, water conservation, wetlands restoration and irrigation system updates that will have to be considered. These may require legislative action. May I count on you to help me craft appropriate language that will be acceptable in the upcoming Farm Bill that will begin to address the long term solutions needed in the Klamath Basin?

Mr. HARKIN. I agree with you that an ounce of prevention is worth a pound of cure. Certainly, I will work with you to address possible long term solutions for the Klamath in the Farm bill.

Mr. JOHNSON. Mr. President, this week the Senate has been trying to pass S. 1246, the Emergency Agriculture Assistance Act, legislation to provide emergency relief to U.S. farmers and ranchers suffering at this time. Unfortunately, certain members of the Senate have tried to politicize, delay, and complicate this very necessary legislation. Moreover, now that the House of Representatives has adjourned for the August recess, we may very well be forced to adopt a reduced level of assistance in order to match the House's lower funding level in a fashion that meets the President's needs, without a conference committee. If this must be the case, then I am sure the will of the Senate will be to adopt less funding for farmers, but I shall vote against reduced funding for our farmers and ranchers this year because I know it is not enough to adequately assist crop producers and livestock ranchers through the 2001 crop year, indeed a fourth year in a row of near-recession in agriculture.

I have made a quick calculation or two regarding the level of assistance expected if we indeed enact the House passed assistance level of just $5.5 billion today. First, the funding for program crops nationwide will be reduced by around 16 percent. More importantly, South Dakota's farmers and ranchers stand to lose between $30 and $50 million. The reduced market loss AMTA payment in the House plan is 85 percent of the level in Senator HARKIN's plan, indicating to me that South Dakota farmers would lose around $23 million in these market loss payments if we adopt the House plan. Moreover, the oilseed payment is reduced by about $4.5 million under the House plan. Finally, if you count the assistance we provide to peas, lentils, wool, honey, flooded lands and conservation programs and total everything up, South Dakota may realize a loss of between $30 and $50 million under the House plan.

Under the leadership of Senator HARKIN, the Senate Agriculture Committee completed action on the fiscal year 2001 short-term economic assistance package for farmers and ranchers, providing $7.494 billion, $5.5 B in fiscal year 2001

funds plus $1.994 B in fiscal year 2002 funds. The United States Department of Agriculture, USDA, said they must distribute the fiscal nyar 2001 funds, $5.5 B in AMTA, by the end of the fiscal year, September 30, 2001. USDA has indicated the only way they can guarantee timely delivery of aid is to provide it through the bonus AMTA payment mechanism. Moreover, my colleague from South Dakota, the Majority Leader, Senator DASCHLE has received an assertion from the Congressional Budget Office, CBO, that Congress has to resolve this issue before the August recess in order to protect the $5.5 billion set aside, for fiscal year 2001, for these emergency payments. Nonetheless, we have had trouble getting a final vote on this assistance package because some of my colleagues, whom I respect a great deal, are slowing the bill down because they are upset at the level of funding, $7.4 billion.

In South Dakota, farmers and ranchers continue to struggle from terribly low commodity prices. While certain prices have improved in recent months, this short-term recovery in price, really just in the livestock sector, cannot compensate for nearly 4 years of recession in farm country. Most crop prices remain at 15–25 year all-time lows. Moreover, input costs such as fuel and fertilizer have increased dramatically, wiping out chances for producers to enjoy profits to keep operations afloat. Corn prices remain around $1.55 per bushel, far below the $4.50 range when the 1996 farm bill was enacted. Soybean prices are stagnant at $4.50 per bushel, nearly $4.00 less than soybean price levels in 1996. While wheat prices have made a very modest price recovery, they still remain less than $3.00 per bushel, far below the $5.55 level in 1996. Moreover, due to disease, drought, and winter kill, many South Dakota farmers had most or all of their winter wheat crop wiped out completely, so this modest increase in price won't help them because they may not have a crop to put in the bin.

All this at a time when aggregate production costs, the prices farmers pay for their inputs such as fuel and fertilizer, are 20 percent higher right now than the prices farmers receive for their commodities. This price-cost squeeze makes it very difficult to turn a profit in agriculture today. So, this assistance is badly needed. And while it is unfortunate that this assistance is necessary, I believe this aid is critical until Congress can write the next farm bill in a way that promotes and supports fair marketplace competition and good stewardship of our land.

Unfortunately, the administration and some Senators want to reduce the size of this emergency package, suggesting it provides too much assistance to our Nation's family farmers, or, alleging that it creates budget problems. Even more ridiculous is the assertion by some that no funding is necessary in fiscal year 2002 to help farmers. I believe we need to look at this from the farmers' perspective, a little tractor-seat common sense if you will, because farmers deal with crop years, not fiscal years. It all boils down to some in the administration wanting to implement this assistance based upon how the Government does business, by fiscal years, instead of how farmers and ranchers do business, by crop years. We need this assistance to span the current crop year, and therefore, it must allow for investments over both fiscal year 2001 and fiscal year 2002.

Further, our budget resolution, which was adopted by Congress and signed by the President, allows for this funding. The budget resolution enacted by Congress and signed by the President provided the Agriculture Committees authority to spend up to $5.5 B in fiscal year 2001, with additional authority to spend up to $7.35 B in fiscal year 2002, for a total of $12.85 B in fiscal year 2001–2002 spending authority for agriculture. The committees were given total discretion to spend this money on emergency and/or farm bill programs. However, for the third time now, Office of Management and Budget, OMB, Director Mitch Daniels has signaled a possible veto threat if the Senate aid package totals more than $5.5 billion in fiscal year 2001. A similar OMB threat was made as the House contemplated $6.5 billion, and despite efforts to increase the aid in the House, the level ended up at $5.5 billion. It cannot be argued that we are busting any budget caps, or endangering the Medicare or Social Security Trust funds, because this money has already been provided by the budget resolution, and it is not part of the $73.5 billion (fiscal year 2003–2001) ag reserve fund. A veto is not warranted because the aid total for fiscal year 2001 is $5.5 billion, precisely the level permitted under the budget resolution. The fact that an additional $1.9 billion is provided in the grand total does not matter because it is actually fiscal year 2002 money, which we are permitted to spend under the budget resolution passed by Congress and signed by the President. The Senate Agriculture Committee voted to spend $7.4 billion of both fiscal year 2001 and 2002 money because the current, 2001 crop year spans both fiscal years. It is a subtle, yet, critically important difference between a crop year and a fiscal year that must be understood in order to meet the needs of farmers. The 2001 crop year mirrors the 2001 calendar year, while the fiscal year 2001 fiscal year ''expires'' September 30, 2001. Several major commodities must be marketed after the fiscal year 2001 fiscal year ends, and prices for these commodities are not expected to magically improve after September 30. Clearly, there is a necessity to provide economic aid into fiscal year 2002 as well. In order to provide modest aid in fiscal year 2002, we have chosen to take a modest $1.9 billion, out of $7.35 billion available in fiscal year 2002, to help producers through the entire 2001 crop year. Unfortunately, the administration doesn't seem to understand the difference between a fiscal year and a crop year. Additionally, we left around $5.4 B for additional fiscal year 2002 spending if needed.

Last year, as part of the crop insurance reform legislation, Congress provided a total of $7.14 billion in emergency aid for both fiscal year 2000 and fiscal year 2001, almost exactly the same amount of assistance we aim to provide this time around. Specifically, $5.5 billion last year was allocated for bonus AMTA in fiscal year 2000, and, $1.64 billion for other needs in fiscal year 2001. Coincidentally, Congress and the President understood the need to provide assistance in fiscal year 2000 and fiscal year 2001 for the 2000 crop year , thus, a precedent has been set to do it once again. Furthermore, let us not forget that every major farm organization actually requested at least $9–10 billion in emergency ag support this year. Our legislation doesn't provide that total, but it does cover a majority of the immediate economic distress in agriculture today. I find it ironic that some in the Senate would rely upon the OMB Director, Mitch Daniels, on how much farm aid is necessary when what we are trying to pass in the Senate, $7.4 billion, is supported by farmers, including the following farm groups; Farm Bureau, Farmers Union, the National Corn Growers, and the National Assn. of Wheat Growers.

Yet some are still suggesting that spending $5.5 billion, most of it in fiscal year 2001, will be enough to help U.S. family farmers and ranchers. However, 19 Republicans in the House Agriculture Committee, including the Chairman Larry Combest, voted against an amendment to reduce the size of the House package to $5.5 billion because they believe that $5.5 billion does not go far enough to assist farmers and ranchers at this time. The vote to reduce the size of this assistance for farmers to $5.5 billion in the House Ag Committee passed by just one vote. The House passed emergency package falls short, by 16 percent, on the level of support Congress provided to program crops last year. Moreover, the Lugar or House plan does not include any funding for critical conservation programs such as CRP and WRP. Finally, Chairman Combest and other House Republicans were so concerned with the inadequacy of the House passed $5.5 billion that they wrote their ''viewpoints'' or ''concerns'' into the House passed legislation. Their concerns, accompanying the House farm aid state, and I am quoting from what House Republicans wrote about their own ag emergency bill now:

. . .H.R. 2213, as reported by the House Agriculture Committee is inadequate. . . . .the assistance level ($5.5 billion) is not sufficient to address the needs of farmers and ranchers in the 2001 crop year. . .At a time when real net cash income on the farm is at its lowest level since the Great Depression and the cost of production is expected to set a record high, H.R. 2213 as reported by the Committee

cuts supplemental help to farmers by $1 billion from last year to this year. Hardest hit will be wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybean, and other oilseed farmers since the cuts will be at their expense.

This is very concerning to me. Many of the farmers that will suffer if we go with $5.5 billion—the wheat, corn, grain sorghum, and soybean farmers, are trying to make a living in my State of South Dakota. So, as you can see, these very poignant words prove that the House passed $5.5 billion level of assistance is woefully inadequate. I will stay and fight on the Senate floor for increased funding this week to ensure South Dakota's farmers are assisted with the construction of a more sturdy bridge over this year's financial problems.

Mr. MCCAIN. Mr. President, let met first commend the efforts of my colleagues who are working very hard to deliver some form of Federal relief to prevent the demise of more of America's family farms.

While this bill provides much needed emergency assistance to certain sectors of the agricultural community, I am concerned about this bill for several reasons.

It guarantees very generous Federal subsidies at higher levels than in previous years even though these same subsidies were eliminated or intended to be phased out by the 1996 farm bill. It disproportionately favors large farming operations over smaller ones. It adds $5 billion to the already $27 billion delivered in supplemental and emergency spending for farmers since 1999. This is funding in addition to Federal payments or loans authorized through the 1996 farm bill. While the 1996 farm bill was intended to reduce reliance on the Federal Government, payments to farmers have increased by 400 percent, from $7 billion in 1996 to $32 billion in 2001.

Again, I recognize that many Americans in the agriculture industry are facing economic ruin. However, already this year, the Senate has included $4.7 billion in wasteful, unnecessary, or unreviewed spending in five appropriations bills. Surely, among these billions of dollars, there are at least a few programs that we could all agree are lower priority than desperately needed aid for America's farmers.

I appreciate the agreement of my colleagues to put before the Senate the House bill that conforms with the agreed-upon budget resolution. Through this bill, billions of dollars are provided in supplemental payments to oilseed producers, peanut producers, wool and mohair producers, tobacco producers and cottonseed producers.

Fortunately, this bill does not include additional egregious provisions proposed in the Senate version of the bill, such as continuing subsidies for honey producers, extension of the dairy price support program, perks for the sugar industry, and various other new or pilot programs.

Recent indications are that these continuing supplemental payments that Congress obligates from taxpayer dollars are now paying at least forty percent, if not more of total farm income. How are we helping the farming sector to become more self-sufficient? Our actions are only serving as a crutch to small farmers while fattening the incomes of large farming conglomerates and agribusinesses. We should learn from past failures and take responsible action to focus Federal assistance on a fair, needs-based approach.

This bill passed by unanimous consent today, despite the disagreement of some of my colleagues who advocated for a much higher level of supplemental spending. I hope that my colleagues will exercise greater prudence and fiscal responsibility when we return from the August recess to consider the agricultural appropriations bill and reauthorization of the 1996 Farm bill to ensure that such ad-hoc spending is brought under control.

Mr. DASCHLE. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of H.R. 2213, the Agriculture supplemental bill, that the Senate proceed to its consideration, that the bill be read the third time and passed, and that the motion to reconsider be laid upon the table. I further ask unanimous consent that S. 1246 be placed on the calendar and that the previously entered motion to reconsider the failed cloture vote on S. 1246 be in order.

The PRESIDENT pro tempore. Is there objection to the several requests.

Without objection, it is so ordered.

The bill (H.R. 2213) was read the third time and passed.

(The bill will appear in a future edition of the RECORD.)

The PRESIDENT pro tempore. This corrects the fact that the motion to reconsider was not properly entered.

Mr. DASCHLE. Mr. President, I am extremely disappointed that our Republican colleagues chose to work against us instead of with us to provide critical financial relief to help farmers and ranchers deal with the fourth year in a row of low prices. My colleagues' choice to filibuster the committee bill, which a majority of Senators supported, was a decision we could not afford.

Unfortunately, it will cost farmers and ranchers across the country. For my State of South Dakota, that decision to filibuster will cost producers over $50 million in decreased assistance. But, South Dakota is not alone. Producers in each and every one of our states are being deprived of critical assistance because of the actions of my Republican colleagues.

Why? Because the President and Senate Republicans drew an arbitrary and partisan $5.5 billion line in the sand.

Even though the budget resolution authorizes the Senate Agriculture Committee to use $5.5 billion in fiscal year 2001 and $7.35 billion in fiscal year 2002 to provide economic assistance to producers, and even though it specifically allows the use of fiscal year 2002 funds to support the 2001 crop, the President insisted that we spend only $5.5 billion. His rationale ''The farm economy is improving, so farmers don't need any additional help.''

That is certainly not what I am hearing in South Dakota, and I know it is not what my colleagues on this side of aisle have heard in their states. Across the country, poor prices have hobbled producers for 4 years now.

Major crop prices, despite showing slight improvement over last year's significantly depressed prices, remain at 10 to 25-year lows. Net farm income minus government payments for 1999 thru 2001 is the lowest since 1984. Input costs are at record levels, making it more expensive for producers to do their job than ever before.

Despite all this, my Republican colleagues insisted on a bill that provides far less. Less for feed grain, wheat, and oilseed producers in my part of the country. Less for rice and cotton producers in the South. Less for specialty crop producers in the Northeast and Northwest.

And when I say less, I not only mean less than what is in the Committee's package, but less than what is absolutely needed.

Chairman HARKIN worked hard to improve on the House-passed $5.5 billion package. His package provided the full level of last year's market loss assistance for producers of major crops. It provided significant funding for specialty crops. It provided a substantial commitment to agricultural conservation.

Yet, my Republican colleagues filibustered. Why? Are they planning to go home and tell producers they fought long and hard to provide you with less?

Now that we are forced to pass the House legislation, we have lost for too much of what is critically needed for program crops, specialty crops, and conservation. This is reckless, and it's wrong. America's farmers and ranchers deserve better, much better.

So, I can't help but feel this country's farmers and ranchers got shortchanged. But what also troubles me is what the actions of my Republican colleagues over the past few days mean for the farm bill. Congress must come together quickly to write new farm policy this year so we don't have to keep coming back for more ad hoc emergency assistance, year after year.

Congress must get passed its stubborn refusal to acknowledge the failures of current farm policy and work together to change it. We need policies that better address the interests of family farmers and ranchers. Farmers and ranchers must have an income safety net that can offset severe price fluctuations, and that can help manage uncertainties in the marketplace. Such

policies are critical to long-term survival in an industry in which the majority of producers operate on margins of less than 5 percent.

I believe there is a lot we can agree on. And by working together, I am certain there is a lot we can accomplish. I stand ready to work with my Republican colleagues. But, my colleagues must first choose to stand up for America's family farmers and ranchers.

I am hopeful they will.

Mr. LEVIN. Mr. President, I am very disappointed by the Emergency Agricultural Supplemental that this body has just passed because of the President's opposition to the much better legislation reported by the Senate Agriculture Committee and the fact the House of Representatives already left for the August recess. The Senate has passed a bill that fails to provide adequate aid to America's farmers and rural communities. Some on the other side of the aisle claimed that the bill passed by Senate Agricultural Committee spends too much money in support of America's farmers and that the farm economy is improving. I wish that were the case, but the facts in rural America do not support that assertion. The major farm groups do not agree with that conclusion, that is why they supported the stronger alternative, the bill proposed by the Chairman of the Agriculture Committee Senator HARKIN.

As we all know, our Nation's farmers have not shared in the prosperity which many Americans have experienced over the past decade. In the past three years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. No one, not least of all America's farmers, likes the fact that annual emergency agriculture supplementals have seemingly become routine.

Senator HARKIN, chairman of the Senate Agriculture Committee, crafted an impressive bill that addressed the needs of specialty crop farmers, in a more comprehensive fashion, than does the bill that just passed the Senate.

The bill that just passed provides nearly a billion dollars less in AMTA payments for traditional row crops than did the committee version. In addition, the passed bill makes no real effort to address the problems faced by farmers in States that do not rely on AMTA payments. It is difficult for a Senator with a large base of specialty crops to support it. This bill provides no more than a pittance for specialty crops. None of this pittance even goes directly to farmers of specialty crops. We have told farmers that they need to diversify if they are to succeed, yet the States that have diversified and specialized receive next to nothing in the House bill.

I am concerned about some of the arguments made to support the exclusion of funds for specialty crops. In particular, I am troubled by those who claim that payments should not be made to specialty crops because aid to producers of these crops cannot be dispensed by the end of the fiscal year. It was argued that payments should only be made to crops that can easily receive funds before the end of this fiscal year. I understand the need to get money to farmers as soon as possible. However, this money must also not only be distributed promptly it must be distributed fairly. Providing assistance chiefly to program crops may be prompt, but it ignores the needs facing many farmers throughout the Nation. Senator HARKIN, and the Senate Agriculture Committee, drafted a bill that, just like the last three emergency supplementals, dispensed money credited to two fiscal years. This bill would have allocated the $5.5 billion in FY01 funds to AMTA payments which can be dispensed this year, while specialty crops and conservation will be addressed in fiscal year 2002 monies that are already provided for in the budget resolution. This bill provides less assistance for row crops than does the committee, passed bill, and it is unfair to farmers who do not grow specialty crops.

The passage of this bill will lead to the loss of the following programs:

$150 million in market loss assistance for apple growers. It is estimated that apple growers have lost $500 million last year due to unfair trade and weather related disasters. Furthermore, some estimate that the industry may lose as much as 30 percent of its farmers this year without some form of aid.

$270 million in commodity purchases of specialty crops. These purchases provide food for shelters, food banks and schools, yet that money, $50 million of which will be used for the school lunch program, is not in the House version.

The $44 million sugar assessment, which has been suspended the past two years due to our budget surplus is not waived this year.

$542 million needed to fund conservation programs is excluded from the House version. As a result many important programs will lie dormant.

The number of farmers in our nation has been declining for well over a century. Now, farmers comprise only 1 percent of our population. The declining number of farmers and the increasing scarcity of Federal dollars makes it harder and harder to sustain the level of assistance we provide our farmers. Part of the success of current farm policy is that programs such as Women Infants Children program, WIC, balance rural and urban interests and attempt to meet the needs of each community. Assistance to the agricultural sector must address the concerns of all Americans if it is to continue at the needed level. The bill passed by the Senate fails to do that. This trend of narrowly focused farm programs cannot be sustained. The next farm bill that this body undertakes must help all Americans while helping farmers. The committee-passed bill addressed issues important to all of us: hunger, conservation and energy independence. This bill does not. Gone is the $270 million allocated for commodity purchases that would have helped specialty crop farmers, like cherry, bean and asparagus farmers in Michigan, while providing foodstuffs to school lunch programs, food banks and soup kitchens that guarantee a healthy diet is available to all Americans.

The conservation programs included in S. 1246 but not in the bill we just passed would have prevented erosion, preserved green space, increased wildlife habitat and ensured a clean water supply. Currently, in the State of Michigan there are three farmers who apply for every open slot in Federal conservation programs. These farmers will now have to wait even longer to participate in these programs.

I commend the chairman and the Senate Agriculture Committee for the hard work they put into the Agriculture Supplemental Bill which they reported to the Senate. The bill passed by this body, because the President's opposition to the better alternative left us no choice, ignores the needs of specialty crop producers and fails to fund farm programs that have the broader effect of helping all Americans.

Mrs. MURRAY. Mr. President, I rise to express my extreme disappointment with the agriculture supplemental assistance package the Senate passed today.

This week, the Bush administration did a great disservice to our nation's farmers, to rural communities, and to agricultural conservation programs around this nation. The administration's veto threats forced the Senate to pass a bill that does not meet the needs of farmers in my State.

In fact, this bill is completely inadequate to meet the needs of our farmers and rural America. The bill abandons our apple producers. It abandons our pea and lentil producers. And it rejects a fair emergency payment to our wheat producers.

It didn't have to be this way. Senator HARKIN worked with many of our colleagues to draft a balanced $7.4 billion emergency economic package. I fought hard to include $150 million in emergency payments for apple producers. I worked to include $20 million in assistance for dry pea and lentil producers. And many Senators worked together to ensure that wheat and other program crop producers received an emergency payment equal to what they received last year.

The Harkin bill was balanced, fair, and fiscally responsible. It deserved to become law. Yet, throughout this debate, the Bush administration steadfastly threatened to veto any bill larger than $5.5 billion. Today, President Bush won, and our farmers lost.

Instead of the Harkin bill, the Senate passed the House agriculture supplemental bill. We passed it because the President will sign it. We passed it because further delay threatened the

availability of $5.5 billion in emergency relief. We did not pass it because it's the best bill possible.

The President's veto threats have cost Washington state producers $103 million. Let me repeat that: According to the Senate Agriculture Committee, President Bush's veto threats will cost Washington State producers an estimated $103 million in assistance. That includes the $50.3 million in assistance our apple growers would have received under the apple aid package.

I would like to thank Senator HARKIN for his support for specialty crop producers. Senator HARKIN worked tirelessly to help all regions and all producers. In my opinion, he could not have put together a more balanced and fair package.

I would also like to thank Senator DASCHLE. Senator DASCHLE is committed to working with us to address the shortfalls in the House bill. I look forward to working with him to complete the unfinished business we began this week.

This fight is not over. I would urge my colleagues to return from the August recess ready to pass an agriculture aid package that is balanced and fair to America's farmers.

Mr. CRAPO. Mr. President, I rise regarding the Senate's passage of H.R. 2213, the House-passed Emergency Agriculture Assistance Act.

There is a great need for economic assistance in farm country. There is no disagreement about that fact.

There has been no disagreement that we will spend the $12.85 billion provided in the budget for agriculture in fiscal years 2001 and 2002. The question has been on when and how we will spend it.

I wanted to pass an emergency bill with more emergency money than was in the House-passed bill. I was willing to work toward a compromise that met the current needs of our farmers—even if that meant spending a small portion of the fiscal year 2002 funding.

I had asked for Senate action on this supplemental since before the House passed its emergency assistance package on June 26th—more than a month ago. But, time ran out.

The House bill does not fund all the needs of Idaho's farmers and ranchers. It is not a perfect solution, but it is a necessary one. We now have a good start in providing short-term assistance to our producers. I hope we can build on that when we return in September.

We should move quickly to a farm bill. A fair and effective national food policy that recognizes the importance of a safe, abundant, domestic supply of food.

Farmers and ranchers across the country are looking to us to pass legislation that will: provide a safety net to producers, increase the commitment to conservation, bolster our export promotion programs, continue our commitment to agricultural research, and, find innovative ways to address rural development needs.

These are pressing needs. These are important needs, and the chairman of the Senate Agriculture Committee tried to address many of these needs in the economic assistance package. Now that we have allocated the $5.5 billion for fiscal year 2001, I hope that we can now focus our efforts on the farm bill.

I look forward to working in cooperation with the chairman and ranking member of the Agriculture Committee to craft a fair and effective bill as expeditiously as possible.

But, as those of us who worked on the 1996 Farm Bill know, the farm bill alone will not solve all our problems. We must continue to pursue tax reforms, address unfair regulatory burdens, and move toward free and fair trade. Our producers are being handcuffed by unfair foreign competition and barriers to exports, it is time this stopped.

I hope the recent debate on the emergency supplemental has raised awareness of the needs in agriculture. I hope this has prodded us to action on the farm bill. And, I hope we can work together for the needs of not just agricultural producers, but the consumers that benefit from efficient, safe, domestic food production.

Ms. SNOWE. Mr. President, I rise today to express my disappointment that funding in the Committee-passed bill that is important to Maine is no longer a reality. While the emergency agriculture assistance bill the Senate passed today provides $2 million for Maine, including $850,000 for a State grant for specialty crops, gone is the possibility of conferees making any decision to reauthorize or extend the Northeast Interstate Dairy Compact.

Gone is the $5 million for Maine for incentive-based voluntary agriculture conservation programs. Gone is the $270 million for CCC commodity purchases for Northeast specialty crops for the federal nutrition programs, such as wild blueberries, cranberries, and potatoes. Gone is $150 million in Apple Market Loss Assistance, of which $1.6 million would have gone to apple growers in Maine. Gone is the $25 million for disaster payments for the recent devastation from armyworms, some of which would have gone to Maine hay farmers.

Gone is the $20 million for fiscal year 2002 for the Senior Nutrition Program, called Senior Farm Share in Maine. This is a program for low income elderly that allows them to obtain shares with which to purchase locally produced produce throughout the growing season.

Out of a $5.5 billion package passed by the Senate today, the State of Maine will receive approximately $2 million. I am deeply troubled by the unbalanced and unfair emergency agriculture bills Congress continues to pass that almost totally ignore the farmers in my State of Maine and throughout the Northeast. My votes on this emergency agriculture funding bill reflect my true disappointment that once, again, funding for farmers and rural communities in Maine and the Northeast was left out. As we begin to work on the 2002 farm bill, I hope my colleagues are willing to work with the Northeast Senators to rectify this unbalance and this unfairness.

I am also disappointed that the legislation does not include the Dairy Consumers and Producers Protection amendment, which as a free-standing bill is sponsored by 37 of my colleagues from New England and throughout the Mid-Atlantic states and the Southeast.

This legislation reauthorizes the very successful Northeast Interstate Dairy Compact. As my colleagues are, by now, no doubt aware, the Northeast Interstate Dairy Compact will expire on September 30 of this year if it is not reauthorized by Congress.

The compact has unquestionably been of great benefit to preserving our dairy farms, while also assuring consumers a continuous, adequate supply of quality local milk at a stable price . . . saving consumers money overall by helping to stabilize milk prices . . . and generally helping regional economies. In my home State of Maine alone, our 463 dairy farms produce products valued at $100 million, and provide employment for approximately 2,100 Mainers.

The compact grew out of the need to address a fundamental problem in the New England dairy farming community—the loss of family dairy farms, which was largely the result of increased production costs, coupled with price volatility in the milk market. Farm milk prices have fallen more than five percent in real dollars since 1985, and New England dairy farmers have struggled with this decline.

However, 5 years ago, New England dairy farmers were able to stabilize the effects of this decline when Congress passed the Compact as part of the Freedom to Farm Act, and it was implemented by the U.S. Department of Agriculture. Since then, the Northeast Interstate Dairy Compact has provided a reliable safety net for small family farmers throughout New England by helping to maintain a stable price for fresh fluid milk on supermarket shelves.

Now, I know that one of the chief arguments made by detractors is that the compact is harmful to consumers. The facts, however, tell a different story.

For consumers, the compact translates to the addition of a small increment in the price of milk—a recent University of Connecticut study put the cost at 2.5 cents per gallon. Indeed, rather than overcharging New England milk drinkers, the compact has instead resulted in milk prices ranking among the lowest and most stable in the country. And it's no small point that Federal nutrition programs, such as the Women, Infants, and Children Program, or WIC, are held entirely harmless under the Compact. In fact, the advocates of these federal nutrition programs support the compact and serve on its commission.

In return, the compact has paid off with lower, more stable dairy prices in New England that more fairly reflect farmers' costs. As testimony proved at the July 25 Judiciary Committee hearing held by Senator LEAHY of Vermont, the existence of the Northeast Dairy Compact has had a tremendous, positive impact—without threatening or otherwise financially harming any other dairy farmer in the country.

In response to my recent request, the Departments of Agriculture throughout New England sent me data that clearly shows that the compact has slowed the rate of dairy farm reductions in the New England Dairy Compact area. These letters show that in the 3 years prior to the compact's establishment, New England lost 572 dairy farms, compared to 408 farms in the 3 years since its implementation. Even during this period of historic lows in milk prices, 164 fewer farms left the business.

How has this worked? Under the compact, whenever the Federal Government's minimum price falls below that of the Northeast Dairy Commission, which administers the compact, dairy processors are required to pay the difference to farmers. Moreover, the compact has given dairy farmers a measure of confidence in the near term for the price of their milk so they have been willing to reinvest in their operations by upgrading and modernizing facilities, acquiring more efficient equipment, purchasing additional cropland and improving the genetic base of their herds. Without the compact, farmers would have been far more hesitant to do these things—if at all—and their lenders would have been much less willing to meet their capital needs.

And the compact has protected future generations of dairy farmers by helping local milk remain in the region and preventing dependence on a single source of milk—from outside the region—that can lead to higher milk prices through increased transportation costs, as well as increased vulnerability to natural catastrophes.

All this has been accomplished without threatening or otherwise financially harming any other dairy farmer in the country. In fact, more than 97 percent of the fluid milk market in New England is self-contained within the area with strong markets for local milk because of the demand for freshness and high transportation costs to ship milk in from other areas.

In short, the compact provides a fairer value for dairy farmers, and protects a way of life important to New England—a win-win situation for everyone involved, at no cost to the Federal Government. Let me repeat—the costs of operating the compact are borne entirely by the farmers and processors of the compact region, at absolutely no expense to the federal government.

Moreover, the compact provides environmental benefits through preservation of dwindling agricultural land and open spaces that help to combat the growing problem of urban sprawl, particularly near large cities. As a July 29, 2001 Boston Globe editorial pointed out, ''A wide range of environmental organizations back the compact, seeing it as a defense against the sprawl that often occurs when beleaguered farmers sell out to developers.''

The amendment offered by Senator SPECTER of Pennsylvania would have permanently authorized the Northeast Compact, as well as giving approval for states contiguous to the participating New England states to join, in this case, Pennsylvania, New York, New Jersey, Delaware, and Maryland. It would also have granted Congressional approval for a new Southern Dairy Compact, comprised of 14 states—Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

Why did the amendment include all of these States—half the country? The answer is that dairy compacting is really a States rights issue more than anything else, as the only action the Senate needs to take is to give its congressional consent under the Compact Clause of the U.S. Constitution, Article I, section 10, clause 3, to allow the 25 states to proceed with their two independent compacts.

Consider 24 other States with Maine's and you have a reflection of all of the Northeast and Southern Compact legislators—and all of their Governors—who have requested nothing more than congressional approval to ''compact''.

All of the legislatures in these 25 States, including Maine, have ratified legislation that allows their individual States to join a Compact, and the governor of every State has signed a compact bill into law. Half of the States in this country await our congressional approval to address farm insecurity by stabilizing the price of fresh fluid milk on grocery shelves and to protect consumers against volatile price swings.

Altogether, these 25 States make up about 28 percent of the Nation's fluid milk market—New England production is only about three and a half percent of this. This is somewhat comparable to two States of Minnesota and Wisconsin which together make up to 24 percent of the fluid milk market. California makes up another 20 percent.

Detractors have also claimed that compacts encourage the over-production of milk, but again, the facts say otherwise. In the nearly four years that the compact has been in effect, milk production in the Compact region has risen by just 2.2 percent or 100 million pounds of milk. In Wisconsin alone, milk production increased by almost 900 million pounds, or 4 percent. Nationally during this identical period, milk production rose 7.4 percent.

And finally, those who oppose this compact assert that it discourages trade between compact and non-compact states. To the contrary, dairy compacts require farmers from inside and outside the compact region to receive the compact price. An OMB study found that trade in milk in the compact region actually increased by 8 percent 1 year after the compact was implemented—further, 30 percent of milk sold in the compact region was produced outside the compact region in the State of New York.

As we work on the fiscal year 2002 Agriculture appropriations, and the 2002 farm bill, I hope that my colleagues realize that should the Compact Commission be shut down even temporarily while Congress grapples with its extension, it cannot magically be brought back to life again. It would take many months if not a year to restore the successful process that is now in place. I do not want to gamble with this process in such as manner that endangers the livelihoods of the dairy farmers of Maine.

During debate on this bill, according to the chairman of the Senate Agriculture Committee, Mr. HARKIN, the compact amendment offered was not germaine to this particular bill. According to the Senator from Wisconsin, Mr. KOHL, an extensive debate is needed on the compact reauthorization. Since the farm bill is an appropriate vehicle for this debate, I would hope these Senators will work with me to extend the Northeast Compact until such time as the 2002 Farm bill is completed.

The bottom line is, the Northeast Interstate Dairy Compact has provided the very safety net that we had hoped for when the compact passed as part of the omnibus farm bill of 1996. Mr. President, the Dairy Compact has helped farmers maintain a stable price for fluid milk during times of volatile swings in farm milk prices . . . the consumers in the Northeast Compact area, and now in the Mid-Atlantic area and the Southeast area, have shown their willingness to pay a few pennies more for their milk, none of it at government expense, if the additional money is going directly to the dairy farmer and environmental organizations have supported dairy compacting as a means to help to preserve dwindling agricultural land and open spaces.

I urge my colleague not to look success in the face and turn the other way, but to support us for a vote on the compacts that half of our states support.

Mr. President I ask unanimous consent that the following material be printed in the RECORD.

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

STATE OF MAINE, DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES,

Augusta, Maine, July 3, 2001.

Senator OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: We have worked closely on the reauthorization of the Northeast Dairy Compact. I am grateful for your

efforts and I know Maine's dairy farmers are as well. I understand that the issue of reauthorization is coming to the top of the Congressional agenda. I want to reiterate how critical the Compact is to dairy farmers in Maine and the region, and to provide you with the latest facts.

There are 463 dairy farms comprising 220,000 acres in Maine. These herds, which total about 42,000 animals, produce milk valued at more than $100 million annually. Those farms directly employ 1,389 people. There are 1,486 indirect jobs attributable to the dairy industry.

Maintaining the number of dairy farms, not just the number of cows, is important to Maine. Dairy farms are an important and in some cases, the only contributor to small town economies. The contribution is vital to maintaining an economically viable rural environment.

The Compact was designed to assure the continued viability of dairy farming in the Northeast and to assure an adequate, local supply of milk. The Compact has met both goals.

More than $139.4 million has been distributed through December 31, 2000, to dairy farmers in the region since the Compact's inception, of that $13.7 million has gone to Maine dairy farmers. In the five years leading up to the Compact the number of dairy farms in Maine dropped to 514 from 614, a 16 percent decrease. In the five years since the Compact the loss was only 9 percent, from 514 to 463.

At the same time, WIC programs in the region have received $4 million and the school lunch programs across the Northeast have received $700,000. These payments are made under the Compact to hold harmless those who need milk most.

The Compact creates milk-price stability and farmers receive a fair price. By maintaining the viability of dairy farming, it creates economic stability in rural New England. The money from milk checks is spent at local feed stores, equipment dealers and deposited at local banks. By helping to keep families on working farms, the Compact preserves farmland. The people of Maine when asked about public policy have consistently ranked the conservation of open space as a high priority.

The benefits of the Compact, and the balances it creates, are all provided with no tax dollars. I proudly support the reauthorization of the Northeast Dairy Compact and strongly encourage your continued support.

Sincerely,

ROBERT W. SPEAR,
Commissioner, Department of Agriculture.

NEW HAMPSHIRE, DEPARTMENT OF AGRICULTURE, MARKETS & FOOD,
June 27, 2001.

Senator OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC 20510.

DEAR SENATOR SNOWE: You have asked for comment on the impact of the Northeast Interstate Dairy Compact on the stability of the dairy industry in New Hampshire.

Since the Compact's inception in July 1997, the number of farms producing milk for the commercial market in this state has declined from 187 to 176. Several of these farms have exited because of death of the operator; the land of these farms in most cases is being operated by a neighboring farmer.

But focusing solely on change in the numbers of farms may be a mistake, for we have seen a period of stability in production come during the time the Compact has been in effect. With a measure of confidence in the near term price of milk our farmers have been willing to reinvest in their operations by upgrading and modernizing facilities, acquiring more efficient equipment, purchasing additional cropland and improving the genetic base of their herds.

Without the Compact's role in milk pricing during periods when Federal Order prices were at rock-bottom lows our farmers would not have had the courage to modernize and improve their operations and their lenders would not have had the willingness to meet their capital needs. If there had been no Compact, I would expect that by now we would be down to 130 or even fewer farms.

The investments made in our dairy enterprises as a consequence of the stability brought by the Compact serve our New England consumers by helping to assure reliable sources of fresh milk at reasonable cost.

Sincerely,

STEPHEN H. TAYLOR,
Commissioner.

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
Providence, RI, July 2, 2001.

Senator OLYMPIA J. SNOWE,
Russell Senate Building,
Washington, DC.

DEAR SENATOR SNOWE: I am responding to your recent letter requesting information regarding the positive effects of the Northeast Dairy Compact on protecting and maintaining dairy farms.

Rhode Island has a healthy, though limited dairy industry, and is considered a consumer state. While the number of dairy farms in Rhode Island is small in comparison to other Compact states, their viability is important to our agricultural economy, and they additionally have important benefits for open space protection, wildlife habitat etc.

In terms of pure numbers, there are currently 23 active dairy farms in Rhode Island, down from 32 at the initiation of the Compact in 1997. In 1983 there were 123 dairy farms, which reveals that 6.5 farms were lost per year on average prior to the Compact, and that rate has declined to 2.3 farms lost per year since inception of the Compact.

It was not anticipated or expected that the Dairy Compact would end the loss of dairy farms. Significant other factors contribute to farm losses (in general) which put pressure on the viability of the farm (ie. death of the operator, tax and estate issues, development pressure, loss of tillable land etc).

What the Dairy Compact has clearly done, from our perspective and the specific testimony of Rhode Island dairy farmers, is to improve the business climate of the farm, enabling farmers to better withstand pressures which before often brought about the downfall of the farm. This is evidenced by the decline in farm losses after initiation of the Compact. It is our observation that the dairy farms which remain are more viable, more stable, and a better business risk for lenders, which has allowed operations to modernize and other improvements to occur which improve the farm's chances for survival in coming years.

I hope this information and perspective is useful. Please contact me if I can further assist.

Sincerely,

KENNETH D. AYARS,
Chief, RIDEM/Division of Agriculture.

CONNECTICUT DEPARTMENT OF AGRICULTURE, OFFICE OF THE COMMISSIONER,
June 22, 2001.

Senator OLYMPIA J. SNOWE,
Russel Senate Building, Washington, DC.

DEAR SENATOR SNOWE: The people of Connecticut have been consistently supportive of the Northeast Dairy Compact.

Connecticut is a state of 3,000,000 persons and about 3,000,000 acres. It is a state with a great deal of diversity, with an economy that has evolved from one that was agriculture based to an industrial society and today is on the way to becoming a high tech Mecca. Yet dairy farms remain an integral part of the state's quality of life.

Why do Connecticut citizens support the Compact?

Because 70% of the working landscape in the state is utilized by dairy farmers;

Because of the state's 225 dairy farms, 60% open their farms to the public to tour the farm, visit a pumpkin patch, milk a cow, pet a calf, enjoy a hayride, go through a corn maze, or just take a quiet walk in a meadow to observe wildlife;

Because dairy farms have become important school systems that use in class and on farm visits to bring real-life, hands-on experience to the science and math curriculum;

Because of the $60 million farmers received from the Compact three percent went to support WIC programs and one percent to reimburse school lunch programs;

Because during the five years since the Compact has been in place, the attrition of dairy farms dropped (64 in the five years prior, 47 in the five years after); and

Because in the Dairy Compact area, consumers have enjoyed some of the lowest retail milk prices in the country.

I support the Northeast Dairy Compact because a stable milk price is as beneficial to our state's consumers as it is to our processors, retailers and farmers.

Thank for your support of this important, groundbreaking legislation!

Sincerely yours,

SHIRLEY FERRIS.

STATE OF MAINE—JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE NORTHEAST INTERSTATE DAIRY COMPACT

Whereas, Maine has nearly 500 dairy farms annually producing milk valued at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

Whereas, a University of Connecticut study, done while the Northeast Interstate Dairy Compact has been in existence, concluded that from July 1997 to July 2000, the price of milk to the consumer increased 29c of which 4 1/2c went to the farmer; and

Whereas, Maine is a member of the Northeast Interstate Dairy Compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of September 2001 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to assure consumers of an adequate, local supply of pure and wholesome milk and also helps support the Women, Infants and Children program, commonly known as ''WIC''; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers by not diminishing the farmer's share; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

ORDER OF PROCEDURE

Mr. DASCHLE. I also ask unanimous consent that the following Senators be recognized: Senator HARKIN for 20 minutes; Senator CLINTON for 10 minutes, Senator SCHUMER for 10 minutes, Senator LINCOLN for 5 minutes, Senator DORGAN for 15 minutes, and Senator DAYTON for 5 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President—and I do not intend to object—I think the Senators who wish to be heard on this issue should have an opportunity. I did want to see if the ranking member on this side might have some request at this time with regard to the timing of the speeches or indications of how votes might occur. I withdraw my reservation and yield the floor to Senator LUGAR.

The PRESIDENT pro tempore. The Senator cannot yield the floor.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I would like the RECORD to reflect that Senators SESSIONS, COLLINS, GORDON SMITH, and TIM HUTCHINSON voted ''yes'' on the unanimous consent request as granted by the Chair.

The PRESIDENT pro tempore. Very well.

Mr. LUGAR. Mr. President, I inquire if Members on our side wish time. There are requests: From Senator ROBERTS for 10 minutes, 5 minutes for Senator CRAIG, and I reserve 15 minutes for myself.

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

Mr. LUGAR. I thank the Chair.

Mr. DASCHLE. Mr. President, I ask that the Senators alternate, Republican and Democrat, as we acknowledge those who have requested time.

The PRESIDENT pro tempore. Is there objection?

There is no objection.

Mr. DASCHLE. I yield the floor.

The PRESIDENT pro tempore. The minority leader.

Mr. LUGAR. Mr. President, before the distinguished majority leader leaves the floor, I inquire, then, about any plans for further votes to occur today or this afternoon.

Mr. DASCHLE. Mr. President, I failed to add to the list Senator LEAHY. I ask 5 minutes for Senator LEAHY.

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

Mr. DASCHLE. Mr. President, with this unanimous consent request, there will be no more rollcall votes today. I thank all Senators for their cooperation.

Mr. LOTT. Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER (Mr. DAYTON). The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand under the unanimous consent request I am recognized for up to 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

EMERGENCY AGRICULTURAL ASSISTANCE

Mr. HARKIN. Mr. President, here is the situation, just for the benefit of all who are watching and wondering what happened. Basically what has happened is that the Senate just took up the House-passed Agriculture emergency bill and passed it, and therefore it will be sent to the President for his signature. I also point out we still have pending in the Senate the bill that was passed by our committee and there has been entered a motion to reconsider that has been placed by our leader, by Senator DASCHLE of South Dakota. So at some point when we come back it is entirely within the realm of feasibility or possibility that this Senate might want to revisit that Senate bill because it is clear that the House bill is totally inadequate to meet the needs of our farmers across the country.

I am proud of our committee and the work it did. Keep in mind that our committee was not reconstituted or able to do business until June 29, because the Senate organizing resolution was held up until then. And we did not have our full membership until July 10. But our committee worked diligently to look at the entire spectrum of farm families across America to try to determine what was needed to keep these farm families in business, keep their heads above water for yet another year until we can get a farm bill passed. The bill we reported out met the needs of farmers across America. Yet the White House said no.

I again point out that our committee voted the Senate bill out on a bipartisan vote. The Senate voted, again on a bipartisan vote, in favor of our bill and the provisions we had in our bill. But the White House said no.

Now we are at the point, because the House has left, they went home, and because we need to get this money out, that a gun is held at our heads by the White House and by OMB. They are saying if we do not pass the House bill, or if we pass something more adequate to the need in rural America we may lose even the $5.5 billion the House provided. So the gun was held at our heads and the White House refused to compromise.

Yesterday I spoke several times with the head of the Office of Management and Budget, Mr. Daniels, I spoke with the President's chief of staff, and I spoke with the Secretary of Agriculture to see if they would at least meet with us to see if there could be some compromise worked out. I said to the President's chief of staff last night: I respectfully request a meeting with the President at least to lay out our case on why the House bill was inadequate. That meeting was denied. So the President decided he would accept only $5.5 billion, which is only about three-fourths of what Congress passed in a similar bill last year.

I had a long visit with the head of OMB on the phone last night to try to determine why they picked that number. He said: Well, it looked as if farm income was a little bit better this year.

I said: Compared to what? We have had extremely low commodity prices, in some cases at about 30-year lows. Now, because livestock receipts were up a little bit the ag picture looks a little bit better than it did last year, but we are still in the basement. However, the money in this bill mainly goes to crop farmers, and they are the ones who are hurting the most. They are not only as bad off as last year, but they are probably worse off than last year because the prices are still low and all of their production costs have gone up—fertilizer, fuel, everything. Yet somehow the bean counters down at OMB have said no, the House bill is sufficient.

I will resubmit for the RECORD at this time letters or statements from just about all of the main farm organizations: The American Farm Bureau, National Association of Wheat Growers, the National Corn Growers Association, the American Soybean Association, the National Barley Growers Association and others—all saying that the House bill is inadequate. I ask unanimous consent they be printed in the RECORD.

[From the Voice of Agriculture, Monday July 30, 2001]

FARM BUREAU DISAPPOINTED IN HOUSE FUNDING FOR FARMERS

WASHINGTON, DC., June 21, 2001—The House Agriculture Committee's decision to provide only $5.5 billion in a farm relief package ''is disheartening and will not provide sufficient assistance needed by many farm and ranch families,'' said American Farm Bureau Federation President Bob Stallman.

''We believe needs exceed $7 billion,'' Stallman said. ''The fact is agricultural commodity prices have not strengthened since last year when Congress saw fit to provide significantly more aid.''

Stallman said securing additional funding will be a high priority for Farm Bureau. He said the organization will now turn its attention to the Senate and then the House-Senate conference committee that will decide the fate of much-needed farm relief.

''Four years of low prices has put a lot of pressure on farmers. We need assistance to keep this sector viable,'' the farm leader said.

''We've been told net farm income is rising but a closer examination shows that is largely due to higher livestock prices, not most of American agriculture,'' Stallman said.

''And, costs are rising for all farmers and ranchers due to problems in the energy industry that are reflected in increased costs

for fuel and fertilizer. Farmers and ranchers who produce grain, oilseeds, cotton, fruits and vegetables need help and that assistance is needed soon.''

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, DC, July 11, 2001.

Hon. TOM HARKIN,
Chairman, Senate Agriculture Committee, Russell Senate Officer Building, Washington, DC.

DEAR CHAIRMAN HARKIN: As President of the National Association of Wheat (NAWG), and on behalf of wheat producers across the nation, I urge the Committee to draft a 2001 agriculture economic assistance package that provides wheat producers with a market loss payment equal to the 1999 Production Flexibility Contract (AMTA) payment rate.

NAWG understands Congress is facing difficult budget decisions. We too are experiencing tight budgets in wheat country. While wheat prices hover around the loan rate, PFC payments this year have declined from $0.59 to $0.47. At the same time, input costs have escalated. Fuel and oil expenses are up 53 percent from 1999, and fertilizer costs have risen 33 percent this year alone.

Given these circumstances, NAWG's first priorty for the 2001 crop year is securing a market loss payment at the 1999 PFC rate. We believe a supplemental payment at $0.64 for wheat—the same level provided in both 1999 and 2000—is warranted and necessary to provide sufficient income support to the wheat industry.

NAWG has a history of supporting fiscal discipline and respects efforts to preserve the integrity of the $73.5 billion in FY02–FY11 farm program dollars. However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate.

Thank you for your leadership and support.

Sincerely,

DUSTY TALLMAN,
President, National Association of Wheat Growers.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, July 23, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN: We write to urge you to take immediate action on the $5.5 billion in funding for agricultural economic assistance authorized in the FY01 budget resolution.

The fiscal year 2001 budget resolution authorized $5.5 billion in economic assistance for those suffering through low commodity prices in agriculture. However, these funds must be dispersed by the US Department of Agriculture by September 30, 2001. We are very concerned that any further delay by Congress concerning these funds will severely hamper USDA's efforts to release funds and will, in turn, be detrimental to producers anxiously awaiting this relief.

We feel strongly that the Committee should disperse these limited funds in a similar manner to the FY00 economic assistance package—addressing the needs of the eight major crops—corn, wheat, barley, oats, oilseeds, sorghum, rice and cotton. It is these growers who have suffered greatly from the last two years of escalating fuel and other input costs. The expectation of these program crop farmers is certainly for a continuation of the supplemental, AMTA at the 1999 level.

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops. We feel strongly that Congress should support the growers getting hit hardest by increasing input costs.

Sincerely,

LEE KLEIN,
President, National Corn Growers Association.

NATIONAL FARMERS UNION,
Aurora, CO, July 25, 2001.

FARMERS UNION COMMENDS SENATE ON EMERGENCY ASSISTANCE PACKAGE

WASHINGTON, D.C. (July 25, 2001).—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers. The bill provides supplemental income assistance to feed grains, wheat, rice and cotton producers as well as specialty crop producers. The Senate measure provides the needed assistance at the same levels as last year and is $2 billion more than what is provided in a House version of the measure. NFU urges expeditious passage by the full Senate and resolution in the House/Senate conference committee that adopts the much needed funding at the Senate level.

''We commend Chairman Tom Harkin for his leadership in crafting this assistance package,'' said Leland Swenson, president of NFU. ''We are pleased that members of the committee have chosen to provide funding that is comparable to what many farmers requested at the start of this process. This level of funding recognizes the needs that exist in rural America at a time when farmers face continued low commodity prices for row and specialty crops while input costs for fuel, fertilizer and energy have risen rapidly over the past year.''

The Senate Agriculture Committee approved the Emergency Agriculture Assistance Act of 2001 that provides $7.4 billion in emergency assistance to a broad range of agriculture producers and funds conservation programs. It also provides loans and grants to encourage value-added products, compensation for damage to flooded lands and support for bio-energy-based initiatives. The funding level is the same as what was provided last year and is comparable to what NFU had requested in order to meet today's needs for farmers and ranchers. The House proposal provides $5.5 billion.

''We now urge the full Senate to quickly pass this much-needed assistance package,'' Swenson added. ''It is vital that the House/Senate conference committee fund this measure at the Senate level. As we meet the challenge of crafting a new agriculture policy for the future, today's needs for assistance are still great. We hope for swift action to help America's farmers and ranchers.''

NATIONAL BARLEY GROWERS ASSOCIATION (NBGA)—POSITION STATEMENT

INCOME AND MARKET LOSS ASSISTANCE FOR THE 2001 CROP

The Fiscal Year (FY) 2002 budget resolution provides $5.5 billion in additional agricultural assistance for crop year 2001 and an increase of $73.5 billion in the agriculture budget baseline through 2011. The budget resolution also provided flexibility in the use of a total of $79 billion. Because agricultural prices are not improving and production costs continue to escalate, NBGA believes it will be difficult to fully address the chronically ailing agriculture economy if Congress provides no more than $5.5 billion in assistance.

Although projections show a rise in farm income, this is largely due to the fact that analysis project livestock cash receipts to rise from $98.8 billion in 2000 to $106.6 billion in 2001. At the same time, cash receipts from crop sales are up less than $1 billion.

Further, producers continue to face historic low prices and income as well as increased input costs. In 2000, farm expenditures for fuel and oil, electricity, fertilizer and crop protection chemicals are estimated to increase farmers' cost $2.9 billion. This year, USDA estimates those expenses will rise an additional $2 billion to $3 billion while farm income continues to decrease. These issues affect every sector of agriculture.

We urge Congress to mandate that the Secretary of Agriculture make emergency economic assistance for the 2001 crops in the form of a market loss assistance payment at the 1999 Production Flexibility Contract (PFC, or AMTA) payment rate as soon as practicable prior to the end of FY01.

We beleive this additional assistance will help address the serious economic conditions in the farm sector and does not jeopardize the House and Senate Agriculture Committees' ability to develop effective new long-term farm policy in the near future.

AMERICAN FARM BUREAU FEDERATION,
Park Ridge, IL, July 31, 2001.

Hon. TOM HARKIN,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: The American Farm Bureau Federation supports at least $5.5 billion in supplemental Agricultural Market Transition Act payments and $500 million in market loss assistance payments for oilseeds as part of the emergency spending package for crop year 2001. We also believe it is imperative to offer assistance to peanut, fruit and vegetable producers. In addition, it is crucial to extend the dairy price support in this bill since the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs. These challenges have had a singificant effect on the incomes of U.S. producers. At the same time, projections of improvement for the near future are not very optimistic. We appreciate your leadership in providing assistance to address the low-income situation that U.S. producers are currently facing.

We thank you for your leadership and look forward to working with you to provide assistance for agricultural producers.

Sincerely,

BOB STALLMAN,
President.

JULY 31, 2001.

Hon. TOM HARKIN,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned oilseed producer organizations strongly support the Committee's efforts to complete consideration of legislation to provide Economic Loss Assistance to producers of 2001 crops prior to the August Congressional work period. As you know, funds available for this purpose in FY–2001 must be expended before the end of the Fiscal Year on September 30, 2001. This deadline requires that Congress complete action this week, so that the Farm Service Agency can process payments after enactment.

As part of the Economic Loss Assistance package, we support continuing the level of support for oilseeds provided in last year's plan of $500 million. Prices for oilseeds are at or below levels experienced for the 2000 crop. Farmers and their lenders expect Congress to maintain oilseed payments at last year's levels.

For this reason, we support making funds available for oilseed payments from the $7.35 billion provided in the Budget Resolution for FY–2002. This is the same approach used for 2000 crop oilseeds, when $500 million in FY–2001 funds were made available. We only ask that oilseed producers receive the same support, and in the same manner, provided last year.

Thank you very much for your efforts to provide fair and equitable treatment for oilseed producers in this time of severe economic hardship.

Sincerely yours.

BART RUTH,
President, American Soybean Assn.
LLOYD KLEIN,
President, National Sunflower Assn.
STEVE DAHL,
President, U.S. Canola Assn.

NATIONAL WILDLIFE FEDERATION,
Reston, VA, July 27, 2001.

Senator TOM HARKIN,
U.S. Senate, Chairman, Senate Agriculture Committee, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Wildlife Federation (NWF) and its more than 4 million members and supporters nationwide, I would like to thank for your strong leadership in providing significant funding for conservation programs within the Emergency Agricultural Aid Package passed by the Senate Agriculture Committee earlier this week.

For too many years, conservation programs have been overlooked as viable and sustainable solutions to the emergency needs of agricultural producers suffering from the results of flooding and drought. As you are aware, programs such as the Wetlands Reserve Program and Floodplain Easement Program put needed funds into the hands of farmers at the same time that they take disaster-prone land out of production, reducing the need for future disaster assistance. Thanks to your efforts, such programs will be considered as components of agricultural disaster assistance this year. We look forward to working with you to ensure that this funding is retained during floor consideration of the bill and in conference with the House.

Once again, we thank you for your work in support of conservation programs.

Sincerely,

MARK VAN PUTTEN,
President & CEO.

THE AMERICAN DIETETIC ASSOCIATION,
Chicago, July 31, 2001.

Hon. TOM HARKIN,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Building, Washington, DC.

Attn: Karil Bialostosky.

DEAR MR. CHAIRMAN: ADA is writing to go on record in support of several nutrition provisions proposed in the Emergency Agricultural Assistance Act of 2001 (S. 1246). These provisions move programs in the right direction by increasing consumer access to healthful foods. The American Dietetic Association promotes optimal nutrition and well being for all people by advocating for its members—70,000 nutrition professionals who are the leading providers of food and nutrition services in the United States.

All consumers in the United States should have access to a wide variety of safe, affordable and nutritious foods. ADA urges Congress to support agriculture policy and fund programs that help Americans follow a diet consistent with the U.S. Dietary Guidelines for Americans. The Commodity Purchases provision (Title I, Section 108) and Sections 301, 302, 303 and 304 of the Nutrition Title (Title III) move toward that goal.

Sincerely,

KATHERINE J. GORTON,
Director,
National Nutrition Policy.

Mr. HARKIN. I ask again, Mr. President, who knows better what the farmers of America need, OMB and the bean counters or the National Corn Growers Association? Who knows better what our farmers need, the people down at the White House running around those corridors down there or the American Soybean Association and our soybean farmers? Who knows better about what our farmers need, the people down at OMB who say we only need three-fourths of what we had last year or the farmers of America, through their representatives here, who have said time and time again the House bill is inadequate?

To show you how bad it really is, here is a letter dated today to me from the American Soybean Association, the National Corn Growers Association, the National Association of Wheat Growers, and the National Cotton Council, sent to me in my capacity as chairman of the Senate Agriculture Committee.

It says:

The undersigned organizations are concerned that despite your best efforts to develop an emergency assistance package, the Senate's efforts to respond to the severe economic crisis facing agriculture will be unsuccessful unless emergency agricultural legislation is enacted prior to the August recess. With the House of Representatives already in recess, the only course available to the Senate to ensure that farmers receive $5.5 billion of funds earmarked for 2001 is to pass H.R. 2213 as passed by the House.

I ask unanimous consent that the letter be printed in the RECORD.

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

AUGUST 3, 2001.

Re Emergency Assistance for Agriculture.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The undersigned organizations are concerned that despite your best efforts to develop an emergency assistance package, the Senate's efforts to respond to the severe economic crisis facing agriculture will be unsuccessful unless emergency agricultural legislation is enacted prior to the August recess. With the House of Representatives already in recess, the only course available to the Senate to ensure that farmers receive $5.5 billion of funds earmarked for 2001 is to pass H.R. 2213 as passed by the House.

In order to avoid the very real possibility these budgeted funds will be lost, we urge the Senate to take the necessary action and pass H.R. 2213 without amendment and send the bill to the President. Without timely action, we face the prospect of missing the budget-imposed September 30 deadline and forfeiting this crucial financial aid.

With prices of many commodities even lower than 2000, with increased costs for fuel and other inputs, and with severe weather in some regions, U.S. farmers need this assistance package more than ever. It is imperative that Congress complete its work right away.

Thank you for your consideration of our request.

Sincerely,
American Soybean Association.
National Corn Growers Association.
National Association of Wheat Growers.
National Cotton Council.

Mr. HARKIN. Mr. President, again, I want you to know how proud I am to have stood side by side with the American Soybean Association, the National Corn Growers Association, the National Association Of Wheat Growers, and the National Cotton Council. We have fought side by side to respond to the dire needs of our farmers in America.

But, as this letter shows, we have a gun held to our heads. If we don't pass that House bill today, we risk losing even that amount of money.

We have this confrontation. I had hoped that the President would be willing to meet with us to seek some reasonable compromise. After all, this President came to town saying he wanted to be a conciliator. He wanted to work together in a bipartisan fashion to seek compromise. We want to seek compromise. The House passed $5.5 billion. We passed $7.5 billion. We were willing to meet and discuss and work out some compromise. The White House was unwilling to meet and unwilling to compromise.

I have heard time after time speeches on the other side of the Senate. I have heard from my Republican friends saying how bad it is in agriculture and how much we need this assistance. But, obviously, the President has said no.

In my conversations with the head of OMB last night, I kept saying: Why? For what reason is it $5.5 billion or nothing? He said that is our number—5.5. It was almost like a mantra. He said: It is 5.5, and we are not going to budge from it.

It is one thing to have a strong position, but it is another thing to have a position in which you have taken a strong stand that does not correlate with the facts. The facts are that farmers and rural America need a lot more help than what this House bill provides.

Again, I point out what the difference between the House-passed bill and the Senate bill means for our farmers around America. These are the payments that would go out to farmers in a number of States in this country.

In this column, we see what the Senate bill would provide. We see in this column the House bill. The comparisons are just on the commodity title, but do not include the specialty crop purchases or House bill specialty crop payments to states. This is how much each State will lose because the President refused to compromise.

Washington State will lose $103 million for their farmers. That is the difference between what the Senate bill had and what the House bill had. Washington State farmers will get $75 million from the House bill. We had $178

million in our bill for Washington State farmers. Washington farmers are going to be hurt and hurt badly. So will their community banks; so will the auto dealers; so will the hardware stores; the feed stores; and, everyone else in those small towns all over the State of Washington.

In Iowa, in my home State, farmers will lose $91.47 million because the President said no, again just on the commodity title and not counting conservation, for example.

In Minnesota, they will lose $82.7 million; Texas, $82.4 million. In the President's home State, farmers are going to lose $82.42 million.

In Illinois, they will lose $81.6 million. In Nebraska, they will lose $65.2 million; Kansas will lose $61.7 million for their farmers; North Dakota, $60.7 million; California, $52.5 million; Arkansas will lose $43.9 million for their farmers; Indiana will lose $40.12 million; Louisiana, $32 million; South Dakota, $32 million; Missouri, $31 million; Michigan, $31 million; Ohio, $29 million; Montana, $24 million; Wisconsin, $24 million; Idaho, $23.9 million; Oklahoma, $22.8 million; Mississippi, $22 million.

That is what the House bill is going to cost the farmers in those States because the President said no. The President is determined that the House bill was sufficient to take care of the farmers in those States.

Time and time again I see the President visiting farms. How many farms is he going to have to visit before he gets the picture and before he understands what is happening in rural America?

I ask unanimous consent to have printed in the RECORD a letter of March 13 sent to the Honorable PETE DOMENICI, chairman —at that time—of the Budget Committee. It was signed by 21 Members of the Senate asking that the 2001 Agriculture Market Transition Act payment be the same as it was last year. The letter went on to say how bad things are in rural America with high production costs, fuel, fertilizer, and interest rates with projections that farm income will not improve in the near future. It says:

> We believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was provided for the 2000 crop.

I ask unanimous consent that this letter and the accompanying signatures be printed in the CONGRESSIONAL RECORD.

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

WASHINGTON, DC,
March 13, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR PETE: We are writing to request your assistance in including appropriate language in the FY02 budget resolution so that emergency economic loss assistance can be made available for 2001 and 2002 or until a replacement for the 1996 Farm Bill can be enacted. Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop. We understand it is unusual to ask that funds to be made available in the current fiscal year be provided in a budget resolution covering the next fiscal year, but the financial stress in U.S. agriculture is extraordinary.

According to USDA and other prominent agriculture economists, the U.S. agricultural economy continues to face persistent low prices and depressed farm income. According to testimony presented by USDA on February 14, 2001, ''a strong rebound in farm prices and income from the market place for major crops appears unlikely . . . assuming no supplemental assistance, net cash farm income in 2001 is projected to be the lowest level since 1994 and about $4 billion below the average of the 1990's.'' The USDA statement also said . . . ''(a) national farm financial crisis has not occurred in large part due to record government payments and greater off-farm income.''

In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates. According to USDA, ''increases in petroleum prices and interest rates along with higher prices for other inputs, including hired labor increased farmers' production expenses by 4 percent or $7.6 billion in 2000, and for 2001 cash production expenses are forecast to increase further. At the same time, major crop prices for the 2000–01 season are expected to register only modest improvement from last year's 15–25 year lows, reflecting another year of large global production of major crops and ample stocks.''

During the last 3 years, Congress has provided significant levels of emergency economic assistance through so-called Market Loss Assistance payments and disaster assistance for weather related losses. During the last three years, the Commodity Credit Corporation has provided about $72 billion in economic and weather related loss assistance and conservation payments. The Congressional Budget Office and USDA project that expenditures for 2001 will be $14–17 billion without additional market or weather loss assistance. With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was provided for the 2000 crop.

Congress has begun to evaluate replacement farm policy. In order to provide effective, predictable financial support which also allows farmers and ranchers to be competitive, sufficient funding will be needed to allow the Agriculture Committee to ultimately develop a comprehensive package covering major commodities in addition to livestock and specialty crops, rural development, trade, and conservation initiatives. Until new legislation can be enacted, it is essential that Congress provide emergency economic assistance necessary to alleviate the current financial crisis.

We realize these recommendations add significantly to projected outlays for farm programs. Our farmers and ranchers clearly prefer receiving their income from the market. However, while they strive to further reduce costs and expand markets, federal assistance will be necessary until conditions improve.

We appreciate your consideration of our views.

Sincerely,

Thad Conchran, John Breaux, Tim Hutchinson, Mary Landrieu, Kit Bond, Blanche Lincoln, Jim Bunning, Mitch McConnell, Max Cleland, Jeff Sessions, Richard Shelby, Jesse Helms, Larry Craig, James Inhofe, Strom Thurmond, Zell Miller, Craig Thomas, Chuck Hagel, Peter Fitzgerald, Bill Frist, Kay Bailey Hutchison.

Mr. HARKIN. Mr. President, nothing has changed. I can only assume my friends on the other side of the aisle would like to have had more money for our farmers. They would like to have had the Senate-passed bill to provide 100 percent of AMTA because this is what they asked for. That is what we put in the Senate bill. But, obviously, the President said no. The President said no; farmers had enough.

I also point out what else was in our bill in terms of conservation. Our bill provided funding for a number of USDA conservation programs. The Wetlands Reserve Program, the Wildlife Habitat Incentives Program, and Farmland Protection Program are all in jeopardy because the House bill has zero dollars for conservation.

Let me show you what it is in terms of all of the funding for these programs.

Here is the Wetlands Reserve Program. Right now the total backlog is about $568 million. In our bill, we had $200 million for the Wetlands Reserve Program to cut that in half. Here are the top 10 States that need funding for the Wetlands Reserve Program.

I see my friend and colleague from Arkansas, a distinguished member of our committee, here in the Chamber. Arkansas has $89 million in backlog for the Wetlands Reserve Program. These are all eligible enrollments. But we don't have the money for it. At least our bill would have cut that almost in half.

Iowa, my State, $81.9 million; California, $78.9 million; Louisiana, $69 million; Mississippi, $18 million. All of these States have backlogs for the Wetlands Reserve Program. The House provides zero dollars. That puts the Wetlands Reserve Program in jeopardy.

We have the Farmland Protection Program to help buy easements to keep our farmland in farmland rather than in urban sprawl. The total U.S. backlog is $255 million. We had $40 million in our bill, which coupled with money from the States, local governments and non-profit organizations would have helped a lot to save farmland. The House bill had zero dollars for that.

Under the Wildlife Habitat Incentives Program, the backlog is $14 million. We had $7 million in our bill, again to cut that backlog in half.

Here are all the States with all of the backlogs that we could have helped in the Wildlife Habitat Incentives Program.

Lastly, Environmental Quality Incentives Program, with a backlog of $1.3 billion. We had $250 million in our bill to reduce that down.

Mr. President, I ask unanimous consent to have printed in the RECORD four charts showing the backlogs in USDA conservation programs for a number of States.

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

Wetlands Reserve Program

[Total U.S. Backlog = $568,772,170]

TOP 10 STATES

Arkansas	$89,102,486
Iowa	81,965,541
California	78,988,416
Louisiana	69,656,427
Missouri	41,111,255
Florida	27,539,000
Minnesota	25,017,968
Illinois	24,986,434
Michigan	20,500,000
Mississippi	18,173,136

Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

Farmland Protection Program

[Total U.S. Backlog = $255,677,581]

TOP 10 STATES

California	$47,692,183
New York	33,760,639
Maryland	29,531,511
Florida	18,799,852
Pennsylvania	15,908,572
Delaware	12,926,040
Kentucky	12,290,000
Michigan	11,579,235
New Jersey	10,692,132
Massachusetts	10,465,820

Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

Wildlife Habitat Incentives Program

[Total U.S. Backlog = $14,447,989]

TOP 10 STATES

Oregon	$1,129,115
Texas	1,100,000
Florida	1,040,000
West Virginia	1,030,472
Arkansas	920,000
Colorado	770,000
Maine	650,000
Michigan	613,434
Alabama	548,000
South Dakota	529,395

Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

Environmental Quality Incentives Program

[Total U.S. Backlog = $1,378,348,711]

TOP 10 STATES

Texas	$175,615,986
Oklahoma	60,684,644
Georgia	55,908,744
Arkansas	53,263,407
Kansas	49,142,061
Montana	46,421,056
Kentucky	44,107,218
Nebraska	42,912,850
Tennessee	40,772,836
Virginia	39,795,591

Source: U.S. Department of Agriculture, Natural Resources Conservation Service.

Mr. HARKIN. These States have tremendous backlogs and needs in the Environmental Quality Incentives Program to help clean up the water and conserve resources in these States. We had about $½ billion in our bill to help all of the States meet the environmental standards and needs in States.

Many of the farmers in these States have to meet environmental standards, and even without requirements, farmers and ranchers strive to take care of the land. They want to do their best to be good stewards. In many cases farmers are doing this out of their own pockets with their own machinery and their own time.

I believe we need to help them. We need to help these farmers meet these environmental standards. Yet the House bill provides nothing.

It is too bad that the President would not even meet with us and would not try to work out some decent compromise. We were willing. The President said, no. They made their point they were only going to have $5.5 billion for our farmers; they were not going to have any conservation.

We also wanted to broaden this bill out to address the needs of our specialty crop producers in America, the people who raise peas and lentils and apples and all the other fruits and vegetables that are part of our great bounty that we have in this country. These farmers are hurting, too. We tried to help them. The House bill does a little bit, but hardly anything at all, to help these beleaguered farmers.

Lastly, I want to say—and I want to make this point one more time, as I made it to OMB and to the White House—the $7.5 billion that we had in our bill fully complied with the budget. No budget point of order would lay against our bill. We had $5.5 billion in fiscal year 2001. We used $2 billion of the $7.35 billion that was allowed us in 2002. We did not bust any budgets. We stayed within the budget. We met our obligations, and we met our obligations both to fiscal responsibility and also our responsibility to the farmers of this country.

So I will close by saying that the fight goes on. This Senator, and I am sure many other Senators in this body, are not going to give up. The President got his way because he has the veto.

I am hopeful that we can work with the White House in August and in September, and going into this fall, on two things. One is to shape and fashion a new farm bill that will get us off the failed policies of the past. There is no doubt in anyone's mind that the Freedom to Farm bill has failed, and failed miserably. We need a new farm bill. We need a new vision of agriculture in America. We need a farm bill that will move us into the 21st century.

I look forward to working with the administration and with the Secretary of Agriculture, for whom I have the highest regard and respect, to fashion that new farm bill.

I also hope that as we go into the fall, we should come back and see what we might need to fill the gap between the end of September and whenever the farm bill is passed. The House bill we passed shorted farmers in Iowa and across the nation. The market loss and oilseed payments were cut back. The specialty crops were left out. Conservation was left out. Some assistance to our dairy farmers was left out. I hope we can come back in September—maybe early October—and revisit this and, hopefully, have the help and the support of the White House at that time to at least fill in that gap. That is what we tried to do in this bill, to fill in the gap from the end of September until such time as the farm bill is passed and enacted to make sure that our programs for conservation were not interrupted, and to make sure that farmers were taken care of.

The fiscal year may end on September 30, but the crop-year does not. Farmers need help in October and November.

So hope springs eternal. The fight goes on. We will never give up the fight to provide the kind of assistance and support that our farmers and our farm families need—and not just those in the Midwest, but those in Michigan and New York and Washington State and all over this country, to make sure that those farm families are able to continue and to provide the agricultural products that we need for our country.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I ask unanimous consent that Senator CRAPO be added to the list of speakers who have been granted 5 minutes to speak.

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

Mr. HARKIN. Excuse me just one second. I am supposed to add someone else.

Madam President, I ask unanimous consent that Senator DODD be added to the list of speakers who have been granted 10 minutes to speak.

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

EMERGENCY AGRICULTURAL ASSISTANCE

Mr. LUGAR. Madam President, I join the distinguished chairman of the Agriculture Committee in saying the fight always goes on for American farmers. In the Agriculture Committee we have that commitment. And it is one we take with a great deal of pride and, likewise, with a high energy level. But today, Madam President, let me just say American farmers rejoice because a remarkable thing has occurred in this Senate Chamber this morning. We have come together with our colleagues in the House to pass a bill, which now, through some effort, will go to the House, to the President for signature, and to American farmers.

Let me just say the benefits to American farmers are very substantial. We began this quest because American farmers, according to the best estimate of the USDA, would receive—without our action—$3 billion less in aggregate cash income this year. We have, by our actions this morning, sent to American farmers $5.5 billion. We have, in fact, exceeded the gap and, as a matter of fact, made certain that agricultural income in America for this year will be $2.5 billion more than last year.

That has not escaped the attention of a good number of agricultural organizations that have beneficiaries. The

American Soybean Association, the National Corn Growers Association, the National Association of Wheat Growers, the National Cotton Council, and the U.S. Rice Producers Group have all written this morning to the chairman, with a copy of their letter to me, simply urging the Senate ''to take the necessary action and pass H.R. 2213''—the House bill—''without amendment and send the bill to the President.''

Each of these groups wrote to the chairman: ''Without timely action, we face the prospect of missing the budget-imposed September 30 deadline and forfeiting this crucial financial aid.'' I mention that because I appreciate their commendation of our work and their encouragement that we do precisely what we have done this morning.

I want to mention that it is important that all Members understand what we have done; namely, that through the so-called AMTA payments, $4.622 billion in supplemental payments will be sent to producers in the next few days; $424 million in market loss payments to soybean producers and other oilseed producers, who received this assistance last year, will be distributed in the next few days; $159 million in assistance to producers of specialty crops, such as fruits and vegetables, will receive their money through our block grants to the States.

I make that point because the only way in which money could conceivably have gotten to any specialty group would have been through these block grants to States and a distribution after finding the recipients in each of those States. I make that point because there always was an illusion that somehow money to specialty crops could come in some other way, but there are not good lists, the criteria, and the other aspects that have surrounded the so-called program crops. Therefore, this was an essential point, if the specialty crop recipients were to get their money before September 30. And $129 million in market loss assistance will go to tobacco farmers, whose names and addresses are well known to USDA; $54 million, likewise, to peanut growers; $85 million for cotton seed; $17 million for wool and mohair producers; and $10 million of emergency food assistance support.

I make these points because each one of us may have a wish list of those that we would like to receive money. The purpose of this action, the reason that both Houses have taken action—and we have done so unanimously this morning—is that we saw a gap for American agriculture in total. We have tried to fill the gap. In committing compromises and bicameral compromises, we have tried to make certain that assistance came to the normal program recipients since the time of the 1930s, the specialty crops, and to many others who were identified in previous supplemental bills of the last 2 years.

I regret there is difficulty with regard to the stance of the President. I simply want to support the President very strongly in the action he took.

First of all, he supported the $5.5 billion of payments. He pointed out, as I have this morning, that if these are to make a difference for farmers, they need to be received now. They need to make their appointments with the country bankers as required and make certain that they stay in business. It is easy enough for us to speculate that if we did not take action now or if we took action in the by and by, somehow more might be obtained.

The fact is, more was not going to be obtained for farmers now. The only way in which money could be obtained was, first of all, following the budget resolution so a point of order was not entered; secondly, recognizing that the money destined for next year in the Senate Agriculture Committee's original bill was very likely to be taken off the table before it was distributed.

I want to make the point again that we suggested earlier in the debate: While we are in recess, OMB and CBO are going to come forward with estimates of our national budget picture. Almost every prediction is that these estimates will downsize the amount of money that is anticipated to be coming into the Federal Government, the amount of the surplus, the amount of money, in fact, for the appropriations bills, eight of which are still to be considered by the Senate.

Already the distinguished chairman of the Senate Appropriations Committee, the distinguished ranking member, Senators BYRD and STEVENS, are cautioning the subcommittees in appropriations not to exceed the allocations of money they have received. They are cautioning them because they are pointing out the money simply may not be there.

We were in a position that if we did not take action now, it is very conceivable that the money that was destined for American farmers might not have been there either. The number of claimants, whether in defense, in health, in education, in all the various aspects of American life, are very considerable. We have pinned down for American farmers today money that we want to go to American farmers. We have done so in a responsible way. We have done so with the support of the President of the United States and both Houses of the Congress. That is no minor achievement in an agricultural piece of legislation.

Let me point out one further thing about the President of the United States; that is, he is determined, as I hope most of us are, to be responsible with regard to money. We have had years in this body in which Members were more or less responsible—sometimes less. As a consequence, large deficits were the result.

In a bipartisan way, we have determined those days ought to be over. It does require that, finally, we do our very best to conform to the budget, that we respect the rights at least of all the other claimants to Federal funds, including taxpayers. The President is simply saying: I am going to do my duty. If I see things exceeding the budget, I am going to veto those bills.

He has said that with regard to our Agriculture Committee bill. If it exceeds $5.5 billion, I am going to veto it. The President said that to me personally at 3:40 yesterday afternoon, face to face. So there was no doubt. He did not hide behind a letter from OMB, did not suggest that unnamed advisers necessarily were speaking for him. He came to the Capitol twice during this week and talked about the trust he has in behalf of the American people, all of the American people, for the integrity of our financial system and the integrity of Social Security and Medicare and all of the educational plans he has worked with the Congress to forward and all the plans for health care for the elderly that he is working with the Congress to forward.

All of these are also our objectives. They fit together only if there is a certain degree of discipline and order.

The President has said: I am going to provide that. You can count on me.

His credibility is at stake when he says that. Sometimes Presidents say, perhaps if this doesn't work out, this and that will occur. This President said: If this exceeds $5.5 billion, I am going to veto it.

I believed that. This morning, the Senate has believed that. The House believed that. We have a result in conformity with the budget. That is a victory for the American people likewise, as well as for agricultural America.

Now it has, in fact, more money than the year before but some assurance that we are not going to have fiscal irresponsibility again, rampant inflation, the difficulties that come when there is not solid leadership at the top and in this body.

Finally, let me say that it has been a pleasure for me to work on this bill with members of the Agriculture Committee, our chairman, Senator HARKIN, with the present occupant of the chair, Ms. STABENOW, with many Members who had diverse views.

One of the aspects of our committee I have found—my service is now in its 25th year—is that we do have diverse views because we come from constituents who believe very strongly about these issues and who want our advocacy and our support. We try to do that. I think we listen to each other, and we understand that there is not simply one crop in America that is dominant, that we are a very diverse group in terms of our interests. It is amazing how we are able to come together for good results.

I believe we have come together for a good result on this day. I appreciate, even as I say that—I see the faces and hear the words of the Members—that not every aspect of this result is in conformity with what we might have wished would have occurred. I made the admission, as I was offering an

amendment the other day—which failed narrowly by 52–48—that this is not exactly the amendment I would have started with or the one maybe I would have finished with. Nevertheless, it was an amendment that reflected the views of Members of the House and many members of our committee and, in my judgment, was in the realm of the possible. That is the final criteria for agricultural bills. It takes very little skill to paint a picture of all of the money that might go to various States or people or crops or groups in America. Simply to add them up and say, here is the total, believe me, all of these are good folks and all need the money. That is true. They are all good, and they all need the money. Agriculture does not pay well.

The facts of life are that money that goes into agriculture is very important, not only for the recipients but for our country, for the continuity of all of our States and small towns in the rural areas that we try to support.

At the same time, most farmers I know understand that funds are not available for everything. They want people of common sense to make certain that there is something at the end of the rainbow as opposed to blue-sky thinking and more grandiose schemes.

In due course, we are going to have an opportunity, under the leadership of our chairman, the distinguished Senator from Iowa, to consider a farm bill this year or next, or whatever the context may be in the scheduling of the distinguished chairman. I will join him enthusiastically, as I suspect the occupant of the chair will, as we take a look at conservation programs that are very important for America, for rural development programs that are important, not just for farmers but often for the second income for farmers and their families and those who are important to agricultural production in America.

We are going to take a look, I hope, at nutrition programs that make a very sizable difference for many Americans beyond production in agriculture. This scope of our committee's activities is broad, as broad as food, nutrition, and forestry might imply, and that is exciting.

I think we are going to have a superb farm bill, and I hope we will be able to work closely with our friends in the House, with the White House, with everybody, so we move along together without misunderstandings and have the best sort of result at the end of the road with the greatest amount of agreement.

I trust in the course of brokering all of these different ideas there will be some disagreement, and ultimately we will have to make hard choices. I am prepared to work on that project with that thought firmly in mind, and I look forward to it. For the moment, I believe we have great news this morning for farmers in America but likewise for the citizens of our country because we have acted in a responsible way. We will have even better news as we proceed into a new farm bill and take a comprehensive look at all the ways we might affect the lives of Americans in a very constructive way.

I yield the floor.

Mr. HARKIN. Madam President, I know the Senator from New York is next up to speak, and I ask unanimous consent that I speak for about 3 minutes without jeopardizing her right to speak.

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

Mr. HARKIN. Madam President, I ask unanimous consent that the Senator from Washington, Ms. CANTWELL, be added to the list of speakers and be allowed to speak for 10 minutes.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I take this time to express my deep gratitude to my ranking member, my good friend, the distinguished Senator from Indiana, to thank him for the graciousness he has given to me, first when he was chairman and I was ranking member and now when I am chairman and he is ranking member. I could not ask for a better partner on the Senate Agriculture Committee than Senator LUGAR. We have worked very closely together.

This legislative disagreement we had here this week again reminds me of why this is called the crucible of democracy. We grind these issues out in time and we move ahead, which is what I have always loved about the legislative process. Friends can differ. We can fight these things out and work them out, and we move ahead.

I am quite taken by what the distinguished ranking member said about looking ahead on the farm bill. We have discussed this personally, in private, many times.

Everything the distinguished ranking member just mentioned is something I feel strongly about and feel deeply about. I believe we are going to have many, many opportunities to work together this fall to fashion a new farm bill, as the distinguished ranking member said, that looks at the broad spectrum of agriculture beyond just production but all of the aspects of agriculture.

I am quite heartened by his words and, again, I want the Senator from Indiana to know how much I really appreciate the many kindnesses he and his staff have shown to me and my staff through all of the processes of the changes that have come about this summer, and working on this bill, and I really look forward to working with him on the development of the new farm bill.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I also thank the chairman and ranking member for not only the work they have done on this bill but the work they will do on the farm bill this fall. I know this is a difficult matter.

Both the chairman and the ranking member have outlined the challenges ahead of us, but I know everyone in this Chamber is ready and willing to work together to get a result that will be not only fair to our farmers but will recognize the full extent of both agricultural and conservation needs that go hand in hand with agriculture throughout our country.

I rise today to say a few words about agriculture in New York because I have noticed many of my colleagues are surprised there is agriculture in New York. Many people, perhaps some in the gallery today, think of New York and think of New York City. They may fly into LaGuardia or out of JFK. They do not get a chance to travel throughout the State to see the beauty of the scenery and to know how important agriculture is to the livelihood, the economy, and the future of New York.

In every section of New York, even surprisingly in some of the boroughs of New York City, there are still some agricultural interests. Much of the State, from St. Lawrence to Orleans, to the entire southern tier out into Long Island, agriculture remains a critical part of the fabric of life in New York and is a crucial livelihood for countless New Yorkers.

In fact, agriculture still is the No. 1 economic sector in New York, which would come, I suppose, as a surprise to many people from the Midwest or the South. I have been fortunate, having grown up in the Midwest—actually in Illinois, right between the chairman and the ranking member of the Agriculture Committee—to know a little bit about Midwest agriculture. Then I have been honored to have lived in Arkansas, for which good friend Senator LINCOLN, having come from a farming family, is a champion, so I know full well how critical agriculture is in the Midwest, in the South, in the West, but I do not want anyone in this Chamber or anyone in our country to overlook or forget how important agriculture is in the Northeast and particularly in the State of New York.

I received a letter from a farmer in Kent, NY. What he has written could be written from the chairman's State or the ranking member's State. I want to read what he said:

> I am writing this letter with great concern on behalf of our family farm. Our family farm was started in early 1900 by my grandfather and grandmother when they came to America from England. I started working on the farm as a young man at the age of 7 by riding with my father and watching how to work and how to make a living, by providing food for the world in which we live. Now at age 46, I sit back and try to evaluate what is wrong with our agriculture picture.
>
> Our cost of production has gone through the roof as fuel, labor and growing mandates are taking our profit out of the picture. Our fresh fruit apples, after being packed out of storage, have a slim chance to exceed the cost of production.
>
> Our vegetable operation, along with our grain crops, are in the same position, due to

commodity prices that are lower than 25 years ago, but yet fuel prices alone have more than doubled in 15 months.

He goes on to write:

Usually, there is always one commodity that excels each year to offset the poorer priced ones, but that has not happened in the past year. Your first response is to get your cost of production down and to establish a higher yield, but we have exhausted all of these options. Every time we have a potential for a commodity price increase, one of our competitors ship across the borders, keep prices low and here we sit in New York just trying to survive.

I have a great deal of pride and want to do my part to keep agriculture the number one industry in our County of Orleans, State of New York. Let us get agriculture out of this situation and back on track immediately.

I could not agree with this gentleman more. What I hope we are going to be able to do, as the chairman, the ranking member, and the committee members craft their farming bill for this fall, is to make sure those of us who may not be on the committee but who represent farmers and a farming State, no matter how difficult that may be for some to believe, will also be at that table because we have to be heard on behalf of our farmers.

I want to point to this chart. In 1964, there were 66,510 family farms. In 1997, we are down to 31,757. Certainly, some of those farms were lost because New York grew. The county I live in became pricey, choice real estate for people who wanted to live near New York City. We are fighting to preserve the farmland we still have left in Westchester County.

We know there were inevitable changes. No one is arguing against the inevitability of change that is going to take farmland out of production, but in many parts of our State we lost population. There was not population pressure forcing people into the country, therefore doing away with available farmland. We lost farmland because our farmers were not given a fair shake, were not given the tools with which to compete.

As we look at the farm bill, I hope we are going to also look at the important essential role farmers play in conservation, preserving our rural countryside, making it possible to have high water quality and wildlife habitat. I know if it were not for farmers all up and down the Midwest and the South, there would not be as many ducks to hunt every year. I know farmers have played a critical role in preserving wildlife habitat for hunters and for the enjoyment of so many other people.

Farmers have a role not only in producing quality, affordable food, but also improving water quality and wildlife habitat, restoring wetlands, and protecting farmland from further development. I hope we are going to get some of that conservation assistance in the farm bill coming this fall. I would have preferred by far the bill that came out of the committee in the Senate. That was not possible because of the President's veto threat. That is what the ranking member just explained. I deeply regret that.

As the chairman, Senator HARKIN, pointed out, this would not have busted the budget. This was forward funding that would have gone into next year. The dollars then could have been distributed not only to help our farmers but also to do the conservation work that they do for all of us.

I want to mention also that we have some crops in New York that do not produce a lot of money, less than $10,000, but we are proud of them. We have a lot of orchards in New York, going from 6,931 in 1964 to 2,436 in 1997. We still are proud of our apple growers. We are proud of our speciality crops.

In May, there was an article in the Washington Post about the plight of apple growers in Albany, NY. It told how this past March Susan and Gary Davis auctioned off the machinery they used to tend orchards and vegetables on a farm that had been in their family for a century. They said: You feel like you are letting them down, both past generations and your own children. But they just could not keep up with the costs, and their farm manager finally said he could not do it anymore. The grower gave up and moved to find a livelihood somewhere else.

We know we have to do more to make farming a viable alternative for those who are willing to put in the long hours, are willing to do the work that gives us a safe food supply. I consider food security part of national security. Certainly that is true when it comes to the speciality crops and also when it comes to dairy in New York.

Our dairy farmers are down to 8,732 farms. I bet a lot of people did not know there were 8,700 dairy farms in New York. We are the third largest dairy producing State in America, and we are proud of that fact. But we have to have some help. We have to be able to compete with our neighbors to the north, with our neighbors to the south, and with our neighbors to the west.

Milk is New York's leading agricultural product, creating almost $2 billion in receipts. We rank third behind California and Wisconsin. Our dairy farmers are probably the hardest working farmers, maybe the hardest working small businesspeople, one will find anywhere. It is a 24-hour-a-day, 7-day-a-week job. I was visiting with some of our dairy farmers on the shores of Lake Champlain. They have been there for seven, eight, and nine generations. This is a difficult, tough job. We should not make it any harder. We should be proud of those who are willing to do this work, and we should find ways to support them because it helps all of us.

Finally, I hope my colleague, Senator SCHUMER, and I are able to convey as clearly and, hopefully, persuasively as possible that when agriculture is discussed, New York should be at the table. I thank everyone in this Chamber for giving us the opportunity to have our farmers receive the same help that all of our farmers in America need.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kansas.

Mr. ROBERTS. Madam President, there is a sigh of relief all throughout farm country in regard to passage of this emergency assistance. We avoided a partisan train wreck, losing the money, taking the money from next year's farm bill, and or next year's emergency assistance. I regret that it came to this. This is a trail we really did not have to take.

When you serve on the Agriculture Committee—and I have done that in the House and Senate—you have the opportunity to serve on one of the most nonpartisan committees in the Congress.

With the events of the past week, I deeply regret what some have referred to as partisan milk that got a little sour and curdled a little bit. But, we have cleaned it up and we have made some progress. We have an old expression in my hometown of Dodge City, KS: If you are riding ahead of the herd, it's a good thing to take a look back now and then to make sure it is still there.

I say to my colleagues, the reverse is also true. We have done that today. It is a good idea for both sides to take a look and tell your leadership when you are about to be driven off an emergency assistance cliff along with our farmers and ranchers. We avoided that today, and that is a positive step.

We had the possibility of endangering emergency funding for our farmers and ranchers. I was worried some would have preferred an issue as opposed to a bill. We were about to saw off the branch that supports our farmers and hang all of us in the process.

Here is the deal. If the majority had prevailed, the bill would have had to be conferenced with the House. If we simply check the lights in the House, they are out of town; they are gone. I went over to the House last night during the debate on the Patients' Bill of Rights. I met with both the Agriculture Committee chairman, LARRY COMBEST, and the ranking member, CHARLIE STENHOLM, both good friends, not to mention the members of the House Agriculture Committee. They were adamant, and I mean adamant—put that in bold letters—in support of the statement they released a day or two ago. Their statement—not mine—said:

For the sake of our farmers, the U.S. Senate must put politics aside and realize the critical importance of passing the 2001 crop assistance bill immediately, so that the process can continue and a bill can be sent to the President for signature.

The House statement went on:

The House Ag Committee, anticipating this need, acted early and responsibly, passing a bill out 6 weeks ago.

That is now 7 weeks.

This bill was passed by the House on June 26—

Unanimously on a voice vote—

and was immediately sent to the Senate where it languished. If payments are not

made before September 30 of this year then $5.5 billion that was fought for and budgeted for farmers will disappear. At this critical time, we must all put our agendas aside and concentrate our efforts on providing the needed assistance for farmers. It is unwise to encumber the bill with unnecessary, non-emergency items like increased conservation spending when our farmers' livelihoods hang in the balance. The process must move on.

My friends, those were the words of the Chairman and Ranking Member in the House. We have done that. I think it is a step in the right direction.

I point out that one of the reasons the House was so adamant, why they were so upset, is that the House Agriculture Committee passed a new farm bill out of committee last week, and it uses the $2 billion extra that was in the Senator from Iowa's approach for their farm bill. I do not know how my colleagues on the other side of the aisle would have proposed, or we would have proposed, to reconcile the difference.

I am not sure what the farm bill will look like in the Senate, but I do not think we want to propose the House cut their own farm bill in terms of target price, AMTA payments, loan levels. Obviously the farmers of wheat, corn, cotton, rice, and soybean in North Dakota, South Dakota, Minnesota, Iowa, Arkansas, and Kansas would not have supported that move.

I say it again: We were about to borrow from the future. We did not do that.

I will sum up what I think happened in this situation. I think it could be a good lesson learned.

June 5, my colleagues on the other side take over control of the Senate and the Senate Agriculture Committee. June 20, the House Agriculture Committee passed its bill. This is the emergency assistance bill. June 26, the full House passed the bill on a voice vote. June 28 to July 24, 6 hearings were held in the Senate Agriculture Committee on the farm bill and other issues no hearings or meetings on the assistance package were held during this time. July 25 we went to markup. Late July 27, the bill is brought up for debate; July 30 through today, this moment, debate on the legislation. July 31, the CBO sends a letter to the Senate stating 2001 funds will be scored in 2002 if the bill is not passed before the August recess. July 31, the House Agriculture Committee Chairman COMBEST and Ranking Member STENHOLM asked the Senate to please approve the House-passed bill and get the money to farmers and ranchers. August 1, Mr. COMBEST and Mr. STENHOLM make strong statements that I don't have to go into, again asking the Senate to pass the House bill. August 2, CBO verbally confirmed to me what they stated in their previous letter of July 31: The bill must be passed before the August recess or they will score the money going out in fiscal year 2002. Again this morning, CBO staff again confirm to my staff that the Senate bill, as written, must be passed before the August recess in order for the money to be scored in fiscal year 2001.

I think that lays out the facts.

Again, the point was, delay. In August, there is going to be a new budget estimate. I think we all know about the rhetoric and the legislation that will be flying around in September and October with any emergency or additional spending bumping against the trust funds.

Do we really want to be considering a package like this with amendments, saying we cannot use the money because it will allegedly come from Social Security? Do we want agriculture in that position? Do we want farmers and ranchers being the poster people for raiding Social Security? I don't think that is a very good idea.

Finally, you can't have it both ways. Further delay of trade authority for the President and getting a consistent and aggressive export policy will certainly mean a continued loss of market share and exports. We have to sell our commodities. If we don't, it means there will be calls for another emergency bill next year. I hope we don't have to have that, but we may. And this money and this emergency bill, or at least in the proposal offered by the distinguished chairman, would have taken money from that account.

I was very worried this morning. I thought Senators could, maybe would, take this issue and ride with it, that we would have gone squarely into a boxed canyon and fired off our shotguns of partisan rhetoric, whoop and holler as to who was to blame. Some of that has been said on the Senate floor. Or we could have passed the House version, and we did, of emergency relief and get assistance to hard-pressed farmers and hopefully begin bipartisan work on the next farm bill.

I have been through six farm bills. You can always have an issue or you can always have a bill. It is basically that simple. In this regard, without question, I think the decision reached spared agriculture and that means the assessments will be forthcoming.

There used to be a chairman in the House Agriculture Committee in Texas, Bob Poage, an outstanding chairman, great chairman. People used to ask Bob, when a farm bill came to the floor of the House, Mr. Poage, Mr. Chairman, is this the best possible bill? And he would say, no; but it is the best bill possible.

In a gesture of friendship and bipartisanship with the distinguished chairman of the House Agriculture Committee, the distinguished ranking member, and other members of the Agriculture Committee, the distinguished acting Presiding Officer is a very valued member of the committee. Let's work together on this. Let's not go down this road again. Let's work in a bipartisan matter for farmers. I pledge I will do that. I pledge to the chairman I will do that. This morning was not a pleasant experience for any of us. But we did the right thing as of this morning.

To reiterate:

Mr. President, this is a partisan trail that we did not have to take. When you serve on the Agriculture Committee, you have the opportunity to serve on one of the most nonpartisan committees in the Congress. With this standoff, I deeply regret the spilled partisan milk, and its gotten pretty sour.

There is an old expression we have in my home town of Dodge City, KS—''If you are riding ahead of the herd it's a good thing to take a look back now and then to make sure its still there.''

My colleagues, the reverse is also true. It would be most timely and a good idea this morning for the herd across the aisle to look ahead and tell your leadership that you are about to be driven off an emergency assistance cliff—along with our farmers and ranchers.

Those who are endangering emergency funding for our farmers and ranchers, those who apparently prefer an issue to emergency farmer relief are about to saw off the branch that will support farmers and hang all of us in the process. Here is the deal.

Obviously, should the majority prevail, this bill would have to be conferenced with the House. Check the lights over there, the House is gone. I went over to the House last night during the debate on the Patients' Bill of Rights and met with both Agriculture Chairman LARRY COMBEST and Ranking Member CHARLIE STENHOLM, not to mention many members of the House Agriculture Committee.

They are ADAMANT in support of the statement they released just a day or two ago. That statement, theirs—not mine—said this:

The Senate Majority Leader is diverting attention with a fast shell game to quickly switch blame for the Senate not finishing its work on farmer assistance on time. Close of business set for early August has been scheduled since the beginning of the year. Against this well publicized early August deadline, the Senate has had the House-approved bill languishing for over a month now. There has been absolutely nothing keeping the Senate Agriculture Committee from moving on its own package, rather than waiting until the last minute. The Senate's search for an excuse on a past-due bill must mean they fear going home to face the music from constituents.

In another statement on July 31:

For the sake of our farmers, the U.S. Senate must put politics aside and realize the critical importance of passing the 2001 crop assistance bill immediately so, that the process can continue and a bill can be sent to the President for signature. The House Ag committee, anticipating this need, acted early and responsibly, passing a bill out 6 weeks ago. This bill was passed by the House on June 26, and was immediately sent to the Senate where it has languished. If payments are not made before September 30 of this year, then $5.5 billion that was fought for and budgeted for farmers will disappear. At this critical time, we must all put our agendas aside and concentrate our efforts on providing the needed assistance for farmers. It is unwise to encumber the bill with unnecessary, non-emergency items like increased conservation spending when our farmers' livelihoods hang in the balance. The process must move on, and the Senate must act.

I would also point out that the House Agriculture Committee passed a new farm bill out of committee last week. It uses this $2 billion for 2002 funding on the new farm bill.

How do my colleagues on the other side propose to reconcile this difference? I'm not sure what the farm bill will look like in the Senate. But would they propose the House cut the target price, AMTA, or loan levels in its proposal? Will the wheat, corn, cotton, rice, and soybean farmers in North Dakota, South Dakota, Minnesota, Iowa, Arkansas, and other States support that move?

I will say it again, we are borrowing from the future if we pass this bill as it is currently written.

Mr. President, let me sum up:

June 5: My colleagues on the other side take over control of the Senate and Senate Agriculture Committee.

June 20: House Agriculture Committee passes its bill.

June 26: The full House passes the bill on a voice vote.

June 28 to July 24: Six hearings in the Senate Agriculture Committee on the farm bill and other issues. No hearings or meetings on this assistance package.

July 25: Mark-up.

Late July 27: Bill is brought up for debate.

July 30 through today: debate on this legislation.

July 31: CBO sends letter to the Senate stating 2001 funds will be scored in 2002 if the bill is not passed before the August recess.

July 31: House Agriculture Committee Chairman COMBEST and Ranking Member STENHOLM ask the Senate to approve the House passed bill and get our money to our farmers and ranchers.

August 1: Mr. COMBEST and Mr. STENHOLM accuse the Senate majority leader and chairman of obstructing the passage of this important legislation.

August 2: CBO verbally confirmed to me what they had stated in their previous letter of July 31: the bill must be passed before August recess or they will score the money going out in FY02.

Mr. President, I believe that lays out the facts.

Again, the point is the delay. In August, there will be a new budget estimate. And we all know the rhetoric and legislation that will be flying around here with regard any emergency or additional spending bumping against trust funds. Do we really want to be considering this package with amendments saying we cannot use the money because it allegedly will come from Social Security. Do we want agriculture in that position?

Finally, let me say you cannot have it both ways on the other side of the aisle. Further delay of trade authority for the President will certainly mean continued loss of market share and exports. That means another emergency bill next year. And, this money robs that account.

Now, Senators can take the issue and ride with it, squarely into a box canyon and fire off our partisan pop guns and whoop and holler as to who was to blame. Or we can pass the House version of emergency relief and get the assistance to our hard pressed farmers and hopefully begin bipartisan work on the next farm bill.

We can have an issue or we can enact emergency assistance, it is that simple. In this regard, without question the decision reached this morning will spare agriculture further delay and will provide the assistance needed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I came to the floor last night in a great deal of frustration, and now I come to the floor in a great deal of disappointment. This morning, the Senate moved forward on an emergency assistance package for farmers that most in this body know is inadequate. We have done something. We have moved forward, as many people have said, because the House has left or because the President drew a line in the sand.

That is not what our job in the Senate is. Our job in the Senate is to do the best we can possibly do. Is this bill the best we can do? Absolutely not. I don't think there is a Senator in this Chamber who thinks we have done the best job we could do on an Agriculture emergency supplemental bill. That is amazing to me.

We approved a bill that most Members know is not going to provide even the minimum of support that our farmers and our communities, our rural communities, our community banks, and our rural economies really need. Our program crops said from day 1 of this year they needed AMTA payments at 100 percent of the 1999 level.

In February, when we started going to the administration, saying we are going to need an emergency Agriculture supplemental bill, we are going to need 100-percent AMTA at 1999 levels, we are going to have to have it; our bankers are saying they are making loans to our agricultural producers based on the fact they are going to get 100 percent at 1999 levels, the administration and others came back and said: Wait until we get through with this tax bill. Then they said: Well, wait until we finish with the education bill. Then we will deal with it. And then: Let's wait until we get past the Patients' Bill of Rights and we will deal with it. Wait, wait, wait until we get back from the Fourth of July recess.

And guess what. We made the mistake of believing them and we waited in good faith, thinking at the end of the road the administration would have the same consideration for production agriculture as those who have grown up in it. Guess what. We were wrong. We were wrong. We thought they would come in good faith from the administration and work with Members on this.

Have they? No. People have said: I am tired; it is time for vacation. Let's go home.

Our specialty crops needed more money for commodity purchases and other forms of support. All of our production farmers needed assistance. Where were we? The administration says farm income is at an all-time high. Guess what. Do you know why it is at an all-time high? Because the rural economy has been in the tanks for years. Their energy costs are at an all-time high and rising. Their fertilizer input costs are at an all-time high. Their energy costs, diesel—name it—implement costs, the costs of buying machinery, and the costs of meeting environmental regulations, every one of them is at an all-time high, and many of our States have producers whose farmer income, 50 percent of it, is government payment. Why? Because we have not provided for our agricultural producers in terms of good, solid, trade opportunities and global marketplace shares because we have not taken into consideration what it means to those individuals to produce a safe and abundant and affordable food supply for those who enjoy it.

We enjoy the most environmentally sound agricultural products in the world coming out of this country. That is all going away unless we make an obligation to production agriculture, that when it comes time to being there for them, we will be there, instead of just saying all year long: Just wait. Just wait until we get through all of these other things and then we will be there for you.

I look at some of my local spinach growers in Arkansas who are not far from local canneries yet find it impossible sometimes to market their spinach just down the road because they can be outbid by spinach that is coming in from Mexico, grown with chemicals we banned over 10 years ago.

What are we doing for production agriculture, to make sure that you and I will continue to have that environmentally well grown product for our children and for future generations? What is our response? Give them less than they need, close up shop, and fly home for vacation. Why? Because the House is going home, we can't do anything.

Well if the House jumps off the bridge, are we going to jump off the bridge, too? What if the administration says it is just not that important; we are not going to come over to negotiate with you to come to some middle ground that is going to provide our producers the 100 percent of AMTA from 1999 levels that we promised them back in February? I don't know. I reject that. I still believe I am here to do the best job I can possibly do for those American producers. I reject the argument that it is too late. I reject the argument that we cannot give them what they need.

The PRESIDING OFFICER (Mr. CORZINE). The time of the Senator has expired.

Mrs. LINCOLN. I ask unanimous consent for an additional 2 minutes.

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

Mrs. LINCOLN. I reject the argument that we cannot stay here and fight for our American producers and our farmers.

Farmers themselves say that government is just waiting until they die away, that the family farmer is gone and we can just depend on corporate America to provide us what we need.

I look around at some of the fights I have been fighting this year on behalf of aquaculture and fish farmers in Arkansas. They are having to compete with misleading labeling from other countries that are claiming they are producing that kind of product which we produce here, a farm-raised, grain-fed product, when we know what is coming in the country from Vietnam is not that. It is raised on the Mekong River under unbelievable environmental conditions. Yet it has been sent to this country in misleading ways and sold to the consumers here.

We are dealing with a crisis in agricultural production. I come to the floor saddened. As I look around at this body, I realize that the Members of the Senate years ago used to travel here from their home farms in faraway States and spend the time that they did to debate the issues of this country, all the while still remembering where they came from, the heartland that they represented, the communities and the agricultural producers. In my home State of Arkansas, when that farmer is out in the field and he is bringing in his crop, he is picking cotton or he is combining beans or he is combining rice and gets to the end of a long hot day, and the Sun is setting and he sees a thunderstorm coming out of the west, do you know what. He doesn't pack it up and go home. He turns the lights on, on his combine, and he keeps going, because he believes in producing for the American people and the world the safest, most abundant and affordable food supply in this world, and he does no less.

I, for one, think the Senate could do better. I think we must.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent there be a period for morning business with Senators permitted to speak up to 10 minutes, and the following Senators be added to the current list of speakers: Senator KENNEDY for 20 minutes, Senator BYRD, Senator HOLLINGS, Senator CORZINE, and Senator SMITH of Oregon.

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

EMERGENCY AGRICULTURE ASSISTANCE ACT

Mr. SCHUMER. Madam President, I know for me to speak on the floor about agriculture raises some eyebrows, let's say. I have found that as I, along with others, have been trying to help my colleague from Vermont who has been fighting a lonely battle, for Northeast agriculture. When I spoke in the Democratic caucus, I heard someone sort of singing ''Old McDonald,'' and other things. So people ask, why am I so interested in agriculture, coming from a State such as New York?

For one thing, people forget how much agriculture there is in the State of New York. We are a large agricultural producer. We rank third in dairy production. We rank second or third, depending on the year, in apple production. We are high up in onions and many kinds of specialty products. In fact—and these are numbers that even surprised me—New York has 38,000 farmers. That is 13,500 more farmers than Idaho; 10,400 more than Montana; 7,700 more than North Dakota; 5,500 more than South Dakota; and 28,800 more than Wyoming. So those States which are regarded as agricultural States have fewer farmers, many fewer, than my State of New York.

We do have a large city—we have several large cities. Thank God, we have lots of other kinds of industries. But agriculture is a vital industry.

The second reason I care about agriculture—and it has been new to me; 18 years in the House serving a district in a corner of Brooklyn and Queens, we didn't have any farmers—is meeting the people who do it. I met one family with a farm in their family in Suffolk County for 12 generations. You look into their eyes and see how hard-working they are and see how productive they are, and you see the land and God's beauty in a wonderful way give forth fruits and vegetables and crops. You see how hard they work and you feel for them.

They are on a frustrating treadmill. It seems they work harder and harder but survival in agriculture is even more difficult for them. You look into their eyes and you realize something else. These farmers are the breeder reactor, the place where American values grow and are nurtured. It has been so since the Republic was founded, and it still is. The values of hard work and teamwork and self-reliance and individuality, for which our country is known and blessed, have started on the farm.

So even if all the food could be produced somewhere else and it could be as good and as high quality, I do not think we would want to lose farmers from America and the American way of life because the two are so inextricably tied. So I care about agriculture. I care a great deal about our farmers in New York.

This farm bill, admittedly, does not do what we want. But I want to tell the farmers that we have gotten a pledge from our majority leader that the part of this bill that was cut out by the House will be debated in September. That includes the relief for the apple farmers that many of us in the Northeast—my colleague, Senator CLINTON—and Senator LEVIN and Senator STABENOW and the two Senators from Washington worked hard to get in the bill. That will come back and have another chance. The provisions the Senator from Iowa put in the bill to deal with specialty crops and conservation, which affected the Northeast, will come back as well. I am glad about that.

When the farm bill comes up, we will make our fight for the dairy farmers, and it is going to be a royal fight because we really care about them.

What I would like my colleagues to know is, my good friend from Vermont, who has often been alone in this fight, is now being joined by many of us. As I mentioned, my colleagues Senator CLINTON and Senator TORRICELLI are in the fight; Senator JEFFORDS, of course, has always been in the fight, as have our Senators from Massachusetts and Pennsylvania and other States as well. We are going to put Northeast agriculture on the legislative map.

It will not be good enough to have bills any longer that do not do a thing for us. I think we have persuaded our Democratic leadership here in the Senate to do so. We have a bit of work to do in the House. We have a bit of work to do in the White House. But we are going to do it.

In fact, as I look at this as somebody admittedly new to agriculture, I would like to make a point to my colleagues. I have never seen a place where we spend so much money and where there is so much unhappiness among the recipients. Something is dramatically wrong.

Mr. President, 50 percent or 47 percent of farm income is now Government. I do not know one other area in the country where that happens. I am willing to do it because, as I said, I believe in the family farm and the values that they bring. But can't we come up with a better way? Can't we come up with a way that makes the family wheat farmer in North Dakota and the family corn and hog farmers in Illinois happier than they are now? Can't we as we come up with that come up with something that includes the dairy farmer in New York or Vermont or the apple grower in New Jersey or Massachusetts? We have to come up with a better way because the present way isn't working.

More and more money—this is another $5 billion—doesn't help our area. Our fights will come later in September and in October with the farm bill. But that $5.5 billion isn't making many people happy, even though they are getting it, because they are still struggling.

Freedom to Farm is a problem. Everyone says it. I tend to agree. But you know that we had problems before Freedom to Farm, too. As long as I have been in the Congress, which is from 1981, we have seen more and more money going to agriculture and our

family farmers be less and less happy. They are not happy in the Northeast where we get very little help. They are not happy in the Middle West and the South where they get a lot of help.

We are going to have to come together and come up with a system that works that doesn't put 80 percent of the money to huge agribusiness where they do not need it but directs the dollars at the family farm and gives that family I talked about as I began my speech, who wakes up at sunrise and battles the elements and produces God's bounty from the Earth, a fighting chance.

Let's not continue on this treadmill to nowhere. It is going to divide us. You see the fissures already. More importantly, it is not going to help the people we want to help—the family farmer.

I am here today to stick up for the 38,000 New York farmers who work hard—and many others who depend on them—and the Northeastern farmer and to say to my colleagues we have to do a lot better in a system that continually spends more money and produces less happiness among the people who are its recipients.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the senior Senator from New York for his statement. I note that the two Senators from New York have been in the conferences we held. They fought hard for the interests of the Northeast and the Atlantic States. It is partly because of that fight that I have to stand here today to strongly oppose another of the misguided, unbalanced, and actually archaic plans for emergency agricultural assistance.

To put it bluntly, not only for Vermont farmers but farmers throughout the Northeast and Mid Atlantic States, they receive little or no relief from this package. This package is unbalanced and unfair to my region, even when it passed the House of Representatives, and it remains unbalanced and unfair as it passes the Senate today.

Chairman HARKIN's bill that passed out of the Senate Agriculture Committee recognizes the emergency assistance needs for all farmers in all States. Chairman HARKIN's bill has comprehensive assistance for specialty crops, including desperately needed assistance for our Nation's apple growers. It also adds needed funding for voluntary agricultural conservation programs on private lands, programs that the President chose not to fund this year despite overwhelming needs, and in spite of critical backlogs in all 50 States.

Conservation assistance funds are critical for cash-poor farmers—especially in my region of the country—helping farm families comply with the highest water and soil quality standards to keep their farmland healthy not only for this year but for next year.

None of those comprehensive specialty crop funds, nor conservation funds, are found in the bill we just passed.

Senator HARKIN's bill also added disaster assistance for the devastation caused by armyworms in New England and throughout the country. None of this assistance is in the bill we just passed.

Despite what one may hear, the bill we passed is not agricultural assistance for all farmers—not by a long shot. It is sodden with regional disparity. Those of us from the regions that have been slighted strongly believe that this has to be the last agricultural bill with such bias. It is not even fiscally responsible.

The bill sends billions of taxpayer dollars—dollars that come from farm families across the Nation—to a handful of States in the Midwest. In fact, almost $3 billion of the $5.5 billion in emergency agricultural assistance—about 50 percent of this agricultural assistance—will go to only 10 States.

I have to ask, Why? Why does my State of Vermont—a State where family farmers are in serious trouble, where low prices and poor weather conditions are forcing farmers to sell their family land—receive less than four one-hundredths of a percent of this year's emergency agricultural assistance?

Vermont farmers pay taxes, too. In fact, if assistance in this so-called agricultural emergency bill were based on the true value of Vermont's contributions to the Nation's agriculture, Vermont would receive over six times what I see in this bill.

Farmers throughout the Northeast and Mid Atlantic States pay their taxes. While those farmers produce almost 7 percent of the Nation's agricultural products, those farmers receive 1 percent of the $5.5 billion flying out these doors to the Midwest.

Look at Texas. Texas farmers are going to receive about 8 percent of the $5.5 billion—almost $400 million alone. When all is said and done, five select States in this country will each receive over $300 million for this bill. Ten States are going to get over $150 million. The rest get practically nothing.

Some may say we passed this bill to expedite funds to our Nation's farmers. I think they are speaking of only a small number of farmers in only a very small, select number of States. They should be saying a small number of farmers in a small number of select States will get one heck of a lot of money, but to make it fair every other State will be allowed to pay the bill. That is really what they are saying. All of us will pay the bill so a small number of States can get the benefit.

What bothers me is this goes on year after year after year. We have had disaster relief bills. We in the Northeast paid with our taxes a substantial part of the bill to try to help the country. But when we have had disasters I have never seen the return.

We ''expedite funds to our Nation's farmers,'' as they say. They are not talking about Vermont farmers; they are not talking New Jersey farmers, or farmers throughout the Northeast and Mid Atlantic States, or the farmers in States with specialty crops not covered in the skewed State grant formulation we took from the House bill.

We had a chance to even out the bias—at least to help all farmers in all States. As I said, we have taken an easy in irresponsible route to simply pass an unbalanced and unfair House bill. We have dismissed the true needs of specialty crop States, and we have dismissed the essential conservation programs that truly help my region's farmers. Sadly, once again, we are being left out in the cold.

In fact, for that matter, even on the basis of this we get a bum deal. We get even worse because the dairy compact was left out of it.

If you are a proponent of States rights, regional dairy compacts are the answer. They are State-initiated, they are State-ratified, and they are State-supported programs that assure a safe supply of milk for consumers.

I received a letter signed by 22 Governors, Republicans and Democrats—I believe there is even an Independent in there—who are endorsing the dairy compact bill Because it would ratify the compacts that their States have negotiated among themselves.

If you support interstate trade, regional compacts are the answer. The Northeast Dairy Compact has prompted an increase in sales of milk into the compact region from neighboring States.

If you support a balanced budget, then regional compacts are the answer. Why? Because the Northeast Compact does not cost the taxpayers a single cent, which is a lot different from some of the farm programs that are being boosted up by billions of dollars in this bill.

If you support farmland protection programs, regional compacts are the answer. In fact, that is why major environmental groups have endorsed the Northeast Dairy Compact; they know it helps preserve farmland and prevents urban sprawl. I recently received a letter from 33 environmental, conservation, and public interest membership organizations supporting the dairy compact amendment.

Lastly, of course, if we are worried about consumers, then we ought to like regional dairy compacts. Retail milk prices within the compact region are lower on average than in the rest of the Nation where they do not have a compact.

The dairy compact has done what it is supposed to do: It has stabilized widely fluctuating dairy prices; it has ensured a fair price for dairy farmers; it has made it possible for farm families to stay in business; and it has protected consumers' supplies of fresh milk.

Unfortunately, though, this is a policy debate that pits dairy farmers who go to work every single day trying to

make a living against some of the Nation's most powerful corporations. It pits consumers and communities that treasure the open space and quality of life that local dairy farming offers, against those who can spend millions of dollars on ads and lobbyists here in Washington.

We should not stay in the way of these State initiatives that protect farmers and consumers without costing taxpayers a cent.

Dairy compacts are one of those issues where Members have very strong views even though we all share the same core beliefs. We all want to support our dairy farmers and we all believe that they should be able to earn a decent living for their families. We all want ample supplies of fresh milk, at reasonable prices, for our States' consumers. Unlike agricultural commodities such as wheat, corn, and soybeans, milk is highly perishable.

When a dairy farmer brings the milk to market, that milk has to be sold right away, or it quickly loses its value. It can't be set aside in a silo. For big processors, that's just fine. They can buy milk at distressed prices and store it away to make cheese or powdered milk or ice cream. But that setup hurts farmers, who work incredibly hard just to make a living, and consumers, who want farmers around to supply fresh milk for the store shelves.

As a nation we have tried several remedies to cut through this knot, and the record is proving that regional compacts are the most sensible and workable answer yet. And unlike other legislative remedies that come with price tags, and often hefty ones, compacts cost Federal taxpayers nothing.

Milk is one of those unusual foods where the spread between what farmers get paid for their labor, and what consumers pay for the product, is huge and increasing throughout the Nation.

In New England, what farmers get paid has been fairly stable since the dairy compact began working in 1997, and that is one of its great successes. But what processors and stores charge for milk has greatly increased since 1997—not just in New England, but in the rest of the Nation. Consumer prices are lower in new England than in much of the rest of the country and that the $10,000 to $20,000 in added annual income has helped keep New England farmers in business who otherwise would have had to leave farming.

There is a hidden risk right now to consumers and farmers in New England—and the rest of the Nation. This is the growing concentration of processors in the milk industry.

In New England, Suiza Foods is rapidly trying to cinch a stranglehold on milk supplies. In some parts of New England they already control 70 to 80 percent of the fluid milk supply. They have swept in, bought processing plants in New England, and then closed them—elimiating competition.

The ascent of Suiza is nothing less than stunning. In a few short years, Suiza has gained its dominant position in the milk processing business. I showed you three charts a couple days ago showing the incredible increase in the dominance of Suiza in just a few years. Even worse, if its purchase of Dean Foods is approved, a strong case can be made that Suiza is on the verge of becoming a monopoly in the milk processing business. I have asked the Department of Justice and its Antitrust Division to closely monitor Suiza's surging market dominance, and I again call to their attention the urgency of doing that.

But equally remarkable is the fact that Suiza is also now in the process of consolidating a dominant position as the chief purchaser of milk from farmers. Simply put, in many parts of the country, Suiza Foods is the dominant customer—if it is not the only customer—for farmers' raw milk to be used for fluid processing. Suiza Foods is now dominating both the purchase and the sale of fluid milk in this country. Suiza is becoming—all at once—both a monopolist and a monopsonist in the fluid dairy marketplace.

Suiza Foods is a new type of market force. I have searched our antitrust case law for a name for this type of combined market power. There is no adequate name on the books for what Suiza has become, as I called them in a recent Judiciary hearing, and on the Senate floor, they are ''suizopolies.''

How can suppliers and consumers defend themselves from a giant firm—this Suizopoly—that controls both the purchase of a product—from thousands of suppliers with little bargaining power—and its sale to millions of consumers?

The best way is the dairy compact; it gives the public some control over access to milk, it assures fresh, local supplies of milk, and it gives farmers some ability to earn a living income.

I also want to respond to seven myths about the compact that the big processors have spent millions of dollars to promote, through years of lobbying and advertising and campaign contributions. They were trumpeting many of these myths before the compact was enacted, and they have not changed their songsheets, even though the compact has done just what it was supposed to do, proving their arguments dead wrong.

This first myth is that dairy compacts are milk taxes that hurt consumers. As you have just heard, concentration, is the major cause of consumer price increase in the milk sector.

And, a recent independent study funded by USDA determined that industry profit taking—including profit taking by Suiza—and cost increases not related to the compact, are responsible for more than 90 percent of the increase in retail prices in New England since the compact was implemented. This leaves less than three cents of a gallon of milk attributable to the compact.

A recent GAO report requested by Senator FEINGOLD and myself says to all: It compares the prices of a gallon of 2 percent milk in Boston and Milwaukee for last year. The wholesale price of milk in Boston was $2.03. The wholesale price in Milwaukee was $2.08—five cents more than in Boston. So you would expect retail prices to be about the same for Boston, or slightly less, than for Milwaukee.

However, Suiza controls around 70 percent of the milk supply in Massachusetts and a greater amount in Boston. The average retail price listed by GAO is $2.74 in Boston for a gallon of milk but only $2.26 in Milwaukee.

Obviously, the compact does not cause the difference—the wholesale prices for Boston are lower than in Milwaukee, as the GAO makes clear.

The GAO report also shows that for most of the cities they examined, the consumer prices in the compact region were lower.

There is a myth that the dairy compact has harmed nutritional programs such as WIC, school lunch, school breakfast, and food stamps.

Wrong again. The fact is that the Compact Commission requires compensation to State WIC and school lunch programs for any potential impacts. In fact, if anything it has overcompensated the WIC program, as noted in the 1998 OMB study. A letter from the Massachusetts WIC Director says this:

> The Commission has taken strong steps to protect the WIC Program and the School Lunch program from any impacts due to the compact. . . . Because of this, our WIC Program was able to serve approximately 5,875 more participants with fresh wholesome milk without added costs. . . .

The New England Compact Commission has exempted school breakfast and lunch programs from any pricing impacts due to milk price regulation.

Commissioner Kassler of Massachusetts tells me in writing that ''without the compact, this [regional New England] milk shed will dwindle and milk would be brought in from greater distances and at greater costs.'' Those greater costs have been estimated in the range of from 20 to 67 cents per gallon.

There is also a myth that dairy compacts are unconstitutional price-fixing cartels. This is my favorite example of twisted logic. I believe my opponents' argument goes something like this:

> Interstate compacts would be unconstitutional if the Constitution didn't explicitly contain a clause allowing the creation of interstate compacts with the consent of Congress.

By operation of the compact clause, States explicitly have the opportunity to solve regional problems in this constitutionally permitted way. United States Federal courts have recognized the Northeast Dairy Compact as a constitutional exercise of congressional authority under the commerce and compact clauses of the U.S. Constitution.

There is a myth that dairy compacts are barriers to interstate trade. Dairy compacts encourage greater competition in the marketplace by preserving more family farms and increasing trade.

An OMB study concluded that trade into the compact region actually increased after implementation. And I would also point out that farmers in non-compact States, like New York, or even Wisconsin, are perfectly free to sell their milk in the compact region at compact rates. New York dairy producers are benefiting today by doing just that. Indeed, if Wisconsin were to trade places with New York, Wisconsin farmers would gain the benefit of the compact.

There is also a myth that dairy compacts encourage farmers to overproduce milk and will lead to a flood of milk in the market. The fact is that the dairy compact regulatory process includes a supply management program that helps to prevent overproduction. In 2000, the Northeast Dairy Compact States produced 4.7 billion pounds of milk, a 0.6 percent decline from 1999.

In the nearly 4 years that the compact has been in effect, milk production in the compact region has risen by just 2.2 percent. Nationally during this same period, milk production rose 7.4 percent. In Wisconsin milk production rose over 4 percent.

There is a myth that dairy compact only help bigger farms at the expense of smaller ones.

Just like most commodity programs, the compact benefits all participants. Also, 75 percent of the farms in New England have fewer than 100 cows.

The worst myth is that the dairy compact has not been successful.

The success of the Northeast Dairy Compact is undeniable.

Let me just close with this.

Mr. President, when I was a young man—actually even before my teens—I thought how much I would love being in the Senate. Why? Because every State has two Senators. A State with a large population, a powerful State such as the Presiding Officer's State, or a small, rural State such as mine each get two. The one place where every State is equal, supposedly, is in the Senate; two Senators.

I thought what a joy it would be to represent my native State of Vermont in the Senate; and it has been. I love the Senate. I have so much respect for Members on both sides of the aisle.

I think of the Senate as a place where the country can come together, where regional interests can be represented, and, of course, where States can maintain their identity, certainly, and where we have an obligation to help each other. And we have.

Whether it be earthquakes in California or floods in the Midwest or defense programs in the Southeast, and on and on, the Senators from my part of the country have supported providing assistance to those parts of the country. I could give a million different examples. But there seems to be one area where that effort to help each other always falls apart: The Northeast Mid-Atlantic States, when it comes to agriculture disaster programs.

We are always there. We are like the fire brigade that answers the call in the middle of the night. We show up all the time, show up all the time to protect those other ''houses.'' It would kind of be nice if, just once, when it is our ''house'' on fire, some of those we have helped throughout the years could come and maybe help us put out the fire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. CORZINE. Mr. President, let me begin by saying how honored I am to have a chance to rise while the distinguished Senator from Vermont is in the chair. I concur strongly with the majority of the arguments made by the Senator about the fairness of how our agricultural activities in our country are distributed. Sometimes our agricultural emergencies in the Northeast are lost sight of when we get around to supporting our family farmers and agricultural activities.

TREASURY BORROWING AND TAX CUTS

Mr. CORZINE. Mr. President, I rise to discuss a recent report by the Treasury Department that has received very little attention in Washington, but it is sending a very significant signal, message, about the recently approved tax bill to the financial analysts around the world and market participants around the globe.

On July 30, the Treasury Department announced that it expects to borrow from the public $51 billion during the quarter ending in September. This was a whopping reversal from an estimate in a similar Treasury report issued just 3 months earlier.

Back in April, Treasury said that it expected to pay down a total of $57 billion in debt in this very quarter—a negative cashflow swing of an incredible $108 billion.

Let me repeat that. For this quarter, we have gone from an estimate showing that we would reduce our debt by $57 billion, to an estimate that we will increase our debt by $51 billion—again, a $108 billion swing in just 3 months.

I used to serve on the Treasury Department's Debt Advisory Committee as a private citizen, so perhaps this report by the Treasury struck me as a little more troubling than it did many of my colleagues. It is a serious reversal and worthy of a few minutes to discuss its implications because it is a precursor of things to come.

The first and perhaps most important point to make is this: We are financing the tax rebates that are so much ballyhooed by borrowing, something about which the American people would be more troubled if they knew it were happening. We are going into debt in order to finance these tax cuts. That is not a function of any accounting tricks. It has nothing to do with trust fund accounting. My comments are not political. It is a simple undeniable statement of fact—a fact that is a precursor of things to come, the end result of this flawed and overreaching tax cut program.

The tax rebates will cost $40 billion this fiscal year. But we don't have $40 billion lying around, as many advocates expected. As a result, the Treasury Department says it will now have to borrow every dollar that will then be sent out in a check from the Treasury. In addition, we will have to pay out $500 million in additional interest this year just to finance these tax rebates.

It may be the right thing to do for stimulating the economy, but it comes at a real cost. And that is before we unfold all the other elements of this tax cut over the years.

To be fair, it is true that in the previous quarter the Government ran a surplus. If you consider the fiscal year as a whole, there is still a chance we will see an on-budget surplus. But it is undeniable that in this quarter we will be in deficit, not just an on-budget deficit but a unified deficit, meaning we enter Medicare trust fund moneys and maybe even potentially Social Security trust funds.

Thus, every tax cut check that goes out is being financed by borrowing, with its accompanying interest costs. That is not what we told the American people when we passed this tax cut. We said we were just giving back their money; that is, excess revenues. We didn't say we would go out and borrow to finance that tax cut. We did not say we would increase our debt to finance the tax cut. We said we had the money.

Now the truth is out. We don't. That is one truth that was conveniently left out when the administration sent out its $34 million notice taking credit for the tax cut.

Beyond the need to finance the tax rebates, Treasury was also forced to build up its cash balance because of a gimmick—one of many gimmicks—that was built into this recently enacted tax bill. This is one that really bothers me, actually more than the rebates, as you could make an argument that we need that as a slowing economy occurs.

That legislation shifted the due date for corporate taxes from September 17 of this year to October 1. This was nothing more than accounting magic to allow us to spend more money next year without showing a raid on the Medicare surplus. But this particular gimmick has come at a real cost. By delaying the receipt of those revenues,

the Treasury will pay, at a minimum, an additional $40 million in interest. That is actually $40 million that comes out of the Treasury's pocket and goes into individual corporations that benefit from the delay in payment of their taxes.

Think about that. To finance an accounting gimmick to provide political cover in fiscal year 2002, taxpayers are going to pay an extra $40 million. I guess in our budget that sounds like not too much. Where I come from, it is a lot. And seeing some of the things we argue for, whether it is our apple growers or other folks who are in need of emergency aid, it is a lot of money—$40 million that could have been used to improve education, protect our environment, strengthen our national defense. In my view, that is just plain wrong. Unfortunately, it is only the beginning of a number of the magic tricks we have going on with regard to this tax cut.

Unfortunately, this $40 million gimmick was one but maybe the smallest. Some of the tax cuts don't become effective for several years. Others phase out before a 10-year timeframe, as we talked about. A number of extenders, which we know are going to be there, are left out. The AMT is ignored. And in what has to be the most egregious gimmick in the history of tax policy, the whole tax cut will expire after 9 years.

I am new to government. I am new to politics. But I find this gimmickry outrageous. It is intellectually dishonest, and it would never have been tolerated in most of the financial transactions in which I participated in my private life. In fact, if I ever tried to use such gimmickry when I was back on the street, I would have been called to task by the SEC or the U.S. attorney, and for good reason.

Having said all this, I recognize that despite my personal concerns about the premises of the tax bill and its many gimmicks, we don't have the votes to fix the problem now. It is inevitable that we will have to fix it eventually if we want to address the needs of America, to invest in America the way we talked about with regard to education, with regard to agriculture, with regard to the health care system and our military. Otherwise, we will just find ourselves further in debt and without the resources to fix Social Security and Medicare, to provide a meaningful prescription drug benefit, or these things that we need to do in our national defense.

For those who continue to insist that there is plenty of money for the tax cut, just read the latest statement from the Treasury Department. I suspect it is only the beginning.

I ask unanimous consent that a copy of the Treasury Department statement be printed in the RECORD.

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

TREASURY ANNOUNCES MARKET FINANCING ESTIMATES

The Treasury Department announced today that it expects to borrow $51 billion in marketable debt during the July–September 2001 quarter and to target a cash balance of $55 billion on September 30. This includes a borrowing of $61 billion in marketable Treasury securities and the buyback of an estimated $9½ billion in outstanding marketable Treasury securities. In the quarterly announcement on April 30, 2001, Treasury announced that it expected to pay down a total of $57 billion in marketable debt and to target an end-of-quarter cash balance of $60 billion. The change in borrowing reflects a number of factors, most significantly the shift in the September 15 corporate tax due date to October 1 and the need to finance in this quarter the tax rebates.

The Treasury also announced that it expects to pay down $36 billion in marketable debt during the October–December 2001 quarter and to target a cash balance of $30 billion on December 31.

During the April–June 2001 quarter, the Treasury paid down $163 billion in marketable debt, including the buyback of $9¼ billion in outstanding marketable securities, and ended with a cash balance of $44 billion on June 30. On April 30, the Treasury announced that it expected to pay down $187 billion in marketable debt and to target an end-of-quarter cash balance of $60 billion. The increase in the borrowing was the result of a shortfall in receipts and lower issues of State and Local Government Series securities.

Mr. CORZINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. CORZINE assumed the Chair.)

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

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

AMERICA'S FARMERS NEED ASSISTANCE

Mr. DORGAN. Mr. President, as the Senate prepares to leave town for the August recess, and most of my colleagues are perhaps already on an airplane, it might be useful to describe what has happened at the end of the legislative business we completed a couple of hours ago.

This past week, we considered legislation dealing with some emergency help for family farmers. In fact, it was actually kind of hard to get that legislation even considered because the Republicans in the Senate filibustered the motion to proceed.

For those who do not understand the mechanics of how the Senate works, in plain English that means they demanded a debate on whether we should even debate the bill. A motion to proceed and a filibuster on the motion to proceed meant we had to debate whether we should even start debating. If that sounds a little goofy and a little arcane to regular folks who sit around and talk about issues in a straightforward way, it is because it was arcane and, at least in this Senator's judgment, ''goofy.'' But sometimes, that is just the way the Senate works. However, I certainly would not want to change the rules of the Senate.

We had to debate the motion to proceed and deal with a filibuster, and then we got the legislation to the floor. The legislation was written to help family farmers during tough times.

Family farmers across this country have confronted a total collapse in prices for that which they produce. In most cases, in my State at least, they are trying to run a family operation. They are living on a farm, with neighbors a good ways away. They have a yard-light that illuminates that farm. They often have cattle, a few horses, some chickens, and in some cases a half dozen or so cats running around. They have a tractor, a combine, a drill or a seeder. They are all equipped to go about the business of farming.

Family farmers all across this country go out when the spring comes, when it is dry enough to get in the fields, and they plant some grain. They hope then, after they plant their seed, nothing catastrophic is going to happen that would prevent it from growing. They hope it does not hail. That might destroy their crop. They hope it rains enough. They hope it does not rain too much. That would also destroy the crop. They hope it does not get disease, it could, and that could destroy the crop. They hope insects do not come, and they could, and those insects could destroy the crop. All these things, the family farmer must cope with.

But, there is one more thing family farmers must deal with. They have all this fervent hope and trust, having invested all they own in these tiny seeds they planted in the ground. Then in the fall, they hope they can fuel up the combine and go out and harvest that crop. When they do that, they put it in a truck haul it to the elevator. The country elevator receives that grain when they raise the hoist and dump that grain into the pit. The grain trader then says to that farmer: Yes, we know you worked hard. We know you and your family planted in the spring. We know you and your kids and your spouse drove the tractor and drove the combine. We know you have your life savings in this grain, and that you managed against all odds to finally harvest it. But, this grain is not worth much. This food you have produced does not have value. The market says this food is not very important.

Those family farmers, who struggle day after day in so many different ways to try to make a living on the family farm, are told that which they produce in such abundance and that which the world so desperately needs somehow has no value. Talk about something that makes no sense, this is it.

We have at least 500 million people in this world who go to bed every single night with an ache in their belly because it hurts to be hungry. At the

same time, our family farmers are losing their shirts because they are told the crop they struggled to produce has no value.

A world that is hungry and family farmers producing food the market says has no value? Is there something not connecting here? You bet your life there is something not connecting.

It is interesting to see what we have done in the last several weeks. The priorities around here are not so much family farmers. The priorities, if one closes their eyes and listens to the debate, are: missile defense, Mexican trucks, the managed care industry. Those are all the priorities, but when it comes to talking about the extra needs of family farmers during tough times, we are told they do not need that extra $1.9 billion. Enough votes were available in the Senate to pass that legislation. We had 52 votes in favor of it.

I went to a real small school. I graduated from a high school in a class of 9, but I figured out enough from math to understand when one has 100 votes and 52 vote yes, that means yes wins.

We had enough votes to pass this legislation, and we had a vote on it. We received 52 votes. But guess what. It did not pass. Why? Because there was a filibuster.

President Bush and the Republicans in the Senate said: We are going to filibuster this—which requires 60 votes to break —because we do not want to give that extra aid to family farmers.

All we are talking about is a bridge over price valleys. We are talking about a small bridge during tough times.

During this discussion, some friends of mine came to the Senate and said: Things are better on the farm, prices have improved.

When prices for grain hit a 25-year low and then improve slightly to only an 18-year low, I suppose one could say things are better.

I ask those who say things are better to take a look at their bank account. Have they lost 40 percent of their income? If so, then come here and understand the empathy that ought to be shown to family farmers. If not, do not talk about slight improvements.

Has anybody in the Senate, in recent years, raised a 250-pound hog? I don't think so. If they had, they would be aware of the time during these last several years in which a 250-pound hog brought less than 10 cents a pound. A 250-pound hog from the farm to the market brought less than $25 for the entire hog. Someone bought that hog, processed it and sent it to the market to be laid on a grocery store shelf. But at the grocery store, the meat from that hog cost $300 to the folks who bought it. This was the same hog that brought only $25 to the family farm.

Is there something wrong with this? Unless one has gotten less than $25 for a hog recently—and that has happened in recent years to those who produce hogs—do not talk to me about slight improvements.

Yes, the price of hogs has increased, but tell me: What kind of loss did family farmers incur when they went through that $25 price valley? Commodity prices have collapsed in a very significant way. In most cases, they have stayed way down. We need to do something about it.

I prefer that farmers get all of their income from the marketplace, but at this point that is not possible. The grain markets have collapsed. Until we find a way for that market to come back, if we want family farmers in our future, we need to provide a safety net. That is what we are trying to do.

We are trying to write a new farm bill, and we were trying to provide an emergency piece that will get them to the point where we get this new farm bill in place. That is what this debate was about.

We lost today, no question about it. One can describe it a lot of ways. There was once a general who lost badly in a battle, and the press asked him what happened. He said: As far as I am concerned, we took quite a beating. He was pretty candid about it.

We lost this morning. North Dakota farmers lost $60 million, but this morning was just the bell for the end of round one. There will be other rounds, and this issue is not going away. The $1.9 billion is not going away. That $1.9 billion is available to help family farmers.

Senator HARKIN from Iowa brought that help in a bill that did not have a budget point of order against it. It has been provided for in the budget. It was available, and we ought to make it available when it is needed. It is needed now.

We lost today, but we will be back in September or in October. I believe in the end we will prevail on this issue.

Let me make a final point. Some say: Why is it I care so much about family farming? Why don't I deal with other issues, other businesses? My State is 40 percent agriculture. What happens to family farmers has an impact on every Main Street and every business on every Main Street in the State of North Dakota. It is not just the economic issues that concern me, however. I think our country is more secure, and I think our country is a better place when we have a broad network of producers living on the farms in this country producing America's food.

Europe does it that way because they have been hungry in their past and they decided never to be hungry again. They want to foster and maintain a network of producers across Europe. We ought to do the same.

The family farm is not just an economic unit. It is that, to be sure, and it is an economic unit that is destined to fail when prices collapse if we do not do something to help. But it is much more than just an economic unit. Family farms produce more than just a bushel of wheat. Family farms produce a culture that is important to this country. They produce community. They produce values. They are a seedbed—and always have been a seedbed—for family values in our country. Family values that have for years been rolling from family farms to our small towns to our large cities.

Family farms are not just some piece of nostalgia for us to talk about. Those who support big corporate agriculture and would not mind seeing a couple big corporations farming America from California to Maine say the family farm is yesterday. They say, good for you, good for supporting yesterday, but it is yesterday. It is like the little old diner, as I have said before, that is left behind when the interstate comes through: It is nice to look at, does not mean much, but it is not a viable part of our modern society. They are dead wrong. They are as wrong as can be. The family farm is important in this country. It is important to its culture, and it is important to its future.

When we have a debate about these issues, we discover the answer to these questions: Whom do you stand for, whom do you fight for, and what are your priorities? Some say: My priorities are to let Mexican trucks into this country. That was the big debate we had for the past week and a half. My priorities are to build a national missile defense system and it does not matter what it costs, they say. My priorities are to stand with the managed care industry and the big insurance companies in the debate on a Patients' Bill of Rights. That is what they say.

Those are not my priorities. My priorities are to say I stand for family farmers. I stand for the interests of family farmers and the role they should play in our country's future. But they cannot and will not play that roll, unless we help them over tough times.

Let me go back to one final point. This is a big world with a lot of people living in it. I have traveled much of it. It is true that all over this world, even as I speak, people are dying from hunger and hunger-related causes, most of them children. About 40 to 45 people a minute die from hunger and hunger-related causes. My old friend—the late Harry Chapin, who died many years ago, this wonderful singer, songwriter, storyteller—used to devote half the proceeds of all of his concerts every year to fight world hunger. He said this: If 45,000 people died tomorrow in New Jersey, it would be headlines around the world, but the winds of hunger blow every single day across this world and cause death. Nary a headline anywhere.

My point is, we have wonderful family farmers who struggle and risk all they have and work very hard to produce the best quality food produced anywhere in the world. They produce this food in a world that is rife with hunger, in a world in which young children suffer by not having enough to eat in so many corners of our globe. And then our family farmers are told the food they produce has no value.

This country is the arms merchant of the world. We ship more military equipment and sell more military equipment than any other country in the world by far. I would much prefer we be known as a country that helps feed the world, as a country whose family farmers labor hard to produce good quality food, and we find a way to connect that with the needs that exist in this world and give children a chance.

This issue is a big issue, an important issue. Our family farmers have a big stake in it. This morning in North Dakota, our family farmers lost $60 million that they should have received to help them over these tough times.

We are going to be back. We lost round one, but we are not giving up. We are going to come back and get that assistance for family farmers. Why? Because we think it is important not just for family farmers, but because we think it is important for our country and for our country's future as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I thank Senator JEFFORDS for allowing me to go ahead and do this bit of work and make a statement about which I feel very personal and passionate.

COMMENDING ELIZABETH LETCHWORTH

Mr. LOTT. I send a resolution to the desk and I ask that it be read in its entirety.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

S. RES. 154

Whereas Elizabeth B. Letchworth has dutifully served the United States Senate for over 25 years;

Whereas Elizabeth's service to the Senate began with her appointment as a United States Senate page in 1975;

Whereas Elizabeth continued her work as a special Legislative assistant, a Republican Cloakroom assistant, and as a Republican Floor Assistant;

Whereas in 1995 Elizabeth was appointed by the Majority Leader and elected by the Senate to be Secretary for the Majority;

Whereas Elizabeth was the first woman to be elected as Republican Secretary;

Whereas Elizabeth was the youngest person to be elected the Secretary for the majority at the age of 34: Now, therefore, be it

Resolved, That the United States Senate commends Elizabeth Letchworth for her many years of service to the United States Senate, and wishes to express its deep appreciation and gratitude for her contributions to the institution. In addition, the Senate wishes Elizabeth and her husband Ron all the best in their future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Elizabeth Letchworth.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, I know from the expressions on the faces of all of our officers and staff members in the Senate Chamber, there is a bittersweet feeling about the fact that Elizabeth Letchworth will be leaving to go on to the next venture in her life. I have said many times—not often enough—how much I appreciated the great work done by the officers of the Senate and the staff, those who read the bills, the clerks, the Parliamentarians, our own floor assistants. They make this place run. They serve us all so well, Democrat and Republican. We get to take the bows and go back home to our constituents, or home for the night, and quite often they continue to work. I take this occasion to thank all for the great work they do and say how much I appreciate you.

The record will show someday that quite often I took into consideration a very capable and deserving staff in deciding not to be in session on occasion. I do think about the staff, and I am sure that my successor as majority leader will do the same.

Also I should say I regret that I am doing this alone, now, at this hour. There is probably not a Senator in this body who could not tell a personal story about some event or some situation where Elizabeth Letchworth helped—again, Republican and Democrat, and Independent. She has looked after us all, sometimes when we did not even deserve it, but she was particularly helpful to me while I was majority leader. The rules of the Senate are not easy to understand. We mess them up every now and then, especially if we try to do things on our own. If there is an Elizabeth or a Marty or a Lula or a Dave, quite often we avoid making a mistake.

Elizabeth has been special. On behalf of all the Republican Senators, and all Senators, we thank her for her years of service and dedication. Senator Dole had a lot of fine staff, but I guess Elizabeth is the one who has stayed with me the longest. She serves the institution. She doesn't serve one leader or another. She has served us all well. We have been smart enough to keep her around.

While I wish we had all 100 Members here—and perhaps I should have done this earlier today when we were all here, but it is typical of her—we were running around trying to figure out how we were going to get the Agriculture bill done with the least amount of pain and suffering for both sides and for the President. And we got it done. Once again, she helped to make it possible.

I wanted the resolution to be read in its entirety because she has had quite a career. It is obvious she is quite young, still. But she has been around this institution for almost 26 years, going back to 1975. She started as a page during her junior and senior years in high school. Obviously she should have known then not to stay any longer, but she made a miscalculation, as young people quite often will, and she has been here ever since.

Elizabeth had her first permanent position with former Republican Hugh Scott of Pennsylvania. That was so long ago I was not even in Congress—maybe I was. I guess I would have been, but I can't remember that far back. She served for Howard Baker, Bob Dole, and now for me as majority and minority leader. She is the first and only one, to date, to hold the post of Republican secretary, and she served in that position for 7 years.

Elizabeth is a native of Virginia. Let me note, also, her parents are Jody and Don Baldwin. I want to mention them in particular because I have known her father for about 30 years myself, going back to when I was a staff member for a Democrat in the House. If that is not ancient history, I don't know what is. But I always loved him and enjoyed working with him. I know he was oh so proud of Elizabeth and the confidence we have had in her and the job she has done.

She did, again, show great wisdom. She married Ron Letchworth, born in Greenville, MS, finished high school at Hazlehurst, MS, and as is typical of southern boys, he overran his kick coverage and married Elizabeth. That means he married way over his head, but he is a great guy.

Elizabeth is retiring and going on to do different things, other things. I believe they will live in North Carolina and she will tend to her other passion—other than the Senate—golf and other things about life that are important. Too often, as staff members and as Senators, we get to thinking this is the world, it is all here in this room, in this Chamber, in this building, within the beltway. But out beyond the beltway is a wonderful life, a lot of wonderful people, and a lot of wonderful things to do.

I understand there is life after the Senate. I am not sure of that, but for now I look forward to finding that out someday myself.

Until then, I say to Elizabeth Letchworth, we appreciate all you have done. We will always think of you and love you and we wish you the very best at whatever you do.

Mr. JEFFORDS. Will the Senator yield?

Mr. LOTT. I am happy to yield.

Mr. JEFFORDS. I join in the accolades. I know I speak 100 percent for the Independents here when I say that, having experienced the tremendous responsibility that is carried by Elizabeth. But I also know her effectiveness. There is not a Senator here who has

not been saved at least once, twice, or three times out of embarrassment by being astutely and highly reminded that you forgot to do something, but, most of all, just the effectiveness and the confidence that all of us have in Elizabeth, making sure that everything is fair and square. She has been fantastic.

I agree with every word the Senator said, and I am sure I speak for all Members not here.

Mr. LOTT. I thank the Senator from Vermont.

Mr. DASCHLE. Mr. President, I, too, come to the floor to publicly acknowledge and thank Elizabeth for the public service she has provided to her country. Public service is not easy. It requires many, many sacrifices. It is enough to provide the sacrifices, but to do it with grace, with intelligence, with a sense of humor, and with a real sense of dedication is another matter altogether.

Elizabeth Letchworth did it just that way. She is a Republican. I am a Democrat. As Senator BOND and others have noted, there are times when Democrats and Republicans have it out in so many ways on the Senate floor politically and philosophically. But there are those times when, in spite of our deep differences of opinion, we recognize there is a higher calling, a higher responsibility, and a higher order. I must say in all the years I have known her, Elizabeth understood that and demonstrated that with her actions and with her words.

She in many respects exemplifies the very finest of public service professionalism. She made our jobs easier. She made our jobs even more enjoyable, and certainly I think more rewarding.

On this her last day, I know I speak for all of my colleagues on this side of the aisle in expressing to her our heartfelt thanks, our sincere congratulations, and our best wishes for what we know will be a very exciting future.

I yield the floor.

Mr. DODD. Mr. President, I wish to add my voice to that of the distinguished majority leader in extending my very best to a remarkable woman who served all of us tremendously well during her tenure.

Elizabeth, we wish you the very, very best. I know to the outside world, as they look at the floor and they see Republicans on one side and Democrats on the other, we must look slightly chaotic, to put it mildly to the casual observer. But what they do not see day in and day out is the tremendous work of the staff who represent us at one level. They work so deeply and profoundly with all of us on many levels.

I cannot tell the Chair on how many occasions Elizabeth Letchworth has been tremendously kind and generous to me when I have come to the floor and asked for guidance or assistance. She never looked at me as if I were a Democrat when she responded to me. She looked at me as a Senator and a person who had a job to do.

We will miss you tremendously and only hope that your example will be followed by others who sit in that chair in the years to come, be they Democrats or Republicans on either side.

I wish you and your family the very best, and I hope you come back often to see us.

I thank you for the tremendous courtesies that you have extended to me and to other Members of this body throughout your service. We thank you immensely.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, a few months ago our distinguished Republican leader presented a resolution which was adopted, I think, with the wholehearted support of all of us. I want to take a moment for a personal thank you to Elizabeth Letchworth, who has been an absolutely invaluable guide and counselor and friend during the time I have been in the Senate.

When we first get to the Senate, as the occupant of the chair knows well, our normal question is: What is happening? It is a little bit obtuse and confusing. I often recall that great old saw that: In these chaotic times that are so complex, if you are not totally confused, you are not thinking clearly.

There are times when I have passed that test of thinking clearly by being totally confused. Usually the person I went to was Elizabeth, and I would say, ''What's happening?'' She could explain not only the procedural aspects and what we needed to do in terms of making sure our rights were protected and we were able to present our views, whether on resolutions or bills—she was absolutely invaluable in that—but she also had a pretty good idea of what was going to happen, too. Trying to schedule the day around the work of the Senate floor is a challenge which I don't think any of us not the leadership—maybe even not some of them—have mastered. Because things do change here, it is always very difficult to figure out what is going on.

Elizabeth was the one who, time and time again, told us what was likely to happen, when we could plan on things, what we could do.

On a personal note, as my son was growing up and going to school here, the time I was able to spend with him in the evenings depended upon when we could complete our out-of-Senate work. Elizabeth became probably the best friend I had in terms of my being able to spend some time with my son. I would walk up to the desk in the front with a perplexed look on my face, and she would say: Are you having dinner with your son tonight or do you have something planned? She knew in advance what I was coming to ask her, and she was often able to tell me very precisely what was going on.

In terms of my relationship with my son, I know I can add his thanks to mine for the great friendship and the thoughtfulness she exhibited in helping us deal with the complex time schedules of the Senate.

Most of all, I have to say in this body sometimes things get a little tense. There is tension across the aisle and there is tension with colleagues on our own side of the aisle. But she was always able to maintain a pleasant and a friendly attitude that helped take away some of the tension and helped smooth over some of the difficult times.

That is a high standard she has set. It is going to be very difficult for those who follow her to equal that degree of service and friendship. But I join with all my colleagues in saying a heartfelt thanks for being a wonderful friend, a great guide, great counselor. We wish you the very best of luck. We hope, if your sense of humor permits, you will come back and watch us from time to time and help guide us through the difficult times ahead. You have certainly done an excellent job in the past.

I join wholeheartedly with a sincere vote of thanks for Elizabeth Letchworth.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senate leaders have called attention to the fact this is the last day on which Republican Secretary Elizabeth Letchworth will work with us in this Chamber. Thus ends the extraordinary career of an extraordinary Senate staff person.

Elizabeth originally came to the Senate as a page. She stayed for 26 years. That is almost as long as Robinson Crusoe was on that island. He was on that island 28 years, 2 months and 19 days, so Elizabeth has almost equaled that. Her diligent, dedicated work, and her loyalty to the Senate led to her eventual rise to Republican Secretary, the first woman, the only woman, to serve in that capacity.

Ms. Letchworth has worked for or with six different Senate majority leaders, including myself. Therefore, I am speaking from personal experience when I say she made life and work easier and more enjoyable for all of us. Through the years, I came not only to respect Elizabeth's work, but also to admire her as a person. She always provided an oasis of calm in the middle of the many storms that brewed about her on the Senate floor. She was friendly and courteous. She worked on the Republican side, but she was always straightforward with me, always accurate. Not once did she ever mislead me, but she always was willing to be so helpful.

Hers were the qualities so important to Members on both sides of the aisle because those qualities engender that precious commodity, and it is a most precious commodity in this Chamber, a most precious commodity if the Senate is to work its will. It is a commodity called trust. The Members on the Democratic side of the aisle developed such a high regard for Elizabeth that when we learned she was leaving, the Democratic Conference passed a resolution commending her for her extraordinary work and her illustrious career.

Elizabeth's work here in the Senate will be remembered. I hope she will come back and see us. She has served the Senate well and in serving the Senate well, she served her country well. I wish the best for Elizabeth Letchworth and her husband Ron as they embark upon a new phase in their lives. I doubt that our paths will ever cross in that new phase because I do not play golf. I do not have much time for it, but I hope this new phase in her life will be enjoyable. I trust she will remember us as fondly as we will certainly remember her.

LIFE'S MIRROR

There are loyal hearts, there are spirits brave,
There are souls that are pure and true,
Then give to the world the best you have,
And the best will come back to you.

Give love, and love to your life will flow,
A strength in your utmost need,
Have faith, and a score of hearts will show
Their faith in your word and deed.

Give truth, and your gift will be paid in kind;
And honor will honor meet:
And a smile that is sweet will surely find
A smile that is just as sweet.

Give pity and sorrow to those who mourn,
You will gather in flowers again
The scattered seeds from your thought outborne,
Though the sowing seemed but vain.

For life is the mirror of king and slave,
Tis just what we are and do;
Then give to the world the best you have,
And the best will come back to you.—Madeline Bridges.

May God always bless you, Elizabeth.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent all the remarks made on the Senate floor regarding Elizabeth Letchworth appear in the RECORD immediately following the remarks of Senator LOTT.

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

ELECTING DAVID SCHIAPPA SECRETARY FOR THE MINORITY

Mr. LOTT. Now, we make a first attempt to name a successor, and that will be a difficult task. So I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CARPER). The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 155) electing Dave Schiappa of Maryland as secretary for the minority of the Senate.

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

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 155) was agreed to.

(The resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

Mr. LOTT. Good luck, Dave; you are going to need it. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

AGRICULTURAL ECONOMIC ASSISTANCE

Mr. JEFFORDS. I rise today to voice my frustration about the events that unfolded today regarding the Agricultural Economic Assistance Act. I am disappointed for one reason. This legislation leaves my farmers behind. Of the $5.5 billion in this bill, only a very small amount goes to Vermont or any of the farms in our area of the country. Only $1.5 million out of the $5.5 billion in this package will reach Vermonters. That amounts to only about $1,000 per farm.

Mr. President, 50 percent of the money goes to 10 States. Our dairy farmers are the hardest working, most efficient. The compact has no Federal cost.

It is without question that the states in the Northeast are left out.

During the proceedings on this bill, there was much talk about the amount of the overall spending package. As we continue to wrestle with budget and spending concerns, I encourage my colleagues to take a look at a program that provides assistance and stability for farmers at no cost to the federal government, the Northeast Interstate Dairy Compact.

The Northeast Dairy Compact was established to restore the regulatory authority of the six New England states over the New England dairy marketplace. This authority, however, must be granted by Congress.

By gaining the consent of Congress in 1996, the Northeast Dairy Compact has allowed the compact commission to regulate milk pricing in the region.

Since July of 1997, when the compact commission first set the Class I overorder price at $16.94, the Northeast Dairy Compact has proven to be a great success—providing farmers with a fair price for their milk, protecting consumers from price spikes, reducing market dependency upon milk from a single source, controlling excess supply, and helping to preserve rural landscapes by strengthening farm communities.

Farmers across our Nation face radically different conditions and factors of production.

Differences in climate, transportation, feed, energy, and land value validate the need for regional pricing. Compacts allow states to address these differences and create a price level that is appropriate for producers, processors, retailers and consumers.

The stability created by the compact pricing mechanism is important for several reasons. It guarantees farmers a fair price for their product and allows them to plan for the future. Farmers, knowing that they can count on a fair price, can allocate money to purchase and repair machinery, improve farming practices, and above all, stay in business.

Opponents of compacts argue that compacts leads to overproduction. These allegations, however, are unfounded. The Northeast Dairy Compact has not led to overproduction during its first 4 years. In fact, during 2000, the Northeast Dairy Compact states produced 4.7 billion pounds of milk, a 0.6 percent reduction from 1999. Since the Northeast Dairy Compact has been in effect, milk production in the region has risen by just 2.2 percent. Nationally, milk production rose 7.4 percent from 1997 to 2000. Over this same period, California, the largest milk producing state in the country, increased its milk production by 16.9 percent.

Originally created as a three-year pilot program, the Northeast Dairy Compact has been extremely successful in demonstrating the merits of compacts. We no longer need to speculate about the potential effects of compacts. We now have the hard evidence—they are good for farmers, good for consumers, and good for the environment.

As has been stated by several of my colleagues today, we, who represent the Northeast will do everything in our power to secure the survival of our family farms. We look forward to working throughout this year to make sure the dairy compact is, again, allowed to show the benefits to this Nation of effective farming which results in no cost to the Government.

It is certainly hard for me to understand why we get so much criticism. It is the only farm program that doesn't cost the Federal Government money, and it is one of the first on some people's lists of programs to get rid of. It is entirely unbelievable and incomprehensible.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ADJOURNMENT OF THE TWO HOUSES OVER THE LABOR DAY HOLIDAY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 208, just received from the House.

The PRESIDING OFFICER. The Chair lays before the Senate H. Con. Res. 208, which will be stated.

The bill clerk read as follows:

H. CON. RES. 208

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday,

August 2, 2001, or Friday, August 3, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 208) was agreed to.

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

ELECTION REFORM

Mr. DODD. Mr. President, I would like to talk about election reform. I have talked about it on a number of occasions.

Yesterday, as chairman of the Rules Committee, we had a markup of one of the election reform bills. I say with a high degree of sadness—and I truly mean this—that our good friends on the Republican side of the aisle decided for whatever reasons not to show up; to sort of boycott the markup. I haven't had that experience in my 20 years in the Senate and 6 years in the House. I gather that it may have happened on other committees but never on ones on which I served.

Again, I understand there is disappointment sometimes when our amendments or our bills are not going to be marked up, or are not going to have the necessary votes to be marked up. I had scheduled the markup well in advance with full notice. There are some 16 election reform bills that I know of which have been introduced in the Senate. We didn't mark up all of them. We marked up one bill. It was open for amendment, or substitution, as is the normal process. As I have been both in the majority and minority, over the years that is how it has been done.

In the Rules Committee you cannot vote by proxy. You have to be there for the final vote. You can only vote by proxy on amendments.

We had the convening of the markup at 9:00 in the morning with the full idea that at least an hour-and-a-half would be available for people to come and offer amendments, debate, or discuss the issue of election reform.

I think there were some 200 to 300 people in the hearing room. Many came in wheelchairs and some with seeing-eye dogs and other such equipment in order to assist them. There were people from various ethnic and racial groups in the country who care about election reform, and average Americans who just wanted to see what Congress might do and what the Senate might do in response to the tremendously disappointing events of last fall when we saw what tremendous shambles our election process is in. The events of last fall peeled back the scandalous conditions of our electoral processes all across the country—not only in one state during one election. Almost without exception, every State is in desperate need of repairing the election process.

As a result of what happened last fall, there has been a heightened degree of interest in doing something about our election process. As a result, as the chairman of the Rules Committee since June, I have had three hearings on the issue. We had one hearing prior to that when I was ranking member of the committee.

The bill I propose is one that has been cosponsored by 50 other Members of this body. It received some rhetorical support from others who are not exactly cosponsors but have told me that they will support the bill when it comes to the floor. The same bill has been introduced by Congressman JOHN CONYERS of Michigan in the House of Representatives. It enjoys, I think, over 100 bipartisan cosponsors in that body. There are also other bills that enjoy some support. The bill offered by the now ranking member of the Rules Committee, Senator MCCONNELL, has some 70 cosponsors. Thirty-one of those cosponsors are cosponsors of the bill I introduced.

There is a lot of interest in this subject matter. What was disappointing to me and what saddened me was that on a day in which we were going to hold a markup to figure out how we might improve the electoral system so more people would have the opportunity to vote and have their votes counted, our friends on the other side decided not to come and be heard, let alone vote on this matter.

That troubles me, and I hope it is something not to be repeated. It is not a very good civics lesson, particularly for the dozens of people who showed up yesterday. Some made the extra strenuous effort to be there, considering their physical condition.

Mr. President, between 4 to 6 million people last November 7 showed up to vote and were told their votes would not count despite the fact they had the right to vote. Many of them stood in lines in the colder northern tier States for hours on end.

I heard in our hearings in Atlanta the other day, with Senator CLELAND at my side, witnesses from Georgia who literally sat in rooms for hours without chairs—elderly people simply waiting for a chance to vote and to have their votes counted.

When you have a markup of a bill that is open for all sorts of bills to be considered as amendments or substitutes before the committee, it is disheartening to me that such a message might be sent that we don't care enough to vote on a bill such as this to encourage Americans to vote.

I hope that when we come back in September the offer I made in November of last year as the ranking Democrat on the committee to the then-chairman of the committee to work together on a bipartisan bill will be taken up, and that we can sit down and try to craft something a majority of our colleagues would like to get behind and support; and that the other body would do the same, and put some meaningful resources on the table so that States and localities will have the help to make the changes that are necessary in order for the election system in our country to work.

The election system is in a shambles. This is not some question of fixing a minor problem, I regret to report. All you need to do is read the reports that have come out in the last few days—studies from the Civil Rights Commission report, to the reports by the Massachusetts Institute of Technology and the California Institute of Technology.

Their studies indicate, as I noted a few moments ago, a stunning 4 to 6 million people showed up last fall who attempted to vote or intended to vote and were not able to have their votes counted. It is a scandalous situation by any estimation.

For example, in my State alone—one of the most affluent States in the Union, the State of Connecticut, on a per capita income basis—we have not bought a new voting piece of equipment in almost a quarter of a century. In fact, the company that made the machines we use in my State no longer exists.

Mr. President, there are some exceptions. I think some States, such as Rhode Island, because of the tremendous efforts of the former secretary of State there—now Congressman JIM LANGEVIN, who is a quadriplegic and has been elected to Congress by the good people of Rhode Island—have become very progressive in regards to the electoral reform.

The people in Rhode Island who are blind, for instance, can vote without having someone go into the voting booth with them. It is the only State I know of in the country where you can do that today. But Congressman LANGEVIN was sensitive to it because of his own physical condition. He told me, with very minor investments—about $400 per precinct—they were able to make not only the voting place accessible but the ballot accessible.

Last fall, 10 million blind people did not vote in America. I have a sister who is blind, blind from birth. She is legally blind. She totally lacks vision in one eye, and has very slight vision in her other eye. From time to time, she has needed assistance—and I don't want to suggest to you she has not voted on her own from time to time—but she works with many people as part of the National Federation of the Blind. She is a board member and attends their conventions. You need only talk to people in your respective States, and ask people who are totally blind what it was like to go and vote last fall. They will tell you they had to

take someone with them to vote. Some States will allow you to bring a family member. Some insist you go in with a poll worker you don't know. So the idea of casting a ballot in private is nonexistent.

Therefore, when I talk about trying to establish some national requirements to improve the system, it isn't just better equipment, it is also making the voting booth more accessible to those who are disabled.

At any rate, let me share with you these statistics. As I said, there were 4 to 6 million people—this is stunning—trying to do their civic duty who were turned away and denied the chance to vote.

Earlier this week, former Presidents Ford and Carter released a report. Their findings echo those of the Cal-Tech-MIT report. The report makes clear that the election of 2000 was more than ''a closely contested election,'' as some have attempted to characterize it. It was more than a matter of a few disputed ballots in a single State. It was, in the words of the Ford-Carter Commission——

Mr. President, I see my friend and colleague from the State of Washington. I would like to be able to proceed for about 5 additional minutes, if that is all right with her.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

The Ford-Carter Commission described the results of last fall's election as ''a political ordeal unlike any in living memory.'' It was an ordeal that spread beyond a few counties in Florida to encompass—and incriminate—the electoral system within our entire Nation.

Like the Cal-Tech-MIT report, this report adds to the growing body of evidence that in the year 2000—and in previous years—American voters were disenfranchised—not by the thousands, or even by the tens of thousands, but by the millions. These are people who intended to vote, stood in line, did everything they thought they needed to do—thought they had registered to vote—and for a variety of reasons were not able to cast their ballots, or not have their ballots counted.

They were people who were disproportionately poor, who are racial or ethnic minorities, who speak English as a second—not first—language, and who are physically disabled.

In Florida alone, the U.S. Civil Rights Commission found that African American voters were 10 times more likely than white voters to have their ballots thrown out.

Across the country, the votes of poor and minority voters were three times more likely to go uncounted than the ballots of wealthier Anglo voters. That kind of disparity—based on race, income, ethnicity, language, and physical ability—is unacceptable, at least it ought to be, in any nation that calls itself a democracy. For a nation such as ours—which is the birth place of modern democracy, which holds itself out among the community of nations as an emblem of self-governance—six million people, out of 100 million who cast their ballots, were thwarted. That is more than unacceptable; it is unconscionable.

Likewise, as our colleague from Missouri, Senator BOND, has said, it is unacceptable and unconscionable when any American abuses his or her right to vote by committing fraud. I wholeheartedly endorse the comments that he made on the Senate floor yesterday that we need to expand voter participation and reduce voter fraud in our Nation.

I appreciate, by the way, the Senator from Missouri telling me the night before what he was going to say on the floor the next day. Those are common courtesies we extend to each other, regardless of differences that may exist.

Voter fraud and voter disenfranchisement are different wrongs, but they have a similar impact. They both debase our electoral system. They both distort the value of votes lawfully cast. And they both diminish the true will of the American people. I wholeheartedly embrace his statement that we need reforms that ensure that more Americans can vote and that fewer can cheat.

I look forward to working with him during the month of August, and his staff, to see if we can craft those parts of what he has proposed as a part of our bill.

Some have argued that—against this overwhelming evidence that millions of Americans are routinely deprived their right to effectively exercise the most fundamental right we have in a democracy; against this overwhelming evidence that our electoral system is in profound need of reform—we should make strengthening our election laws optional.

In 1965 we passed the Voting Rights Act. We did not make the elimination of the poll tax or elimination of the literacy tests an option. We said: It is wrong because you are voting for President of the United States and the National Congress.

If we were just voting for the local sheriff or the school board or the general assembly of that State, then I do not think the Federal Government has a lot to say. You might argue that we do. But when you are voting for the President and the National Congress, then, if you deprive people the right to vote, either de jure, by law, or de facto because of what you failed to do to make the system accessible to people, then you have affected the people who vote in my State when they vote for President or they vote for the National Congress.

So the idea that somehow we are going to make de facto barriers to people's right to vote optional is as ludicrous on its face as it was in 1965 to say we had no right to abandon or get rid of de jure hurdles to people's right to vote when it came to casting ballots for the Presidency and the Congress of the United States.

I am not interested in having overly burdensome requirements. I do not think having basic national standards that say, if you are blind, you have the right to vote in private; if you are disabled and cannot reach the machine, you ought to be able to do so. We did that with the Americans With Disabilities Act. You cannot go into a public accommodation or a public restroom that isn't handicap accessible today. You ought not be able to go into a voting booth that isn't handicap accessible.

I do not think you are going to get that by leaving it optional. I think there does need to be a national requirement to see to it you do not have these punch-hole ballots or chads hanging around all over the place. I do not care if you want to have a different machine in every State, but meet basic minimum requirements.

Provisional voting, giving people the right to see how they voted—you can go to a gasoline station and you know how much gas you put in your car because you get a receipt to look at. Can't we do the same for a voting machine, so that when you vote, and you come out of the booth, you can take a look and make sure your vote was recorded as you intended it to be recorded in the 21st century? Or can't we have a sample ballot so you might have some idea about what you are going to see in the voting booth when you walk into that booth for the very first time?

Those are the kinds of requirements I am talking about. I do not think that is overly aggressive, overly excessive. And I believe that if the National Government requires it, that we ought to also pay for it.

My bill does both. I am pleased to say the Presiding Officer and others are cosponsors of the bill we have introduced. I am not suggesting it is perfect. I hope when we come back in September—I have been told by the majority leader; I appreciate his tremendous leadership on this issue—we will make this a priority issue so we can get it done. We can provide some resources and start to make a difference in the 2002 elections. Hopefully, by the 2004 Presidential race, we will at least reduce substantially the amount of abuse we saw occur in the 2000 election, and hereafter we will see to it that voting opportunities are not going to be left to wither and deteriorate to the point they had, as we evidenced, in the year 2000. It is not easy. It is going to take some investment.

I will end on this note. It was said by Thomas Paine more than 200 years ago. I know these other issues are important. I don't minimize them, whether we are talking about an energy bill, a farm bill, a Patients' Bill of Rights, all those questions that we debate every day as elected representatives in this body, down the hall in the other body, or down the street in the White House. All of that depends, as Thomas Paine

said, on the right to vote. The right to vote is the right upon which all other rights depend. If we can't get the right to vote right, then what confidence do people have that we will make the kinds of decisions they asked us to make when they sent us here as their representatives?

I know it is not as popular and doesn't have the same glamour attached to it as some of these other issues. I don't think there is anything more important this Congress can do than to see to it we redress the wrongs committed in the year 2000 and the years before then.

I urge my colleagues, particularly those from the other side. I have gone to many of their offices. I have let them know. I have visited them the last several weeks. I have explained the bill and asked for their ideas. I want a bipartisan bill. I have been to the office of BEN NIGHTHORSE CAMPBELL, the offices of LINCOLN CHAFEE, PETER FITZGERALD, KIT BOND—I have talked to them—on down the list. I will continue to do so because I want a bipartisan bill. I am saddened again that yesterday my Republican friends on the Rules Committee decided not to come and vote and be heard on a bill that was going to try to improve people's right to vote in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I ask unanimous consent to address the Senate for 15 minutes.

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

Ms. CANTWELL. Mr. President, I commend my colleague from Connecticut for his fine remarks on election reform, a very important issue, indeed, and one I am sure we will be addressing when we resume after our summer recess.

WASHINGTON STATE AGRICULTURE

Ms. CANTWELL. Mr. President, the Senate is about to adjourn for a summer recess, clearly doing so after having moved this morning on an Agriculture supplemental bill that does not truly understand the plight of American farmers and the impacts in my home State of Washington.

The impact on Washington State farmers and the impact they have on our State economy and the national economy is clear. There are over 40,000 farmers in our State covering 15 million acres of land. Washington State apples are 50 percent of our Nation's apples, and Washington State is the third largest wheat-producing State in the country. We export about 90 percent of that wheat internationally.

Farmers in our State have been struck by a series of disasters this year. They have suffered a drought, they have suffered a destructive storm, and this morning they are left with an Ag supplemental bill that does not do enough for the farmers in my State. In fact, this bill we have passed, compared to the Harkin bill, leaves my State with hundreds of millions of dollars less resources for both wheat and apples.

I ask unanimous consent to print in the RECORD a document produced by the State of Washington that details the elements and impacts of the drought.

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

HOW IS AGRICULTURE AFFECTED

The drought largely is the result of reduced snow pack in the Cascade Mountains, which acts as storage for water that is released during the spring and early summer. This water is captured in rivers and reservoirs where it is distributed via irrigation systems to farmers. This relatively reliable water supply has allowed the arid fields of eastern Washington to become some of the most productive and diverse agricultural lands in the United States.

The drought affects not only the water available from rivers and reservoirs for irrigated crops, but may affect non-irrigated crops as well. Insufficient soil moisture of prolonged dry conditions will reduce yields for those crops.

Agriculture is the core industry of rural Washington and supports the small towns and cities of eastern Washington. In 1997, the food and agriculture industry—farming, food processing, warehousing, transportation and farm services—employed over 183,000 people. Farming, excluding farm owners and families, employs about 84,000 people in Washington.

In, 1999 farmers harvested over $5.3 billion while food processors sold $8.9 billion worth of products. Washington's food and agricultural companies exported $3.5 billion of products. The most valuable of these crops come from irrigated land. About 27 percent of Washington's cropland is irrigated, yet this acreage produces more than 70 percent of the total value of all of Washington State's harvest. This includes the most valuable crops: apples; cherries and other tree fruit; vegetables; onions; and potatoes. All of the 20 most valuable crops, by harvest value per acre, are irrigated.

Agriculture also is potentially affected by disruptions in transportation, especially barge traffic due to lower river levels. In the case of wheat, for example, there is insufficient truck and rail capacity to absorb the load if barge transportation is curtailed.

The current drought, unlike other recent droughts, is occurring at a time when farmers are facing many other serious challenges. Many smaller farms are likely to face bankruptcy or leave farming. The weak condition of many segments of the agriculture industry in the state makes the industry more vulnerable to the effects of the drought. Most farmers are in their third year of net losses due to poor market conditions. Many farmers lack the credit to either survive a year without a harvest or make the investments necessary to mitigate the impacts—such as drilling deep wells or upgrading irrigation and distribution systems.

Impacts on the production of crops also may affect the market prices for those corps, which will affect farmers in different ways. For example, Washington produces half of the U.S. apple crop and a significant reduction in harvest may increase the price for those farmers who remain in business. Therefore, some farmers may suffer while others who have water may actually see improved revenue.

The extraordinary rise in energy costs exacerbates the problem for farmers. Farmers rely on diesel fuel for their equipment. Current diesel prices are up 20 percent to 30 percent over last year's levels. The cost of electricity to run pumps is expected to rise as much as 150 percent. The price of natural gas, which is used to make fertilizer, has risen sharply. Most of the irrigated crops are either stored in controlled atmosphere warehouses or processed (canned, dried, frozen, etc.) Cold storage and processing require large amounts of energy (especially electricity and natural gas) and water. If these costs force closure of the processing plants, farmers may have no place to sell their products.

Increased risk of disease, insects, noxious weeds, erosion, and fire resulting from abandoned fields, are also concerns. Without maintenance of the fields or removal of abandoned orchards, the risk of damage to adjoining fields is significant. The Washington State Department of Agriculture (WSDA) has requested funds to assist local Weed Boards to deal with these problems, while state and federal fire officials are preparing for a potentially record year for forest and range fires.

Ms. CANTWELL. It reads in part:

The current drought, unlike other recent droughts, is occurring at a time when farmers are facing many other serious challenges. Many smaller farms are likely to face bankruptcy or leave farming altogether. The weak condition of many segments of the agriculture industry in the state makes the industry more vulnerable to the effects of drought. Most farmers are in their third year of net losses due to poor market conditions. Many farmers lack the credit to survive another year without a harvest or make the investments necessary to mitigate these impacts—such as drilling deep wells or upgrading irrigation and distribution systems.

From Ritzville to Yakima, from Chelan to Wenatchee, the family farms in my State are hurting. Just this past week I met with farmers from Ritzville; they are wheat farmers. Wheat farmers are seeing a 14-year low in wheat prices. They made it clear they need help and they need help now.

Part of our discussion is what is the sentiment for support of the family farms across our country.

I ask unanimous consent to print in the RECORD an article from a local Walla Walla newspaper about the impacts.

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

POLL: VOTERS SUPPORT FARM AND RANCH CONSERVATION EFFORTS

WALLA WALLA.—America's farms and ranches are important to the nation's voters, and not just for their locally grown food.

A new poll released today shows that voters value farms and ranches for the conservation benefits they provide, such as cleaner air and water and wildlife habitat. And not only do voters want the federal government to support programs that secure those values, by linking conservation practices with farm payments, but voters are willing to pay to ensure conservation benefits from farms and ranches.

A poll, a telephone survey of 1,024 registered voters nationwide, uncovered strong support for American agriculture, with 81 percent of voters saying they want their food to come from within the United States.

Americans professed a close connection to farmers and ranchers, with 70 percent reporting that they have bought something directly from a farmer during the last year, such as at a farm stand or a farmers' market. Voter concern about farm environmental issues registers almost as high as for current ''hot'' political issues.

For example, 71 percent are concerned about pesticide residues on food and 69 percent of American voters say they are concerned about loss of farmland to development, compared with more than 80 percent of voters concerned about public education and gas prices.

Seventy-eight percent of the American electorate report they are aware of government income support programs for farmers. Voters strongly approve of these programs when they are used to correct low market prices or in cases of drought or flood damage.

The addition of conservation conditions to farm supports, however, received overwhelming approval, as 75 percent of American voters feel income support to the American farmer should come with the stipulation that farmers are required to apply ''one or more conservation practices,'' such as protecting wetlands or preventing water pollution.

''We were struck by how many voters make the link between agriculture and conservation benefits,'' said Ralph Grossi, president of American Farmland Trust. ''The public feels strongly about all the values they see in American agriculture; not only do they appreciate America's bounty on their tables, they also realize farms and ranches provide environmental benefits and they are willing to share the cost.''

Several programs exist to support conservation on farms and ranches, among them the Farmland Protection Program, Environmental Quality Incentives Program, and the Wetlands Reserve Program.

For each of these programs, demand has far outstripped federal funding in 2001. For WRP alone, unmet requests from farmers totaled $568 million. This year FPP was only allocated $17.5 million in funding—leaving a gap of $90 million and hundreds of farmers waiting in line to protect their land.

''As expected, when we asked voters about how they wanted to increase federal spending, they placed a high priority on addressing pressing needs like finding cures for cancer, educating our children and ensuring adequate energy supplies,'' said Grossi. ''What we did not expect was the finding that a majority of voters—53 percent—feel increasing funds to keep productive farmland from being developed should be a national priority.''

And voters are willing to spend their own money to help farmers protect the environment. When asked whether they would like to get all or some of possible $100 tax refund, 63 percent said they'd forego some of that money to protect waterways, wetlands or wildlife habitat.

''With such strong support for agricultural conservation, policymakers should triple conservation spending in the next farm bill,'' Grossi pointed out. ''The programs are there, and they work. With $21 billion allocated annually to farm support payments by the budget agreement, half should be reserved for conservation programs. It's just a question of putting some financial muscle into making conservation happen.''

''Over the past 19 year I have repeatedly surveyed farmers and found them very willing to conserve natural resources. These new results strongly indicate that conservation-oriented farm programs will please not just farmers, but most voters,'' said Dr. J. Dixon Esseks, a political scientist from Northern Illinois University who directed the poll.

The telephone survey of 1,024 registered voters nationwide was conducted June 2–21, 2001, with a margin of sampling error of +3.1 percent in 95 out of 100 cases.

Ms. CANTWELL. This article discusses what Americans really want to do to help family farmers. Actually, a poll was taken to understand American support for what we might do in the Senate. It said that 78 percent of the American electorate report that they are aware of government income support programs for farmers, and voters strongly approve of these programs when they are used in a fashion to correct low market prices or in case of drought or flood damage. We should be secure in knowing that our constituents want to help family farms.

The family farms in my State are on the brink. They are on the brink because our Governor has declared a drought in Washington State. The drought, along with an energy crisis, is having a catastrophic effect on agriculture. In many cases water is not available for irrigation; the farmers have been unable to get the irrigated water supply they need. Right in the middle of this trouble, a severe storm occurred and greatly impacted the fruit tree industry in the State, ruining various orchards throughout the central part of Washington.

I ask unanimous consent to print in the RECORD an article from the Yakima Herald that reads in part:

Silent and unyielding, drought stalks Central Washington. . . . Crops are wilting, jobs are evaporating, income needed to sustain family farms and rural communities is vanishing, stolen away by this drought like a thief in the night.

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

[From the Yakima Herald-Republic, July 29, 2001]

DRY, DRY AGAIN

(By David Lester)

Silent and unyielding, drought stalks Central Washington during this unsettling summer of 2001. Crops are wilting, jobs are evaporating and income needed to sustain farm families and rural communities is vanishing, stolen away by this drought like a thief in the night.

The drought could mean staggering losses, estimated in one analysis at more than $270 million in reduced income for farmers, lost jobs and less money circulating through the local economy.

Some of those effects already are being felt. Farm employment is down. Farm service businesses are reporting steep declines in sales and have laid off workers to compensate.

Land has been idled in some parts of the Yakima Valley because there isn't enough water to go around, or the water has been transferred to another district suffering a worse shortage. The Roza Irrigation District, among the most severely affected, has drained its reserves of $2 million to buy precious water.

And like victims of theft, area residents are sensing a loss of confidence and an eroding optimism about the future.

They also are grieving.

Carelessness may have lit the match, but drought fueled the fire that took the lives of four young area firefighters July 10 in a tinder-dry and remote part of the Okanogan few people had ever heard of.

The entire Northwest has many weeks yet during which it must deal with the threat of raging forest fires, much as during the Chelan-area Tyee Creek and the Lakebeds complex fires in Klickitat County in 1994.

''Locally in Central and Eastern Washington, we have the potential to have fires like the ones in Montana last summer,'' said Mick Mueller, an ecologist for the U.S. Forest Service's Leaveworth Ranger District.

Wildfire blackened more than 600,000 acres in Montana and a similar amount in Idaho last year. It was the worst wildlife season in the West in 50 years.

PREPARING FOR THE WORST

When Gov. Gary Locke declared a drought emergency March 14, the outlook statewide was bleak for municipal water supplies, irrigation, migratory fish and power production. But spring rains eased drought worries in Western Washington and the dryland wheat country in the far eastern part of the state.

Doug McChesney, state Ecology Department coordinator for drought response, said the Yakima Basin continues to suffer because of its reliance on a limited water-storage system that places a premium on a healthy snowpack every year. Also, a greater percentage of Central Washington farmland relies on junior water rights than the rest of the state.

When the snowpack doesn't come during the winter, the basin suffers, as it has this year.

The numbers tell the story: As of June 1, the amount of water in the snow was just 22 percent of average. All snow was gone by July 1. The total amount of water produced in the watershed through July was just 46 percent of average and the second-lowest in 75 years, second only to 1977. Reservoir storage on July 1 was just 66 percent of average, the second-lowest in 60 years.

''The west side of the state is clearly better off. It's the band down the middle of the state from the Cascade crest to the east where the worst of the problems are,'' McChesney said.

When higher energy costs, higher fertilizer costs and three years of poor marketing conditions for apples and other crops are added in, Central Washington farmers are carrying most of the burden for the rest of the state.

''They are getting clobbered. There is no doubt about that,'' McChesney added.

The region went through a nearly identical drought in 1994, but as McChesney suggested, this year's record drought couldn't have come at a worse time.

SEARCH FOR STORAGE

Already reeling from several years of poor market prices, the 2001 drought is staggering the area with another body blow.

''Farmers are survivors, but they are being pushed about as far as they can be pushed,'' observed Tom Carpenter, a longtime Granger farmer on the Roza Irrigation District.

Carpenter and other basin farmers are once again pushing for new water storage to insulate the basin from drought. The five Cascade lakes in the Yakima Irrigation Project can store less than half the water used in the basin each year.

No new storage has been constructed since 1933. In the intervening years, the basin went through a natural maturing process with the planting of more perennial crops like apples and other tree fruits, mint, grapes, and hops that must have water every year to survive. Also, a relatively new demand for water to protect threatened fish is taxing the system further.

Carpenter, a diversified grower and an active player in basin water issues for many

years, said the people who built the basin found ways to get things done.

''I wonder what's wrong with us. Why don't we have the vision to do what we need to do and take care of everyone's interests?'' he asked. ''We are just fighting over the crumbs.''

The impacts aren't being felt solely on the 72,000-acre Roza or the 59,000-acre Kittitas Reclamation District, where farmers are receiving barely a third of a normal water supply.

They are at the end of the line in a water-rights system that favors those who were here first. The first homesteaders have what are called senior water rights. Their rights are satisfied first when there isn't enough to go around. Later arrivals, known as juniors, share what's left.

It is a system that has led to the most restrictive rationing in the Yakima Irrigation Project's 96-year history. In 1994, junior users were limited to 38 percent of a full supply.

But because the large irrigation divisions in the 464,000-acre project have a combination of senioor and junior rights, farmers in other parts of the basin, like the sprawling Wapato Irrigation Project, are struggling with too little water to have a successful harvest.

ADDING UP THE DOLLARS

A 4-year-old economic-impact analysis prepared by Northwest Economic Associates of Vancouver, Wash., an agriculture and natural resources economics consulting firm, suggests a water shortage like 2001 would cut farm income in the Yakima River Basin by $136 milllion, or 13 percent of the total in an average year.

When the effect of smaller crops on processors, farm suppliers, trucking and retail are included, the figure balloons to more than a quarter of a billion dollars.

The firm prepared the report for the Tri-County Water Resource Agency, a Yakima-based consortium of counties, cities and irrigation districts working to meet all water needs in the three-county basin.

William Dillingham, a senior economist for the state Employment Security Department, said the agency is trying to track the effects of a historic water shortage on employment in Central Washington counties.

''Yakima County has a huge amount of its employment associated with agriculture. When you tie in food processing, transportation and ag services, that number begins to get pretty big, pretty quickly,'' he said.

State officials have taken a stab at just how big. Using the Northwest Economic Associates study as a basis for their estimate, four state agencies in late June projected the 2001 drought could cut statewide farm production by up to $400 million, or about 12.5 percent of total farm production. In addition, up to 7,500 farm jobs would be lost, as would up to 1,400 jobs in the farm-related processing, trucking, wholesaling and warehousing industries.

The projection recognizes the local losses would not be mirrored statewide because other parts of the state have near-normal water supplies and would have average crop production.

In the midst of all this, Central Yakima Valley fruit growers suffered millions of dollars in crop damage from a freak and powerful wind-and-hail storm in late June, with gusts clocked at 108 mph in one Zillah orchard.

Looking at the growing tale of woe, a state official asked privately: ''What's next, a plague of locusts?''

FISH ARE SUFFERING, TOO

River flows depleted to record lows in some places because of too little winter snow are threatening the Northwest's multimillion-dollar investment in savings its declining salmon and steelhead runs. More water is being used to turn Columbia River power turbines to generate needed power, exposing more fish to a near-certain death.

The Yakima Valley's celebration of a huge returning run of adult spring chinook this year, the largest in at least 50 years, is tempered by the prospect that some of these fish won't spawn successfully in low September river flows.

Also, young chinook salmon and threatened steelhead trout starting their dangerous journey to the Pacific Ocean are being subjected to higher water temperatures and more predators as the Lower Yakima River, southeast of Prosser, rides along slightly above minimum streamflows.

Higher fish losses this year would mean a smaller run of adults in two to three years. Dwindling numbers could turn up the pressure for more fish protective measures.

''Rising water temperatures may not kill fish by itself, but predators are more active eaters when temperatures are higher,'' said Dale Bambrick of Ellensburg, the Eastern Washington habitat team leader for the National Marine Fisheries Service. ''It's a double whammy. The salmon and steelhead critters aren't functioning well.''

DROUGHT EFFECT REACH FAR

The struggle on the farm is being felt in town, too.

City residents in parts of Yakima and Kennewick are being required to rotate water use to make an inadequate supply stretch.

Workers in industries that supply farmers and process the commodities they produce are being laid off because there is too little work.

Duane Huppert, who has owned Huppert Farm and Lawn Center in Ellensburg for 17 years, said he canceled a farm implement order this spring when the initial water forecast came out in March.

''When that came out, it was like turning off the business as far as ag sales are concerned,'' Huppert said. ''It really stops any farmer from buying anything when you look at a year like this.''

''As a farm equipment dealer, our sales were cut drastically,'' he added.

Huppert, who sells John Deere products, said he is concerned about the lingering effects of this drought into next year and beyond.

''This community is an ag community whether people like it or not,'' he said, ''We get a lot of income from farmers, and the money they spend goes through a lot of businesses.''

In the heart of the Yakima Valley in Sunnyside, Bleyhl Farm Service, a supplier of feed, fuel, fertilizer and equipment to farmers, also is feeling the pinch.

Verle Kirk, the firm's Sunnyside store division manager, said the firm cut its work force in Sunnyside by about 14 percent to some 70 employees in response to a cut in sales.

Sales of irrigation equipment dropped when the Roza shut down for three weeks in May to stretch its water supply. Sales have not recovered, Kirk said.

Farmers are also buying less nitrogen fertilizer because of higher costs for natural gas used to produce it. Corn seed isn't moving because the crop requires more water.

''It seems like these guys are shopping harder. Profitability hasn't been good the last two years,'' he said. ''It hasn't been good this year. If they don't make money, it won't get any better next year.''

Ms. CANTWELL. Mr. President, the article goes on to state that the drought could mean staggering losses of more than $270 million in reduced income from farmers, lost jobs, and less money circulating through our local economy.

The most critical stories are emerging from my State, including those of the apple industry. An agricultural assistance bill such as the one we passed that does not support apple growers fails to understand a very important part of our agricultural sector. You heard from many of my colleagues from New York, Michigan, and Maine about the fact that we need to do something to help America's apple growers who are experiencing the worst economic losses in more than 70 years.

Currently prices are as low as 40 percent below the cost of production. Between 1995 and 1998, apple growers lost approximately $760 million due to questionable import practices involving such countries as China and Korea, in addition to the stiff export tariffs.

Growers like to be self-sufficient and would not ask for help if it did not mean their survival. Many growers in financial crisis are being pushed off their farms. One study has estimated that the numbers of those leaving their farms could be as high as 30 percent.

We need to stop this exodus from the family farms by providing farmers this year with the support and money they desperately need. The Harkin bill would have done that. Instead, as the Senator from Iowa stated earlier, with a gun to our head and without the recourse of getting cooperation and support from the President or from our colleagues on the other side of the aisle, we passed an Ag supplemental bill that will mean hundreds of millions fewer dollars to the State of Washington and to family farmers. We need to do better.

Many of my colleagues have talked about the shortcomings of this legislation. So as we prepare for adjournment, as wheat farmers begin their harvest, as apple growers deal with drought and suffer from storm loss, as communities throughout Washington State and the country deal with the economic impacts being felt by the agricultural industry, I hope my colleagues will think hard about these issues and return in September to do more for family farmers and to show our appreciation for that industry.

I yield back the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

FAMILY FARMS NEED ASSISTANCE

Ms. LANDRIEU. Mr. President, before leaving for the recess, I, too, wanted to address a couple of points on my mind and I am sure on the minds of the people of Louisiana. We have enjoyed, as a State, some success this session on many different issues. Of course, some of them are not resolved.

Senator BREAUX and I have been very involved with the issue of education and health care. As we wind down this particular part of our session, I wish to speak for a moment on the area of agriculture.

The Senator from Washington just spoke. She says she is leaving town with some disappointment. I add my voice to say I, too, am disappointed in the outcome of our Agriculture supplemental appropriations bill. We seem to have room in the budget for many other items, but sometimes when it comes to our farmers and agriculture, they are cut short or draw the short straw.

That is very unfortunate because, according to the budget outline, there was money available to allocate in an emergency and supplemental way to meet the needs of farmers, not only in Louisiana and throughout the South but, as the Senator from Washington said, the farmers and agricultural interests in her State and throughout the Nation.

The House adjourned, setting the floor quite low at $5.5 billion. The Senate, in a bipartisan fashion and with bipartisan support, went on record as supporting a higher number of $7.5 billion. When $2 billion is cut out, a lot of farmers in Louisiana are shortchanged.

Our AMTA payments were reduced substantially. The conservation programs, so important to farmers in Louisiana because of our tremendous wetlands conservation efforts, are shortchanged.

The public/private partnerships that farmers and landowners can enter into with the Government to reduce production and help keep prices high, was curtailed because of our lack of commitment to this funding level. In addition, because of the unfortunate timing, we are not going to be able to come back in the fall and recoup the lost ground because we will be past the September deadline.

I have here an interesting letter from the American Soybean Association, National Corn Growers, National Association of Wheat Growers, and, of course, the National Cotton Council.

This letter says: We would rather have $5.5 billion than nothing, and so would I. But they should not have had to settle for the $5.5 billion when even settling for $7.5 billion is not enough to meet the needs and the emergencies being experienced by farmers everywhere who are, frankly, entitled to more.

I most certainly do not blame these associations for saying, listen, we are between a rock and a hard place. They are saying, ''The House has adjourned. It has approved $5.5 billion. We would just as soon take that.'' I know if they could stand here and speak their minds, and speak the truth, they would say $5.5 billion is not enough. It is going to leave a lot of our farmers with higher debts and impact a lot of our rural communities across the Nation.

In Louisiana, we have experienced some of the lowest prices in decades, and a severe drought. This drought has brought about an intrusion of saltwater into many of our marshes and farmland, creating additional problems. It is a very difficult time in agriculture.

I did not want to leave without saying I am extremely disappointed we were not able to get the level of AMTA payments higher. It is very important to our farmers and our conservation programs. I think we will end up paying a higher price in the months and years to come.

In addition, it is of particular disappointment we do not have included in this particular package our voluntary State-supported, State-recommended, and State-endorsed dairy compacts. Compacts are important to dairy farmers all over this Nation and come at no cost to the taxpayer.

We are arguing about an agricultural funding bill because the two Houses cannot decide whether $5.5 billion is the right amount or $6.5 billion or $7.5 billion. I know money does not grow on trees, and we do not want to overspend.

We want to live within budgetary constraints, but what puzzles me so much about this debate is the dairy compact does not cost the taxpayers a penny. We could have added it and not added one penny to the Agriculture supplemental appropriations bill because dairy compacts do not cost the taxpayers any money. They are a voluntary, State-run, State-supported and allow dairy farmers, along with consumers and the retail representatives, to set a price for fluid milk so we can make sure everyone in our districts and our regions have a fresh, steady supply of milk.

It is a system whereby if prices go up, the producers pay out of their profits; if the prices go down, the farmers are paid out of the profits to retailers and others, therefore, leveling the price and allowing the farmers to make plans for their growth and production of dairy products.

It has been proven very successful in the Northeast. The Senators from Vermont have been two of the lead sponsors and advocates. New York has petitioned to join, Pennsylvania has petitioned to join, and the Southern delegates and the Southern Senators want the South to have the same right to organize into compacts and help our farmers.

In Louisiana, we have lost 204 dairy farms since 1995. We have only 468 remaining. If we do not answer in some way to the dairy farms, I am going to be back in 3 years saying: We had 468, now we are down to 250, and 3 years from now we will be down to 150. Before you know it, we will be in a position where we are importing all of our milk from other parts of the Nation. We will be paying higher prices, because there will be less competition and less of a competitive organization of dairy farmers.

Had Louisiana been a member of the Southern Dairy Compact last year, our 468 dairy farms would have received almost $12 million in compact payments. That is not a huge amount of money by Washington standards. It is not in the billions, but I can tell my colleagues, $12 million means a lot to the people of Louisiana and to these farmers who are scratching out a living, trying to operate their enterprises at a profit. It not only means a lot to the farmers and their families, but to the communities in which they buy supplies, pay taxes that provide for vital community services.

When a dairy farmer goes out of business, it does not just collapse that particular dairy farm and bring harm to that particular family, it affects the whole rural economy of many of our States.

Northeast Dairy compact States show the compact had a steadying influence on the support of farms. Without exception, we know, based on the facts and the figures, that the Northeast experiment has been very positive.

When we come back in the fall, I am not sure what we can do to restore the level of funding. As I said, this was an opportunity lost. We now have to operate under new budget constraints. I am not sure how we are going to fill in the gaps, but because the dairy compact does not cost additional funding, I am hopeful. I look forward to joining with my colleagues in building a bipartisan support for State-run, State-supported voluntary dairy compacts that do not cost the taxpayer a dime but help keep a steady, reliable source of fluid milk coming to our consumers and to consumers in every region of this Nation. I am hopeful that when we get back, we will have success.

We have a farm bill to debate. There are many changes that our farmers are going to need so that we can compete more effectively. We need to open up trade opportunities, more risk management tools, and the dairy compact that can help our farmers help themselves and not just rely on a Government handout. That is all they ask. They just want to be met halfway. We can most certainly do a better job.

I am going to fight as hard as I can for the Southern region of this Nation that, in my opinion, has historically been shortchanged when it comes to agriculture. I am going to join with Senators from New York, New Jersey, and Washington, and other States which have, in some way, also been shortchanged because of the lack of emphasis on speciality crops. Although I do not represent New Jersey, New

York, or Washington, I think it is important for us to make sure the agriculture bill is fair and equitable to every region of this Nation.

The South has been shortchanged time and again. We are going to join a coalition to make sure our farmers get their fair share and that we are providing the taxpayers a good return on the money that is invested. We need to create ways to help farmers minimize the cost to the taxpayers and maximize the total benefit.

ELECTION REFORM

Ms. LANDRIEU. Mr. President, I will take 2 more minutes, if I can, to say a word about the election reform measure that Senator DODD spoke about just a few minutes ago.

I am proud to be a cosponsor of that election reform measure. I thank the Senator from Connecticut for leading this effort, for being such a terrific and articulate spokesperson for improving our election system in this Nation.

It truly is a travesty and really a hypocrisy for us to encourage people to register to vote, urge them to exercise their full rights as citizens, and then not count their votes, or turn them away at the polls.

In the year 2001, that should not be the case. That should not be the case at any time. Unfortunately, there have been dark places in our history where people by the millions were turned away or were not allowed to register. Our country has made great progress.

As the last election showed, and as we need to discuss when we come back, we have a lot of fixing to do. There are improvements that need to be made. We need to proudly stand up to the world and say: Yes, we want our citizens registered, and if they are a legal voter, whether they are in a wheelchair, visually impaired, or have other physical challenges, despite the fact they may be older or not as strong and as able, they have a right to vote and they have a right to have their vote counted, and they have a right to the kind of equipment and technology that is available that makes sure those votes are counted and certified.

In conclusion, no system is going to be perfect, but the evidence is in to suggest that the system we have in the United States can and should be perfected. I am proud that in Louisiana we do have standardized voting machines, and we have worked very hard on opening access to those polling places.

Even in Louisiana, where we do have standardized voting machines, and state-of-the-art technology in poor and wealthy districts, rural and urban districts, we can make improvements there.

I look forward to working with my colleagues on this important subject when we return.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). Will the Senator withhold her request for a quorum call?

Ms. LANDRIEU. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

ENERGY

Mr. MURKOWSKI. Madam President, I will try to be brief because I am sure there are many who would like to start the recess.

Madam President, I call your attention and that of my colleagues to the activity in the U.S. House of Representatives which occurred the day before yesterday, rather late at night. This involved the reporting out of an energy bill, a very comprehensive bill. As a consequence, the baton now passes to the Senate. There is going to be a great deal of debate in the committee, on which I am the ranking member, along with other members of that committee, including the Senator from Louisiana who just addressed this body. As a consequence of that debate and the development of our own energy bill at this time, I will highlight one of the topical points in that bill that affects my State of Alaska. That is the issue of ANWR, the Arctic National Wildlife Refuge.

The action by the House is very responsible. It puts the issue in perspective. The issue has been that somehow this huge area called ANWR, an area of 19 million acres, an area that is approximately the size of the State of South Carolina, is at risk by any action by the Congress to initiate authorization for exploration.

What the House has done is extraordinary, mandating a limitation of 2,000 acres to be the footprint associated with any development that might occur in that area. It takes the whole issue and puts it in perspective that, indeed, This is not more than four or five small farms, assuming the rest of the area of the State of South Carolina were a wilderness. That is the perspective.

For those who argue ANWR is at risk, the House action has clearly identified the footprint will be 2,000 acres. What will that do to America's technology, to America's ingenuity? It will challenge it. It will say, we must develop this field, if indeed the oil is there, with this kind of footprint.

This technology has been developed in this country. The exploration phase is three-dimensional. It suggests that you can drill under the U.S. Capitol and come out at gate 8 at Reagan Airport. That is the technology. This gives side views of what lies under the ground and the prospects for oil and gas. It mandates the best technology. It mandates we must develop this technology, and as a consequence puts a challenge to the environmental community, the engineering community, and our Nation. That challenge will help make this the best oilfield in the world, bar none.

What else does it have? It has a project labor agreement. That means there will be a contractual commitment between the unions, the Teamsters, and the AFL-CIO, and it will create thousands of jobs in this country. These are American jobs.

I urge Members to consider for a moment that over half of our deficit balance of payments is the cost of imported oil. Once the Congress speaks on this issue, there will be a reaction from OPEC. That reaction will be very interesting. OPEC is going to increase its supply and the price of oil is going to be reduced in this country. There is no question about it. If OPEC knows we mean business about reducing our dependence on imported oil, they will clearly get the signal.

Furthermore, it is rather interesting what the House did with the disposition of royalties. The anticipated revenue from lease sales for the Federal land in this area is somewhere in the area of $1.5 to $2 billion. That money is not just beginning to go in the Federal Treasury; it will go into the development of alternative and renewable sources of energy. So we have the funds to develop the new technologies.

One of the misconceptions in this country that covers energy is that it is all the same. It isn't. We generate electricity from coal. The State of West Virginia is a major supplier of coal. Nearly 51 percent of the energy produced in this country comes from coal. We also have the capability to produce from nuclear. About 22 percent of our energy comes from nuclear. We also use a large amount of natural gas, but our natural gas reserves are going down faster than we are finding new ones.

We have hydro; we have wind; we have solar. These are all important in the mix. The funds from the sale or lease in ANWR are going to go back and develop renewable sources of energy.

The point I make is why these energies are important. America moves on oil. The world moves on oil. There is no alternative. We must find an alternative, perhaps fuel sales, perhaps hydrogen technology, but it is not there. We will be increasingly dependent on sources from overseas.

I know the President pro tempore remembers the issue of the U2 over Russia, Gary Powers, an American pilot in an observation plane that was shot down. At that time, we were contemplating a major meeting of the world leaders to try and relieve tensions. When his plane was shot down, tensions were increased dramatically between the Soviet Union and the United States. It was a time of great tension.

The other day we had a U2 flying over Iraq with an American pilot. We were enforcing a no-fly zone. We were doing an observation. A missile was shot at that aircraft, barely missing it. It blew up behind the tail. It hardly made page 5 in the news.

We are importing a million barrels a day from Iraq. We are enforcing a no-fly zone over Iraq. We have flown 231,000 individual sorties, with men and

women flying our aircraft, enforcing this no-fly zone, ensuring his targets are not fully developed. Occasionally we bomb and take out targets.

How ironic; here we are, importing a million barrels a day, enforcing a no-fly zone, taking on his targets, but we are taking this oil and putting it in our aircraft to do it. I don't know about our foreign policy.

What does he do with the money he receives from us? His Republican Guards keep Saddam Hussein alive. He develops a missile delivery capability. He puts on a biological warhead, perhaps. Where is it aimed? At our ally, Israel. Virtually every speech Saddam Hussein gives is concluded with ''death to Israel.''

Where does this fit in the big picture? Six weeks ago we imported 750,000 barrels a day from Iraq. I find it frustrating. We had another little experience about 3½ weeks ago. Saddam Hussein was not satisfied with the sanctions being levied by the U.N. He said: I will cut my oil production 2.5 million for 30 days. That is 60 million barrels. We all thought OPEC would stand up and increase production. They didn't. They have a cartel. We can't have cartels in this country. We have antitrust laws against them.

My point is quite evident. OPEC, the Mideast nations, are trying to stick together, hold up the price, because they are increasing their leverage on the United States. What does that do to the national security of this country? It is quite obvious to me.

There is another argument that was used. We heard it on the House floor: Ban the export of any Alaskan oil that might come from ANWR. Fine, I will support that.

One of the amusing observations I made the other day is that one of the Members of the House got up and said we have to oppose opening this because all the oil is going to Japan. That is nonsense. So it is prohibited in the authorization. The last oil that was exported outside the United States from Alaska occurred a year ago last April, a very small amount that was surplus. But it is not surplus anymore because California is now importing a great deal of foreign oil because they have increased their utilization while Alaska has declined in its production.

If you go through the arguments that will be before this body on the ANWR issue, please think about the action of the House, the responsible action of the House. No longer is 19 million acres at risk, an area the size of the State of South Carolina; 2,000 acres is at risk. Is that a reasonable compromise to address our energy security? Certainly. It mandates the best use and the highest use of particular knowledge. It has a project labor agreement in it. The unions think very highly of this because it has become a jobs issue.

We have an obligation to do what is right for America. We know our environmental friends have taken a stand on this, but most of their arguments are gone. Can you open it safely? Surely; and the Federal royalties are going to go back for conservation and renewables and R&D. We are going to put a ban on exports, resolving that issue.

ANWR has been the focal point of a lot of misinformation by environmental extremists. They have tried to hold it hostage for their own publicity, membership, and dollars, and they have been quite effective. But the House vote proves that when we really look beyond the rhetoric, we can safely explore the resources in ANWR.

I applaud the House leadership for crafting a compromise, a balanced bill, one that I think every Member should seriously consider.

After the recess, I am going to be discussing this issue at some length. I hope my colleagues will join me. We have heard from a few who say, we are going to filibuster this. You are going to filibuster an energy bill? Is that what you really want to do? Are you going to filibuster and in effect cause us to increase our dependence on imported oil? Filibuster a bill that will provide more American jobs for American labor? I welcome that debate.

It is amusing, and I am going to conclude on this note because I see the President pro tempore patiently waiting, how things change in our media as they are exposed to the pressures from special interest groups. I am going to quote from the Chattanooga Free Press, June 3 of this year, an article done by Reed Irvine. He cites the issue of the Arctic National Wildlife Refuge, the issue of arsenic in the drinking water, the idea of trying to bring things into balance. He specifically takes on two of the major newspapers in this country, the Washington Post and the New York Times, by reminding us of their gross inconsistency. He states:

In 1987, a Washington Post editorial describing ANWR as one of the ''bleakest, most remote places on the continent'' said, ''(T)here is hardly any other place where drilling would have less impact on surrounding life . . . Congress would be right to go ahead and, with all the conditions and environmental precautions that apply in Prudhoe Bay, see what's under the refuge's tundra.''

In 1988, a New York Times editorial said of the area, ''(T)he potential is enormous and the environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.'' It concluded, ''(I)t is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.''

That was in 1988. We are importing right now close to 60 percent of the oil we consume. The article goes on to say:

Since then our energy needs have become more pressing, but with new editorial page editors, both these papers are now singing a different tune about the ANWR. At the Times, editorial-page editor Howell Raines has dumbed-down the paper's editorial pages and op-ed pages. A good example is an editorial on drilling for oil in ANWR published last March. It said, ''This page has addressed the folly of trespassing on a wondrous, wildlife preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.''

What the Post had described as ''one of the bleakest, most remote places on the continent'' had somehow in the flick of a new editorial editor been transformed, in 14 years, to some wonderful wildlife preserve.

Having worked that miracle, Raines has been designated as the next executive editor of the paper.

Over on the other side:

Fred Hiatt, who succeeded Meg Greenfield as the editorial page editor of the Washington Post, effected a similar transformation. Now a Post editorial describes that formerly remote, bleak wasteland as, ''a unique ecological resource'' and says that exploiting it ''for more oil to feed more of the same old profligate habits would be to take the wrong first step.'' The Post accused [those of us in this body who support this] of ''demagoguery.''

How clever.

I ask unanimous consent the article be printed in the RECORD.

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

[From the Chattanooga Times/Chattanooga Free Press, June 3, 2001]

SHADY ENVIRONMENTALISM

(By Reed Irvine)

Environmentalists come in many shades of green, but a lot of them are just plain shady, ignoring science and common sense and jumping on the green bandwagon for partisan political purposes. This is evident in the rush of people to bash the Bush environmental initiatives. All of a sudden, thanks to a last minute move by Bill Clinton, countless Americans began quaking in their boots, having learned from the media that something very few of them had ever heard of before, arsenic in drinking water, might give them cancer.

They were not told that this conclusion was based on studies in countries where the level of arsenic in drinking water is as much as 10 times higher that the 50 parts per billion maximum level permitted in the U.S. We have yet to see a study showing that cancers caused by arsenic are more prevalent in communities in this country where arsenic in drinking water is above average than in those communities where it is below average. We have seen a story in the New York Times reporting that arsenic is used at the Sloan Kettering Institute to cure a particularly vicious type of leukemia.

Even more than arsenic in drinking water, the proposed drilling for oil in the Arctic National Wildlife Refuge has been used to bash President bush and Vice President Dick Cheney. Back in the 1980s. two of our most influential newspapers, the Washington Post and the New York Times, favored exploitation of the oil in this remote, inhospitable region of Alaska.

In 1987, a Washington Post editorial describing this area as ''one of the bleakest, most remote places on this continent'' said, ''(T)here is hardly any other place where drilling would have less impact on the surrounding life . . . Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra.''

In 1988, a New York times editorial said of this area, ''(T)he potential is enormous and the environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.'' It concluded ''(I)t is hard to see why absolutely

pristine preservation of this remote wilderness should take precedence over the nation's energy needs.''

Since then our energy needs have become more pressing, but with new editorial-page editors, both of these papers are now singing a different tune about the ANWR. At the Times, editorial-page editor Howell Raines, has dumbed-down the paper's editorial and op-ed pages. A good example is an editorial on drilling for oil in the ANWR published last March. It said, ''This page has addressed the folly of trespassing on a wondrous wildlife preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.'' What the Post had described as ''one of the bleakest, most remote places on this continent,'' had been transformed in 14 years to ''a wondrous wildlife preserve.'' Having worked that miracle, Raines has been designated as the next executive editor of the paper.

Fred Hiatt, who succeeded Meg Greenfield as editorial-page editor of the Washington Post, effected a similar transformation. Now a Post editorial describes that formerly remote, bleak wasteland as ''a unique ecological resource'' and says that exploiting it ''for more oil to feed more of the same old profligate habits would be to take the wrong step first.'' The Post accused the Alaska senators who advocate drilling for oil in the ANWR of ''demagoguery.''

Sen. Frank Murkowski sent a letter to the Post in which he pointed out that Alaska has 125 million acres of national parks, preserves and wildlife refuges, of which 19 million acres are in the ANWR. Congress set aside 1.5 million ANWR acres for possible oil and gas exploration. The Bush proposal is to permit drilling on about 2,000 acres, about one-hundredth of 1 percent of the entire refuge. Sen. Murkowski concluded, ''I suggest the demagoguery comes when you follow the extreme environmentalist line: 19 million acres for wildlife and pristine conditions and not even 2,000 acres for energy security.'' Energy security is not a minor consideration. The U.S. imported 37 percent of its oil in the 1970s and 57 percent today. It is said that ANWR could supply only enough oil to meet our needs for six months. That might be true if ANWR were our only source of oil. The U.S. Geological Survey estimates that there is enough oil there to replace our imports from Saudi Arabia for the next 20 to 30 years. Only a very shady environmentalist would shun that.

Mr. MURKOWSKI. My next effort after the recess will be to come back and discuss the energy situation. It is not a matter of pointing fingers. When we come back, I will say why we are focusing in on oil exploration as well. I am going to try to answer the question why is it safer and better to import our oil rather than drilling right here in America by providing the facts. We need to know what we have in America first.

I am going to talk about how the experts estimate ANWR might only contain a 6-month supply of oil, which is absolutely ridiculous because that would be true only if we produced no oil nor imported any into the United States for 6 months. ANWR has the potential of equaling what we are currently importing from Saudi Arabia for a 30-year period of time.

We are going to answer the question of whether we should focus more on conservation. I am going to answer that by saying we need a balance.

I am going to answer the question of why it takes energy so long to turn it around once the shortage begins to become noticed.

I am going to talk about why we must act now because we are going to be held responsible if, indeed, we do not act now.

Madam President, I thank the President pro tempore for his attention. I remind my colleague we have some heavy lifting to do because the American people are looking for action.

We started in 1992. I was on the committee. Senator BENNETT JOHNSTON was chairman of that committee. We put out an energy bill from that committee. When it came to this floor, we gave away clean coal; we gave away nuclear; we gave away hydro; we gave away natural gas; we gave away oil; and we concentrated on alternatives and renewables. We expended $6 billion. That was a worthwhile effort. But we didn't increase supply.

This is a different year. The ''perfect storm'' has come together. Our natural gas prices have quadrupled. We haven't built a new coal-fired plant in this Nation since 1995. We haven't done anything with nuclear energy in a quarter of a century. We haven't built a new refinery in 25 years. Now we suddenly find that we don't have a distribution system for our electrical generation or our natural gas generation. We are constrained. It is affecting the economy. It is affecting jobs. It is going to get worse. The American people expect us to come back and do something about it. They will not stand for grandstanding. They will not stand for the status quo. They will not stand for the threat of filibusters.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, what is the time limit for Senators to speak?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

Madam President, I ask unanimous consent that I may speak using whatever time is necessary.

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

ECONOMIC SLOWDOWN AND BUDGET SURPLUS REVISIONS

Mr. BYRD. Madam President, the Commerce Department reported last week, July 27, that the U.S. economy grew at an anemic 0.7 percent rate in the second quarter of this year, April 1–June 30. This is the slowest growth rate in 8 years, and considerably lower than the 8.3 percent growth rate seen just 18 months ago.

''If you applied logic to the [economic] news these days,'' wrote Allan Sloan in the Washington Post on Tuesday, July 31, ''the logical conclusion would be that the economy has fallen off a cliff and is about to splatter all over the canyon floor and take us with it.''

This week, July 30, the Wall Street Journal reported, ''the economy has been pushed to the edge of a recession by a breathtaking decline in business investment.'' In the second quarter, nonresidential investment tumbled at a 13.6 percent rate. Consumer spending, along with robust state and local government spending, is the only thing that prevented the economy from shrinking over the last three months.

In an effort to stem the tide, the Federal Reserve has dramatically cut short-term interest rates by almost 3 percentage points over the last 7 months. These are the most aggressive rate reductions since the 1982 recession under President Reagan.

Despite this negative economic news, the Administration remains resolutely optimistic about the economy's future, pinning their hopes on the recently enacted tax cut. Treasury Secretary Paul O'Neill said last week, July 23, that the U.S. economy might grow by more than 3 percent next year. The President's chief economic advisor, Larry Lindsey, in a speech before the Federal Reserve Bank of Philadelphia, reaffirmed this optimistic outlook.

What concerns me is the effect that these tax cuts have had on the economy so far.

Despite the Fed's efforts to cut short-term interest rates to simulate the sluggish economy, long-term interest rates have remained flat or have even risen since earlier this year. The interest rate on the 10-year bond, for example, increased from 4.75 percent in mid-March to just over 5.1 percent today, August 3. Long-term rates have limited efforts by the Fed to stimulate the economy.

What's keeping those rates from falling is the expectation by Wall Street that the recently enacted tax cut has seriously jeopardized our debt retirement efforts. Fed Chairman Greenspan said last week, July 24, before the Senate Banking Committee that long-term rates are higher than expected because of Wall Street's uncertainty about the size of the surpluses and how much debt the federal government will be able to retire.

Just 4 months ago, the President sent his budget to Congress and projected a $125 billion non-Social Security surplus in the current fiscal year. Today, that surplus may have virtually disappeared. Now you see it. Now you don't see it. It did a Houdini on us. It virtually disappeared.

The Treasury Department this week, July 30, announced its debt retirement plans for the next 3 months. Instead of retiring $57 billion in debt, as the Treasury had expected on April 30 before the tax cut was passed, the Treasury now plans to borrow $51 billion. That's a difference of $108 billion.

In part, this quarter's borrowing results from a bookkeeping gimmick in the tax cut bill and will be paid back next quarter. But, the fact remains

that interest rates are higher than necessary because of Wall Street's perception that our debt retirement efforts have been threatened in recent months.

If the Federal Government fails to meet Wall Street's expectation about debt retirement, and if surpluses do repeatedly come in below forecasts, investors will continue to drive up long-term interest rates, offsetting the limited stimulus that the tax cuts were supposed to provide, and further stifling economic growth.

Madam President, in his ''Report on the Public Credit'' to the House of Representatives in January 1790, Alexander Hamilton—our Nation's first Secretary of the Treasury and arguably our Nation's most gifted Secretary of the Treasury—wrote that ''states, like individuals, who observe their engagements are respected and trusted, while the reverse is the fate of those who pursue an opposite conduct.''

When the administration makes false promises about a budget that can adequately provide for the operations of Government and allow for a massive tax cut without disrupting debt retirement efforts, and then does not deliver on those promises, that administration breaks faith with the American people and undermines trust in their government.

That is the message that the financial markets are sending to the American people. Fiscal responsibility is slipping.

After 10 years of belt tightening and two deficit reduction packages—OBRA of 1990 and OBRA of 1993—signed into law by Republican and Democratic Presidents, this administration's reliance on 10-year projections and its dogged determination to force a massive tax cut through the Congress has put this country in danger of falling back into the deficit dungeon. Will we never learn?

The Senate Budget Committee—based on the administration's own informal estimates—projects that $17 billion in Medicare surpluses will be used in fiscal year 2001 to offset the loss of revenues from the tax cut recently enacted into law. What is worse is that, in fiscal year 2002, the Budget Committee estimates that the entire Medicare surplus and $4 billion of the Social Security surplus will have to be used to offset the loss in revenues from the tax cut.

Meanwhile, this administration is trying to divert attention from its own complicity—divert attention from its own complicity, you see—in creating our current budgetary morass. Despite a tax cut that cost $74 billion in the current fiscal year, White House officials have routinely said that—aha—''the real threat''—they say down there at the other end of the avenue—''the real threat''—this is the White House now; the White House is talking—''the real threat to the surpluses comes from spending (Fliescher, July 9).''

Well, Madam President, I just have to ask, whose spending? Whose spending? The President, himself, requested the only appropriations spending bill that this Congress has passed for the current fiscal year. The Congress passed the supplemental appropriations bill at exactly the same level—exactly the same level—that was requested by the President—not one thin dime more did the Congress appropriate; not one thin dime more than the President requested. So whose spending? The only other spending that has occurred so far is the spending caused by this year's colossal tax cut. Remember, tax cuts spend money—your money—from the U.S. Treasury just like appropriation bills.

Well, I already have the notice for my check. Here it is: ''Notice of status and amount of immediate tax relief.'' Here is what it says: ''Dear taxpayer: We are pleased to inform you that the U.S. Congress passed, and President George W. Bush signed into law, the Economic Growth and Tax Relief Reconciliation Act of 2001. As part of the immediate tax relief, you''—me; ''you'' it says—''will be receiving a check in the amount of $600 during the week of September 10, 2001.''

That is spending. That says the Treasury is going to send me and my wife of 64 years $600. That is spending. Tax cuts have spent that surplus that we were talking about a few months back, and we have smashed the piggy bank to the tune of $74 billion in just 1 year. That is just $74 for every minute since Jesus Christ was born.

Moreover, it costs an additional $116 million just to mail out the checks. Here is part of it. Here is part of the $600 million it cost to process and mail out the checks, and to tell taxpayers like ROBERT BYRD that he is going to get $600. Half of it will be his and half will be his wife's.

Now, as the fiscal outlook worsens, there are some who are running for cover or spinning the old blame game wheel as fast as it will go. In fact, I have noted media reports that some Senators are considering raising the old specter of a constitutional amendment—aha, they are going to amend this Constitution now, they say, the Constitution which I hold in my hand—the old specter of a constitutional amendment that would require a balanced budget. Talk about gimmicks. That one is the mother of all gimmicks. Now because of this flashy tax cut—because of this flashy tax cut—and a sluggish economy, we are poised to spend the Medicare surpluses, disrupt our debt retirement efforts, and dive right back into the deficit doldrums. The present course threatens to push the economy and the American people off a cliff into that old familiar sea of red ink.

Look out below.

The Congress had the opportunity earlier this year to pass a responsible budget—to exercise some restraint, to show some caution—before pressing ahead with a budget based on half-baked economic projections and political promises that were made first in the New Hampshire snows of a campaign year—last year, the year 2000. We could have afforded a smaller tax cut, we could have lived within our means while protecting Social Security and Medicare.

That is your money.

Madam President, in spite of the hand that was dealt to us, this Senate is trying to craft 13 responsible appropriations bills. The Senate Appropriations Committee, on which I have sat now for 44 years, has successfully reported out 9 of the 13 appropriations bills—Agriculture, Commerce-Justice-State, energy and water, foreign operations, Interior, legislative branch, Transportation, Treasury-General Government, and VA–HUD—and stayed within our 302(b) allocations. There you are. We have stayed within our 302(b) allocation. In other words, we have not bust the budget. So don't blame it on us. These are balanced and responsible bills. We have done our best.

Unfortunately, the full Senate has not been able to act as quickly.

To date, the President has not signed one—not one—of the 13 regular appropriations bills for the coming fiscal year into law—not one.

The full Senate has passed only five appropriations bills so far, energy and water, Interior, legislative branch, Transportation, and VA–HUD—five of the nine that the Senate Appropriations Committee has reported out. That means that when the Congress returns from its summer recess, the Senate will have to pass eight appropriations bills and all thirteen conference reports before the fiscal year ends on September 30.

Earlier this year I was optimistic about the appropriations and budget process. Our new President was preaching bipartisanship. We were being told that there would be a new spirit, a new spirit in Washington, a new tone, a new era, a new era of cooperation between Democrats and Republicans working together to address our nation's challenges. What a pretty picture! Aha.

When the President missed the deadline for submitting his budget to Congress, we gave him the benefit of the doubt. We knew it takes a new administration time to get up and running. We all know that. The details of that budget were not sent to the Congress before Congress took up the budget resolution, although this Senator and others asked for those details repeatedly. Yet, Congress passed the President's plan. Cooperation ruled.

When the President delayed sending us his Defense budget amendment until after his tax cut bill had been passed, Congress again gave him the benefit of the doubt. Congress was doing its part to encourage the new spirit, the new tone in Washington. A review of our national defense needs was underway, and it seemed logical that the administration would need time to complete that review before requesting additional defense funds.

When Congress learned that the administration's Office of Management and Budget would miss the July 15 statutory deadline for submitting its mid-session review to Congress, not much grumbling was heard in these quarters. It is not unprecedented for an administration to miss these budgetary deadlines, but it is also well to remember that these are statutory deadlines, not recommendations that the administration may choose to meet whenever it is convenient.

Now in the final days before the August recess, I have detected a distinct slowdown in the appropriations process.

With only 17 legislative days left before the start of the new fiscal year, we still have to pass eight appropriations bills, and we have not conferenced one single bill with the House.

It is becoming clear that Congress is very likely to blow right by the September 30 deadline for passing 13 appropriations bills. I do not want to see the budgetary train wreck that we have sometimes witnessed in recent years. Senator TED STEVENS and I, and the other members of the Appropriations Committee—Republicans and Democrats—have been working diligently to avoid just such an outcome. However, unless we change track soon, this train is heading straight for a thirteen car pile-up once again.

I can see the sign. Just read it with me: ''Danger, stop, look, listen: Omnibus Bill Ahead!''

If that happens, much of the fiscal restraint that this Congress has mustered is likely to be jettisoned. No matter how carefully Congress tries to craft disciplined, balanced spending bills, when it comes to the final hours before the end of the fiscal year, the pressure to bundle these spending bills has a way of melting all fiscal restraint. Both the Senate and the House need to redouble our efforts to pass these appropriations bills, get them to conference and send them to the White House before September 30.

Let us work diligently instead of playing the blame game and letting the chips fall where they may.

I hope the American people will not be misled by the fancy rhetoric that will certainly fill the political balloons over the coming weeks. You are going to heat lots of it. The tax cut and spending plan that were passed earlier this year were sheer madness. The political balloons may fill the air—even though we are past the fourth of July, the balloons are going up—but they cannot obscure the clear, plain fact of what has happened here. It is not traditional Congressional spending which has cut the surplus, headed us back towards deficits, and threatened our efforts to pay back the debt.

Rather, a Republican-led Congress, at the prodding of the administration, took a gamble and played the odds that the shortfalls of a fiscally irresponsible tax cut could be held off for several years. Maybe we would be lucky. Maybe the gamble would work. But the chickens are coming home to roost much sooner, and lady luck seems to have taken a hike.

In 1981, then-Senate Republican leader Howard Baker called the Reagan tax-cut plan a ''river boat gamble.'' The country lost on that bet. Two decades later, we are only just beginning to recoup our losses.

President Bush took another spin at the roulette wheel and he has wagered our economic prosperity and retirement security that our budget will land in the black. It seems like nothing ever changes in this city. I have been here 49 years. Some things do change.

The Senate will soon recess for the month of August, and, before we leave, it is important that the American people understand that the wheel was rigged. The earnest claims of bipartisan cooperation have vaporized like the smoke at the poker table. In this tax cut casino, the budget can only land on red. But, some of us knew that before we ever got into the game.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The majority leader.

Mr. DASCHLE. Madam President, let me congratulate the distinguished Senator from West Virginia, our chairman of the Appropriations Committee, for his eloquence and for his wisdom.

I share his view on the propriety of the tax cut. I share his pride in the actions taken by the Appropriations Committee in this body over the last several weeks as we have attempted to make up for lost time on the appropriations process.

We inherited a horrendous schedule. Slowly but surely we have been catching up. Were it not for his leadership and his absolute determination to get back on track, we could not have a full appreciation of how far we have come in the last couple of weeks. As he said, we have done it staying within the budget parameters outlined in the budget resolution. We have not broken the caps, once again demonstrating the fiscal discipline so critical when we began this process several months ago.

We will continue our work when we return. I commend the Senator for his comments today, as well as for his work throughout the last several weeks in reaching this point.

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

Mr. DASCHLE. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the majority leader for his tenacity, his determination, and his desire to pass all nine of the appropriations bills which have been reported from the Appropriations Committee before the August recess.

Our committee, Democrats and Republicans, have worked together to report these bills. It is a committee sui generis, one of a kind. The Democrats and the Republicans on that committee work together. There is no hemming and hawing. We work until we get the work done.

The leader said he wanted those bills out of the committee. They are out of the committee. They are on the calendar. He wanted to act on them in the Senate before the August break.

The Senate appointed conferees on at least three of the appropriations bills. I see three on the calendar. Three bills in conference, three appropriations bills with the Senate conferees appointed but there are no House conferees appointed, which concerns me.

I hope when we return from the August recess the other body will appoint its conferees, and we can join with our House counterparts on these conference reports and report them back to the Senate at good speed.

I have been in consultation with the chairman of the House Appropriations Committee and with the subcommittee chairman on the Appropriations Subcommittee on Interior, and others. They assure me they will move rapidly when we do return, but in the meantime our staffs can be doing some of the preliminary work which will make it much easier for our conferees to do their work speedily upon our return.

I thank the majority leader.

Mr. DASCHLE. Mr. President, I thank the chairman and share his concern for the fact we have not yet named conferees on the House side. We are ready to go to work, and we could have accomplished a good deal in the last several weeks were it not for the fact we are unable to go to conference until our House counterparts are prepared to work with us.

I am hopeful when we come back we can make up for lost time because there certainly has been a great deal of lost time today.

NOMINATIONS

Mr. President, I ask unanimous consent to proceed to executive session.

I stand corrected. Mr. President, I understand our Republican colleagues are not yet prepared to move to executive session. I will simply say we are prepared to move 58 additional nominees today. That is in addition to the 30 we have already done this week, making a total of 88 nominations we will have done should our Republican colleagues allow us to move forward with the unanimous consent request.

That means since July 9, which is the first business day following the completion of the organizing resolution, we will have completed 168 nominations. That is some record.

As I said all along, we want to be fair. We want to be responsive. We recognize many of these people need to know the outcome of their nominating process. Unlike so many occasions over the last 6 years, we are desirous of treating all nominees fairly and moving as quickly as we can. Until our Republican colleagues are prepared to provide us with the ability to move forward on this unanimous consent request, I will withhold the request.

I yield the floor.

U.S. PARTICIPATION IN GLOBAL CLIMATE CHANGE RESPONSE

Mr. BYRD. Mr. President, last week, 178 countries reached an agreement in Bonn, Germany, on implementation of the Kyoto Protocol. While this agreement does not settle all the details of how a ratified protocol might work, nearly all the signatories to that treaty hailed last week's agreement as a step forward in the worldwide response to global climate change.

I am disappointed, however, that the United States remained on the sidelines of this latest round of negotiations. I urged the Bush administration not to abandon the negotiation process. I think that we have seen, in last week's agreement, proof that the rest of the world will not sit idly by and wait for the United States. Perhaps this is a good lesson for the administration to learn. America must make an effort, in concert with both industrialized and developing countries, to address the real and serious problem of global climate change.

While I believe that the United States must remain engaged in multilateral talks to address the ever-increasing amounts of greenhouse gases that are emitted into our atmosphere, this does not mean that we should simply sign up to any agreement that may come down the road. The Senate has been very clear on the conditions under which a treaty on climate change may be ratified.

Developing countries must also be included in a binding framework to limit their future emissions of greenhouse gases. It makes no difference if a greenhouse gas is released from a factory in the United States or a factory in China; the global effect is the same. Quizzically, the Kyoto Protocol, as now written, does make such distinctions. It ignores scientific knowledge about the global nature of the problem.

The question of developing country participation was not addressed at the conference in Bonn. Without the United States' full engagement in the talks, there is no other country that can raise this issue and stand a chance of success. This is not meant to disparage the herculean efforts of some of our closest allies to improve the technical aspects of last week's agreement. Some of our allies made substantial contributions to the agreement on technical issues such as allowing the use of forests to absorb carbon dioxide, which is a greenhouse gas, and attempting to improve the compliance mechanisms of the treaty. Those allies should be applauded for their efforts to craft an agreement that does not preclude the United States from participating in future talks, but even our allies would agree that the United States must return to the table.

Despite the shortcomings in the agreement reached at Bonn, I see a window of opportunity for the United States to rejoin the multilateral talks on the Kyoto Protocol. It is a small window, and it is closing, but it is a window nonetheless. In October 2001, the next round of negotiations on climate change will begin in Marrakesh, Morocco. If the administration were to formulate a new, comprehensive, multilateral plan to address climate change before that conference, I believe there would be several factors working in our favor.

The world agrees that any treaty on climate change will be of limited use unless the United States is a full participant, because we are, for now, the largest emitter of greenhouse gases. Developing countries know that we will be the source of much of the new technology that will allow them to use cleaner, more efficient forms of energy. The United States also has much to gain by working with other countries to secure ''emission credits'' that will help us to reduce our greenhouse gas emissions in a manner that lessens the impact on our economy. Other countries recognize these facts, and many may be willing to hear a bold, new proposal from the United States that may facilitate our return to an improved version of the Kyoto Protocol.

Make no doubt about it, if the United States does return to negotiating on the Kyoto Protocol, progress will not come easy. But in some respects, our role as an international leader is at stake. In Bonn, by remaining on the sidelines during the negotiation, the United States ceded its leadership because of a hasty declaration that the Protocol was, in the words of the President, ''fatally flawed.'' I continue to urge President Bush to demonstrate the indispensability of our leadership in the world by rejoining the negotiations on global climate change, and directing those negotiations toward a solution that encourages developing country participation and protects the health of our economy.

I note that my colleagues on the Committee on Foreign Relations also recognize the importance of remaining engaged in these discussions. On Wednesday, that committee accepted, by a unanimous vote, an amendment to the State Department authorization bill that expounds upon the Senate's position on climate change. Sponsored by Senator KERRY, this amendment expresses the sense of the Congress that the United States must address climate change both domestically and internationally, and supports the objective of our participation in a revised Kyoto Protocol or other, future binding climate change agreement, that includes developing country participation and protects our economy. It is a wise and well-crafted statement, which I support fully.

Formulating an international response to climate change is an ambitious goal. It is a challenge to which the United States must rise. I hope that when Congress returns to session in September, the President will have made the decision that our country must be a full participant in international talks on the Kyoto Protocol, and that he will have made progress in developing specific proposals to improve a multilateral treaty on climate change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXPORT ADMINISTRATION ACT

Mr. REID. Mr. President, I have been very concerned for several months about the Senate not taking action on the Export Administration Act. It is so important to this country that we keep up with the technology that is available and sell it overseas.

I called the President's Chief of Staff yesterday and said it appeared the House was not going to act on the bill. They had simply given us an extension until November. That really does not help very much. So I asked the President's Chief of Staff, Andrew Card, if we can get a letter from the President indicating how important this was and that he would use whatever Executive powers he had at his control during this period of time when we are in a situation where companies cannot sell what they need to sell, and the President fulfilled that responsibility. I appreciate it very much.

Condoleezza Rice said among other things:

> I am pleased that the Senate plans to take up S. 149 on September 4, 2001. Because the current Export Administration Act will expire on August 20, 2001, the President is prepared to use the authorities provided him under the International Emergency Economic Powers Act to extend the existing dual-use export control program. As you know, IEEPA authority has previously been used to administer our export control programs. Since a new EAA will provide us the strongest authority to administer dual-use export controls, particularly as related to enforcement, penalties for export control violations, and the protection of business propriety information, we support swift enactment of S. 149.

Mr. President, this statement says a great deal. As I indicated, I am very appreciative.

To maintain America's technology superiority, the United States must modernize outdated export controls on information products and technology. Reform of the export control system is critical because restricting access to computing power is not feasible and no longer serves the national interest. It needlessly undermines technological preeminence of America's information technology industry without accomplishing any significant national security objective.

The continued use of MTOPS, a standard design by the United States Government to regulate the export of information technology is outdated given today's technological and economic realities and the global economy.

Under current law, the President of the United States is required to use an antiquated metric, called MTOPS, which means millions of theoretical

operations per second, to measure computer performance and set export control thresholds based on country tiers. This is the intelligence information we have in various countries.

The conclusion could not be clearer. MTOPS are increasingly useless as a measure of performance. MTOPS cannot accurately measure performance of current microprocessors or alternative supercomputing sources clustering. This makes MTOPS-based hardware controls irrelevant. The best choice is to eliminate MTOPS.

Eliminating MTOPS will ensure America's continued prosperity and security in the networked world. It will ensure Government policies that promote U.S. global economic, technological, and military leadership.

Eliminating MTOPS will remove unnecessary and unproductive layer of regulation that no longer serves a meaningful national security purpose and will help level the playing field for American companies that compete in the global economy.

President Bush, the Department of Defense, the General Accounting Office, and the Defense Science Board all recently concluded that MTOPS is an ''outdated and invalid'' metric and that the current system is simply ineffective. Repeal of NDAA language would give the President the flexibility to develop a more modern, effective system.

This is a bill good for America, and when we come back, I will urge my colleagues to quickly move this legislation.

I again express my appreciation to the President of the United States and his Security Adviser Condoleezza Rice for giving us this information. We will, with their approval, move on this legislation as soon as we get back.

This letter was sent to the majority leader, Senator DASCHLE. I ask unanimous consent it be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, August 2, 2001.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Thank you for your efforts to advance the Senate's consideration of S. 149, the Export Administration Act of 2001. This bill has the Administration's strong support.

I am pleased that the Senate plans to take up S. 149 on September 4, 2001. Because the current Export Administration Act (EAA) will expire on August 20, 2001, the President is prepared to use the authorities provided to him under the International Emergency Economic Powers Act (IEEPA) to extend the existing dual-use export control program. As you know, IEEPA authority has previously been used to administer our export control programs. Since a new EAA will provide us the strongest authority to administer dual-use export controls, particularly as related to enforcement, penalties for export control violations, and the protection of business proprietary information, we support swift enactment of S. 149.

I look forward to continuing to work with you on these important national security issues.

Sincerely,

CONDOLEEZZA RICE,
Assistant to the President for National Security Affairs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent all nominations received by the Senate during the 107th Congress, except numbers PN 386 and PN 630, remain in status quo, notwithstanding the August 3, 2001, adjournment of the Senate, and the provisions of rule 31, paragraph 6 of the Standing Rules of the Senate.

Mr. LOTT. Reserving the right to object, Mr. President, it is my understanding if this consent were granted on the two nominations, the two cited as PN 386 and PN 630, they would be returned to the White House. However, the White House could immediately resubmit the names. Therefore, I modify the request, or ask to modify the request so that all nominations remain in status quo during the adjournment of the Senate.

Mr. REID. Mr. President, I reserve the right to object to that. I simply say Mary Gall had a hearing and she was not reported out of the committee. In fact, the committee acted affirmatively not to report that to the Senate. I say that Otto Reich as the Assistant Secretary of State—there have been a number of Senators who raised questions about that. If the President feels strongly about Otto Reich, during this period of time we are gone, he has the absolute authority to send that name back to us. I think that would be an appropriate way to proceed.

Therefore, I object to the modified request of the minority leader.

Mr. LOTT. Therefore, I object to the original request by the distinguished assistant majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I respect very much, of course, the decision made by the minority leader. I just disagree with him. It seems to me it is going to unnecessarily create a lot of work for a lot of people. Sending those two names back—if the President wishes to resubmit them, he can do that, but there is no need to belabor that any further today.

Mr. LOTT. Mr. President, if I could be recognized just to respond briefly, I understand what the Senator from Nevada is saying. We discussed it.

We believe Mary Sheila Gall's nomination to be Chairman of the Consumer Product Safety Commission was treated very badly and very shabbily in terms of the things that were said about her and the vote that occurred. I am sure there will be those who make the argument on the other side.

With regard to Otto Reich to be Assistant Secretary of State, he has not had a hearing. We believe it is unfair to single him out and send back just one nominee at this time.

My understanding is over the past several years, during the 5 years I was majority leader, in every year but one we sent back no nominees. In 1999, we did actually send back nine. To isolate it down to one or two this early in the session, we believe, is a problem. We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated.

I understand what Senator REID was saying. We have taken that action, right or wrong. Now we can move on.

Mr. REID. I just say to the distinguished Republican leader, I had a meeting in my office yesterday on Otto Reich. Some of my friends came to speak to me very favorably about Otto Reich.

I think the decision may focus more attention on it than if the President simply resubmitted the name, but as I said earlier, time will only tell if he will resubmit the name. I am sure he will resubmit the names of all the others. It just creates a lot of paperwork for a lot of people.

Mr. LOTT. If the Senator will just yield on one point, I thank the Senator for nominations we are going to be able to move now. A lot of work has been done to get this list cleared. You have given a lot of time to it, as has Senator NICKLES. I just wanted to thank you in advance for the work that has been done.

Mr. REID. Of course, nothing would be done but for the two leaders. Senator NICKLES and I were given an assignment to do what we could to clear these names. He came to me yesterday and he said, since you have been given this job, I have been able to clear three. He said prior to my getting involved he cleared 58 or so. For Senator NICKLES and me, this makes us look good also. But these names could not have been cleared but for the work of our two leaders.

The nominations returned are as follows:

NOMINATIONS RETURNED

The following nominations were returned to the President of the United States pursuant to Rule XXXI, paragraph 6 of the Standing Rules of the Senate on Friday, August 3, 2001.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

PN336 Department of Agriculture. Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

PN551 Department of Agriculture. Hilda Gay Legg, of Kentucky, to be Administrator, Rural Utilities Service, Department of Agriculture.

PN552 Department of Agriculture. Mark Edward Rey, of the District of Columbia, to be Under Secretary of Agriculture for Natural Resources and Environment.

PN613 Department of Agriculture. Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

PN618 Department of Agriculture. Mark Edward Rey, of the District of Columbia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

PN714 Farm Credit Administration. Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

PN715 Farm Credit Administration. Fred L. Dailey, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

PN783 Department of Agriculture. Elsa A. Murano, of Texas, to be Under Secretary of Agriculture for Food Safety.

COMMITTEE ON ARMED SERVICES

PN541 Department of Defense. Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

PN675 Department of Energy. Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

PN713 Department of Defense. Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

BANKING, HOUSING, AND URBAN AFFAIRS

PN440 Export-Import Bank of the United States. Eduardo Aguirre, Jr., of Texas, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2005.

PN682 Department of the Treasury. James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

PN683 Department of Housing and Urban Development. Kenneth M. Donohue, Sr., of Virgina, to be Inspector General, Department of Housing and Urban Development.

PN766 Federal Reserve System. Mark W. Olson, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

PN787 Federal Reserve System. Susan Schmidt Bies, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 1998.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

PN386 Consumer Product Safety Commission. Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission.

PN491 Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, Department of Transportation, vice Kelley S. Coyner, resigned.

PN504 Kirk Van Tine, of Virginia, to be General Counsel of the Department of Transportation, vice Nancy E. McFadden.

PN586 National Transportation Safety Board. Marion Blakey, of Mississippi, to be Chairman of the National Transportation Safety Board for a term of two years.

PN587 National Transportation Safety Board. Marion Blakey, of Mississippi, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2005.

PN780 Department of Transportation. Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

PN665 Department of the Interior. Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

ENVIRONMENT AND PUBLIC WORKS

PN543 Department of Defense. Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

PN577 Donald R. Schregardus, of Ohio, to be an Assistant Administrator of the Environmental Protection Agency, vice Steven Alan Herman, resigned.

PN659 Mississippi River Commission. Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

PN660 Mississippi River Commission. Brigadier General Carl A. Strock, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

PN684 Nuclear Regulatory Commission. Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006.

PN685 Environmental Protection Agency. Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

PN686 Delta Regional Authority. P. H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority.

PN716 Department of Transportation. Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

COMMITTEE ON FINANCE

PN443 Department of Health and Human Services. Janet Hale, of Virginia, to be an Assistant Secretary of Health and Human Services.

PN568 Department of the Treasury. Robert C. Bonner, of California, to be Commissioner of Customs.

PN643 Social Security Administration. Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.

PN785 Department of the Treasury. B. John Williams, Jr., of Virginia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

COMMITTEE ON FOREIGN RELATIONS

PN414 Department of State. John D. Negroponte, of the District of Columbia, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

PN415 Department of State. John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

PN426 Department of State. George L. Argyros, Sr., of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

PN589 Department of State. Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

PN590 International Joint Commission, United States and Canada. Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

PN602 Department of State. J. Richard Blankenship, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

PN626 Department of State. Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

PN630 Department of State. Otto J. Reich, of Virginia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

PN676 Department of State. Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

PN679 Department of State. Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

PN687 Department of State. Joseph M. DeThomas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

PN688 Department of State. Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

PN689 Department of State. Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

PN690 Department of State. Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

PN693 Department of State. John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

PN695 Department of State. John N. Palmer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

PN696 Department of State. Bonnie McElveen-Hunter, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

PN697 Department of State. Brian E. Carlson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

PN698 Department of State. Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Central African Republic.

PN699 Department of State. R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

PN718 United States Agency for International Development. Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

PN719 Department of State. John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

PN767 Department of State. Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

PN768 Department of State. John Malcolm Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

PN784 Department of State. Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

COMMITTEE ON GOVERNMENTAL AFFAIRS

PN470 The Judiciary. Odessa F. Vincent, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

PN769 Special Panel on Appeals. John L. Howard, of Illinois, to be Chairman of the Special Panel on Appeals for a term of six years.

HEALTH, EDUCATION, LABOR, AND PENSIONS

PN351 Department of Education. Brian Jones, of California, to be General Counsel, Department of Education.

PN353 Department of Labor. Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

PN405 Equal Employment Opportunity Commission. Cari M. Dominguez, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2001.

PN608 Department of Health and Human Services. Joan E. Ohl, of West Virginia, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

PN692 National Foundation On the Arts and the Humanities. Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

PN720 Corporation For National and Community Service. Leslie Lenkowsky, of Indiana, to be Chief Executive Officer for the Corporation for National and Community Service.

PN776 Department of Labor. Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

COMMITTEE ON THE JUDICIARY

PN325 Department of Justice. John W. Gillis, of California, to be Director of the Office for Victims of Crime.

PN393 The Judiciary. Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second Circuit.

PN394 The Judiciary. Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

PN395 The Judiciary. Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

PN396 The Judiciary. Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

PN397 The Judiciary. Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

PN398 The Judiciary. Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

PN399 The Judiciary. Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

PN400 The Judiciary. Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

PN401 The Judiciary. Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

PN403 The Judiciary. John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

PN432 The Judiciary. Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

PN448 Department of Justice. Thomas L. Sansonetti, of Wyoming, to be an Assistant Attorney General.

PN449 The Judiciary. Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

PN457 Department of Justice. J. Robert Flores, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

PN463 Department of Commerce. James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

PN471 The Judiciary. Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

PN472 The Judiciary. Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

PN482 Department of Justice. Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

PN483 Department of Justice. Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance.

PN484 Executive Office of the President. John P. Walters, of Michigan, to be Director of National Drug Control Policy.

PN535 The Judiciary. Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina.

PN545 The Judiciary. Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

PN546 The Judiciary. Paul G. Cassell, of Utah, to be United States District Judge for the District of Utah.

PN547 Department of Judiciary. Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

PN548 The Judiciary. John D. Bates, of Maryland, to be United States District Judge for the District of Columbia.

PN549 The Judiciary. Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

PN557 The Judiciary. Harris L. Hartz, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.

PN558 The Judiciary. Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN563 The Judiciary. Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

PN564 The Judiciary. Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

PN609 The Judiciary. James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

PN610 The Judiciary. Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

PN611 The Judiciary. Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

PN629 Department of Justice. Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2003.

PN700 Department of Justice. John W. Suthers, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

PN701 Department of Justice. Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

PN702 Department of Justice. Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

PN703 Department of Justice. William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

PN704 Department of Justice. Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

PN705 Department of Justice. Todd Peterson Graves, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

PN706 Department of Justice. John L. Brownlee, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

PN707 Department of Justice. Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

PN717 Department of Justice. Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

PN721 Department of Justice. Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years.

PN722 Department of Justice. Marie F. Ragghianti, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

PN723 Department of Justice. Gilbert G. Gallegos, of New Mexico, to be a Commissioner of the United States Parole Commission for a term of six years.

PN724 Department of Justice. J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

PN725 The Judiciary. Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN726 The Judiciary. Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN727 Department of Justice. Michael W. Mosman, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

PN728 Department of Justice. Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

PN729 Department of Justice. Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

PN730 Department of Justice. Harry Sandlin Mattice, Jr., of Tennessee, to be

United States Attorney for the Eastern District of Tennessee for the term of four years.

PN731 Department of Justice. Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

PN734 The Judiciary. Terrence L. O'Brien, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

PN735 The Judiciary. Jeffrey R. Howard, of New Hampshire, to be United States Circuit Judge for the First Circuit.

PN736 The Judiciary. M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

PN737 The Judiciary. Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

PN738 The Judiciary. David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

PN739 The Judiciary. Karen K. Caldwell, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

PN740 The Judiciary. Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

PN741 The Judiciary. Kurt D. Engelhardt, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

PN742 The Judiciary. Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

PN743 The Judiciary. Callie V. Granade, of Alabama, to be United States District Judge for the Southern District of Alabama.

PN744 The Judiciary. Joe L. Heaton, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

PN745 The Judiciary. Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

PN746 The Judiciary. William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

PN747 The Judiciary. James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

PN748 The Judiciary. Danny C. Reeves, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

PN749 Department of Justice. Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

PN750 Department of Justice. David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

PN751 Department of Justice. Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

PN752 Department of Justice. Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

PN753 Department of Justice. Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

PN754 Department of Justice. Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

PN755 Department of Justice. Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

PN756 Department of Justice. Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

PN757 Department of Justice. Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

PN758 Department of Justice. Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

PN759 Department of Justice. Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

PN760 Department of Justice. Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

PN761 The Judiciary. Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

PN770 Department of Justice. Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

PN771 Department of Justice. Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

PN772 Department of Justice. James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

PN773 Department of Justice. Terrell Lee Harris, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

PN774 Department of Justice. Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

PN775 Department of Justice. Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

PN779 Executive Office of the President. Scott M. Burns, of Utah, to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

PN781 Department of Justice. Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

PN782 Department of Justice. Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

PN786 Department of Justice. Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

COMMITTEE ON VETERANS' AFFAIRS

PN776 Department of Labor. Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider en bloc the following nominations: Calendar Nos. 59, 60, 159, 161, 248, 303 through 310, 312 through 336, 338 through 342, 347 through 359, and all the nominations on the Secretary's desk; that the nominees be confirmed; that the motion to reconsider be laid upon the table; and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

James Gurule, of Michigan, to be Under Secretary of the Treasury for Enforcement.

Peter R. Fisher, of New Jersey, to be an Under Secretary of the Treasury.

DEPARTMENT OF JUSTICE

Robert D. McCallum, Jr., of Georgia, to be an Assistant Attorney General.

DEPARTMENT OF COMMERCE

Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce.

Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Henrietta Holsman Fore, of Nevada, to be Director of the Mint for a term of five years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development.

Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development.

ENVIRONMENTAL PROTECTION AGENCY

Jeffrey R. Holmstead, of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

George Tracy Mehan, III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

Judith Elizabeth Ayres, of California, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Richard J. Egan, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Vincent Martin Battle, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Robert Geers Loftis, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Daniel R. Coats, of Indiana, to be Ambassador Extraordinary an Plenipotentiary of the United States of America to the Federal Republic of Germany.

Theodore H. Kattouf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Maureen Quinn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Joseph Gerald Sullivan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

R. Nicholas Burns, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary, vice Alexander R. Vershbow.

Edmund James Hull, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nancy Goodman Brinker, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, vice Amy L. Bondurant.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

INTERNATIONAL MONETARY FUND

Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund for a term of two years.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

ENVIRONMENTAL PROTECTION AGENCY

Robert E. Fabricant, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency.

THE JUDICIARY

Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the district of Columbia for the term of fifteen years.

GENERAL SERVICES ADMINISTRATION

Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration.

DEPARTMENT OF ENERGY

Theresa Alvillar-Speake, of California, to be Director of the Office of Minority Economic Impact, Department of Energy.

Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration.

NATIONAL TRANSPORTATION SAFETY BOARD

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2002.

DEPARTMENT OF COMMERCE

Otto Wolff, of Virginia, to be an Assistant Secretary of Commerce.

Otto Wolff, of Virginia, to be Chief Financial Officer, Department of Commerce.

Nancy Victory, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF DEFENSE

H. T. Johnson, of Virginia, to be an Assistant Secretary of the Navy.

John P. Stenbit, of Virginia, to be an Assistant Secretary of Defense.

Michael L. Dominguez, of Virginia, to be an Assistant Secretary of the Air Force.

Nelson F. Gibbs, of California, to be an Assistant Secretary of the Air Force.

Mario P. Fiori, of Georgia, to be an Assistant Secretary of the Army.

Ronald M. Sega, of Colorado, to be Director of Defense Research and Engineering.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and to be appointed as Chief of Staff, United States Air Force under the provisions of title 10, U.S.C., section 8033:

To be general

Gen. John P. Jumper, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Lt. Gen. Paul V. Hester, 0000.

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Larry R. Ellis, 0000.

MARINE CORPS

The following named officer for reappointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Earl B. Hailston, 0000.

NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. CHRISTOPHER C. AMES, 0000.
Capt. MICHAEL C. BACHMANN, 0000.
Capt. REUBIN B. BOOKERT, 0000.
Capt. STANLEY D. BOZIN, 0000.
Capt. JEFFREY A. BROOKS, 0000.
Capt. CHARLES T. BUSH, 0000.
Capt. JOHN D. BUTLER, 0000.
Capt. JEFFREY B. CASSIAS, 0000.
Capt. BRUCE W. CLINGAN, 0000.
Capt. DONNA L. CRISP, 0000.
Capt. WILLIAM D. CROWDER, 0000.
Capt. PATRICK W. DUNNE, 0000.
Capt. DAVID A. GOVE, 0000.
Capt. RICHARD D. JASKOT, 0000.
Capt. STEPHEN E. JOHNSON, 0000.
Capt. GARY R. JONES, 0000.
Capt. JAMES D. KELLY, 0000.
Capt. DONALD P. LOREN, 0000.
Capt. JOSEPH MAGUIRE, 0000.
Capt. ROBERT T. MOELLER, 0000.
Capt. ROBERT B. MURRETT, 0000.
Capt. ROBERT D. REILLY, JR., 0000.
Capt. JACOB L. SHUFORD, 0000.
Capt. PAUL S. STANLEY, 0000.
Capt. PATRICK M. WALSH, 0000.

DEPARTMENT OF VETERANS AFFAIRS

Claude M. Kicklighter, of Georgia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

John A. Gauss, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN640 Army nominations (44) beginning BYUNG H. * AHN, and ending ELIZABETH S. * YOUNGBERG, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 2001

MARINE CORPS

PN681 Marine Corps nominations (1076) beginning MICHAEL K. TOELLNER, and ending MICHAEL T. ZIEGLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 24, 2001

Mr. REID. Mr. President, continuing in executive session, I ask unanimous consent that the Finance Committee be discharged from the following nominations:

John Huntsman to be Deputy U.S. Trade Representative;

Janet Rehnquist to be Inspector General at the Department of Health and Human Services;

Alex Azar II, to be General Counsel of the Department of Health and Human Services;

And, Rosario Marin to be Treasurer of the United States;

That the Senate consider the nominations en bloc, they be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and any statements thereon be printed in the RECORD.

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

The nominations were considered and confirmed.

Mr. REID. Mr. President, if I could take a brief minute to speak on John Huntsman to be Deputy U.S. Trade Representative, I have known the Huntsman family for many, many years. A finer family is no place in existence. John will be the Deputy U.S. Trade Representative. He is one of about 9, 10, or 11 siblings. He is from a huge family. John Huntsman, Sr., is one of the finest philanthropic individuals I have ever known. He is a giver.

I went to a meeting with a number of other Senators and met him. He has dedicated most of his life to giving away the fortune that he has been able to accumulate. He started a great cancer institute, one of the finest in the world, in Salt Lake City. This month, August 25, the Vice President is going to go break ground for this new hospital.

I was with John Huntsman, Sr., recently, the father of this fine man who is going to be Deputy U.S. Trade Representative. He had made a commitment this year to give many millions of dollars to charity. Times were bad in his business. Oil prices went up, and he simply didn't have the money to fulfill this commitment. He went out and borrowed the money so he could give it away.

He is a wonderful man. I am happy to be present when he is confirmed as Trade Representative. He is from the same hue as his father, and we can expect great things for the country from John Huntsman.

The nominations were considered and confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominees:

John Henshaw to be Assistant Secretary of Labor;

Emily DeRocco to be Assistant Secretary of Labor;

And the Foreign Relations Committee be discharged from further consideration of the nomination of Martin Silverstein to be Ambassador to the Oriental Republic of Uruguay;

That the nominations be considered and confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate return to legislative session.

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

The nominations were considered and confirmed.

REFERRAL OF FREDERICO JUARBE, JR.

Mr. REID. Mr. President, I ask unanimous consent that the nominations of Frederico Juarbe, Jr., to be Assistant Secretary of Labor for Veterans' Employment and Training, be referred jointly to the HELP Committee and the Committee on Veterans' Affairs.

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

NOMINATION OF ROBERT D. MCCALLUM, JR.

Mr. LEAHY. Mr. President, today the Senate completes the confirmation process for Robert D. McCallum, Jr. to be the Assistant Attorney General to head the Civil Division at the Department of Justice. I congratulate Mr. McCallum and his family.

The Judiciary Committee has worked very hard since returning in July to act on presidential nominations to fill vital positions at the Department of Justice. In addition to the confirmations of the Deputy Attorney General, the Solicitor General, the Assistant Attorney General for the Criminal Division, the Assistant Attorney General for Legislative Affairs, and the Assistant Attorney General for Legal Policy, during the last month we have held four hearings on Department of Justice nominees and today we confirm a sixth nominee to a leadership role at the Department of Justice in the last month.

With the confirmation of Mr. McCallum, we have confirmed seven of the Attorney General's Assistant Attorneys General. We have also completed action on ASA HUTCHINSON to head the Drug Enforcement Administration, Jim Ziglar to head the Immigration and Naturalization Service and Bob Mueller to serve as the Director of the Federal Bureau of Investigation. I commend the Members of the Committee on both sides of the aisle for their cooperation in this regard.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

H.R. 1088, THE INVESTOR AND CAPITAL MARKETS RELIEF ACT OF 2001

Mr. DASCHLE. Mr. President, many of our colleagues have indicated their strong support for H.R. 1088, the Investor and Capital Markets Fee Relief Act. I share the belief that the Senate should take action on this critical legislation promptly.

A number of Senate leaders on securities matters have noted the importance of this bill, including the senior Senator from New York, Mr. SCHUMER, Chairman of the Banking Committee, Mr. SARBANES, the Chairman of the Securities Subcommittee, Senator DODD, the Assistant Majority Leader, Senator REID, and many others.

I want to take this opportunity to update the Senate on the status of H.R. 1088. The Senate approved the bill unanimously in March. After good-faith negotiations between both bodies, the House then approved an amended bill, which included agreed-upon improvements by an overwhelming bipartisan vote of 404 to 22. It is now pending on the Senate calendar.

This legislation is long overdue. The Securities Exchange Commission now collects fees from the investing public that are six times higher than needed to cover the costs of operating the Commission. Fee reductions can free up new investment capital that can help spur the economy at a time when it needs a boost.

Equally important are provisions in the bill that provide the Commission staff pay parity with other Federal financial regulators, which can help the agency stem turnover and retain quality staff. Investors in our securities markets deserve the best quality regulators to protect them, and those fine public servants deserve proper compensation.

This legislation should have been approved last year. It was unfortunate that, in the last Congress, even though the bill was approved by committees in both the House and Senate, it was never considered on the floor of either body. Efforts by many Senators to move the bill in the waning days of the last Congress were stymied.

Under new leadership, the Senate will soon have an opportunity to make amends for that lapse by finalizing this legislation. When Congress returns from its August work period, I will continue working with my colleagues to ensure enactment of this key measure.

Mr. SARBANES. Mr. President, I am pleased that the Majority Leader will work to ensure enactment of the SEC pay parity and fee reduction legislation when Congress returns from the August recess. Passage of H.R. 1088 is very important to the staff of the Securities and Exchange Commission as well as to the many segments of the securities industry.

This bill enjoys wide bipartisan support in the Senate. The Senate version of the bill, S. 143, The Competitive Market Supervision Act of 2001, was passed by the Banking Committee on March 1 by voice vote. It was passed by the full Senate on March 22, by unanimous consent.

I want to focus on the importance of the bill's pay parity provisions. These would authorize the Commission to pay its employees on a par with the other Federal financial regulators. Our securities markets are the envy of the world. It is important that the regulator of those markets be in a favorable position to attract and retain qualified employees. Enacting pay parity contributes towards this goal and will result in enhanced supervision of the securities markets.

Mr. SCHUMER. Mr. President, I thank my good friend, the Majority Leader, Mr. DASCHLE, and the Chairman of the Banking Committee, Mr. SARBANES, for their commitment to this important piece of legislation, H.R. 1088, of which I am the chief Democratic sponsor. This bill is of tremendous importance to New York.

As the Senator from South Dakota, Mr. DASCHLE, has indicated, this legislation would reduce transaction fees paid by investors to fund the ongoing activities of the SEC. Such fee reductions will be of substantial benefit to investors, businesses and individual investors, alike. The bill also gives pay parity for employees at the SEC so that the SEC may attract and retain highly qualified regulators to ensure the integrity of our markets.

As my colleague knows, H.R. 1088, as passed by the House, incorporated the Senate position reflected in S. 143, which was approved by this Senate under unanimous consent in March. There will be no conference on the bill and we have assurances the President will sign it. All that is left is for the Senate to act, and I urge that we do so as expeditiously as possible upon our return from the August recess.

I also thank the distinguished Assistant Majority Leader, the Senator from Nevada, Mr. REID, for his commitment to moving this critical legislation.

Mr. REID. I thank my friend, the Senator from New York, Mr. SCHUMER, for his unwavering leadership on this

bill. I couldn't agree more that this bill is very important to investors. It is unfortunate that we have not been able to act on this bill before the August recess, but this should not be interpreted as anything other than a difficulty with timing.

As my friend knows, I support this legislation. I think it is a good bill and I look forward to getting it to the floor. As the Majority Leader has indicated, although there will be a number of important measures competing for floor time this fall, including appropriations bills, it is our intention to bring this bill before the Senate.

I am hopeful our friends in the minority will extend to us the necessary cooperation to complete action on this matter. I look forward to working with the Senator from New York and our colleagues to pass this important legislation.

Mr. DODD. Mr. President, I would like to add my support for the passage of H.R.1088, the Investor and Capital Markets Relief Act. As many of my colleagues have noted, this legislation is the result of bipartisan cooperation in both the Senate and the House.

We have worked closely to craft legislation that I believe will have important benefits for both retail and institutional investors, the securities industry and the Securities and Exchange Commission.

I would specifically like to recognize the Chairman and Ranking Members of the Banking Committee for their efforts on this bill, especially with regard to ensuring pay parity for employees of the SEC. The inclusion of this vital component will help to maintain the high level of competency we currently enjoy at the SEC .

I would also like to thank the Majority Leader and the Assistant Majority Leader for their commitment to the timely consideration of this legislation. It is my hope that when we return from the August work period, we can consider this legislation in a prompt fashion.

THE RETIREMENT OF REAR ADMIRAL LARRY BAUCOM, USN

Mr. THURMOND. Mr. President, I rise today to recognize an outstanding naval officer and public servant, Rear Admiral Larry C. Baucom, U.S. Navy, as he completes more than 30 years of active duty with the U.S. Navy. Whether as a midshipman at the U.S. Naval Academy, as the commanding officer of a fighter squadron, as the commander of a nuclear-powered aircraft carrier, or, most recently, as the Director of the Navy's Environmental Protection, Safety and Occupational Health Division, he tirelessly worked to serve America and our Navy and Marine Corps. It is a privilege for me to honor his many outstanding achievements and service to our great Nation and our service men and women.

Rear Admiral Baucom is a son of Columbia, SC. A 1970 Naval Academy graduate, he was awarded his Naval Flight Officer wings in 1971. During his 30-year career in the Navy, he served in a variety of operational assignments, including Fighter Squadron 32, Fighter Wing ONE, the U.S. Naval Test Pilot School in Patuxent River, MD, and as Executive Officer of USS *George Washington*, CVN 73. An inspired, confident leader, he commanded Fighter Squadron 143, USS *Trenton*, LPD 14, and the nuclear-powered aircraft carrier, USS *Carl Vinson*, CVN 70. Under his command, USS *Carl Vinson* was awarded two Meritorious Unit Commendations and the Battle Efficiency Award for 1996 following a highly successful Arabian Gulf deployment that included combat operations in support of Operation DESERT STRIKE. Following this tour, he served at the Supreme Allied Headquarters as the Assistant Chief of Staff for Plans and Policy. Rear Admiral Baucom also continuously pursued educational opportunities throughout his career being awarded a Master's Degrees in Systems Management from the University of Southern California and in National Security and Strategic Studies from the Naval War College.

In his most recent assignment as the Navy's Director of Environmental Protection, Safety and Occupational Health Division, Rear Admiral Baucom worked to ensure that the Navy remains a leader of environmental stewardship and towards ensuring the safety and welfare of its Sailors, Marines and civil service employees. Whether contributing to the Department's efforts to guarantee critical training at the Atlantic Fleet Weapons Training Facility at Vieques, Puerto Rico, protecting the health and safety of shipyard workers, or addressing the encroachment issues that complicate our operational and training ranges, Rear Admiral Baucom's leadership has been vital to the readiness and success of our country's military forces.

Rear Admiral Baucom provided exceptional advice, support and guidance to the Secretary of the Navy and the Chief of Naval Operations. His keen insight, relentless dedication, and extraordinary talent have contributed significantly to building and maintaining the world's best-trained, best-equipped, and best-prepared Navy and Marine Corps. His vision has positively shaped the future readiness and capabilities of the fleet in ways that will resonate for generations.

I thank Rear Admiral Baucom for his many public service contributions and a life devoted to ensuring our national security. It is my distinct honor to wish him, and his wife Linda, much happiness and fair winds and following seas as they begin a new chapter in their lives.

CAP AND TRADE APPROACH TO CLIMATE CHANGE

Mr. MCCAIN. Mr. President, I rise with my friend and colleague from Connecticut to express our concerns on a subject that is at the forefront of the many issues of global concern, climate change. The science surrounding this issue has come increasingly into focus, and Senator LIEBERMAN and I believe that it is time to take action.

Mr. LIEBERMAN. Mr. President, I also am pleased to rise to join my friend and colleague from Arizona, Senator MCCAIN, in making this call for consideration of the development of an economy-wide cap-and-trade system to control our emissions of greenhouse gases. Senator MCCAIN and I have been discussing the need to develop such legislation for some time, and upon our return from recess, we plan to discuss with leaders from each sector of our economy to discuss what commitments they can make to curb our growing problem of global warming without seriously harming our economy.

At this point, I invite Senator MCCAIN to comment on his views on the subject.

Mr. MCCAIN. Over the past year, the Commerce, Science, and Transportation Committee has held several hearings on the various scientific reports from the National Academy of Science and the International Panel on Climate Change, IPCC. These reports conclude that air temperatures are, in fact, rising. The IPCC report states that there is new and stronger evidence that most of the observed warming over the past 50 years is attributable to human activities. We continue to see throughout the world the melting of glaciers, the dying of coral reefs, and rising ocean temerpatures.

The agreement reached last week in Bonn, Germany on the Kyoto Protocol means that the rest of the world is moving forward to address this important problem. Given the fact that the United States produces approximately 25 percent of the total greenhouse gases emissions, the United States has a responsibility to cut its emissions of greenhouse gases. The United States must realize that when it comes to the climate, there are no boundaries. Therefore, climate change is an global problem and must be resolved globally.

The current situation demands leadership from the United States. In accordance with the agreement reached last week, there is going to be a world marketplace for carbon reductions, a marketplace that rewards improvements in energy efficiency, advances in energy technologies, and improvements in land-use practices—and we are running the risk that America is not going to be part of it.

The risks that climate change poses for businesses have now increased. In addition to the risk of unpredictable impacts of global warming, and of unpredictable regulation of greenhouse gas emissions, American companies now face the risk of being left out of the global marketplace to buy and sell emission reductions.

While U.S. businesses are gaining experience with voluntary programs and are recognized as the world's experts in

this area, they are increasingly recognizing that purely voluntary approaches will not be enough to meet the goal of preventing dangerous effects on the climate system. Increasingly, businesses confronting these risks see sensible regulation of carbon dioxide and other greenhouse gases as necessary and inevitable. Clearly, they prefer the cap-and-trade approach.

In a July 23 editorial in the Wall Street Journal, a cap and trade program was discussed as one of the incentive-based market strategies that has been developed as an alternative to traditional fiat-based, ''nanny-sez-so'' regulation. The editorial further states that '' a cap and trade program will result in more abatement from those firms who can do it at relatively lower costs and less abatement from those firms who can only do it at relatively higher costs. The net will be the same amount of overall pollution reduction, but achieved at lower cost than would obtain under traditional regulation.''

As usual, industry is ahead of government in this area. Many companies have already started trading programs either within their company or as members of partnerships to meet predetermined levels. Not only are these companies meeting their environmental goals, they are also realizing it on a profitable basis. We all know that improved efficiencies mean improved profitability.

The 1990 Clean Air Act's acid rain emissions trading program for limiting sulfur dioxide has shown that there can be top-down limits on pollutants and not endanger the economy. The key is unleashing the power of markets to find the most innovative, cost-effective ways of meeting those top-down limits. That's what a cap-and-trade system does best. Deploying the power of a marketplace to pursue the least expensive answers is a unique and powerful American approach to the threat of climate change.

In 1994, the Arizona Public Service (APS), an Arizona public utility, entered into an agreement with the Niagara Mohawk, a New York utility, and the US Department of Energy to swap carbon dioxide and sulfur dioxide credits. APS had reduced its sulfur dioxide emissions below levels mandated under the 1990 Clean Air Act. Niagara Mohawk had reduced its carbon dioxide emissions below the level of its voluntary commitment. APS exchanged its sulfur dioxide allowances issued under the Clean Air Act's acid rain program for Niagara Mohawk carbon dioxide emissions reductions that APS could then use to help meet its commitment to DOE to reduce greenhouse gas emissions. After receiving the sulfur dioxide allowances, Niagara Mohawk donated them to an environmental organization to be retired. The cost savings achieved through this plan were used to fund new domestic and overseas projects designed to create additional carbon dioxide reductions.

However, we should not be deceiving ourselves. Designing a cap and trade system is not an easy task. Critical decisions will have to be made as to the design and implementation of such a system. These decisions will ultimately affect some industries more than others. I would hope that the government can work hand-in-hand with industry to make this happen should a decision be made to pursue a cap and trade program.

A comprehensive cap on America's greenhouse gas emissions, paired with an allowance trading system, can encourage innovation across the full range of opportunities for reducing emissions. That would provide businesses with the regulatory certainty and flexibility they need to confront the climate challenge successfully. Industry has repeatedly said that if Government sets the rules, they will take them from there and make it work.

Trading helps to establish a market value per unit of greenhouse gas. This can be especially helpful as corporate decisions are made on major investments in new technologies. The market value will allow them to make a real comparison by which to consider purchasing new credits for the markets or investing in technologies and capital improvements.

We also have to recognize that the international system for addressing climate change is evolving. Only a few years ago, many of America's trading partners were reluctant to accept market-based solutions. But now they have embraced them, and the global marketplace for greenhouse gas cap-and-trade is beginning. A national cap-and-trade system could give America the business valuable experience they will need to remain competitive with other companies in countries where greenhouse emissions trading is moving forward. We can expand trade opportunities through a new marketplace for the environment.

Given this developing international market, it also makes sense to ensure that what we do domestically can be integrated and recognized on the international level. Ultimately, we need to make sure that the emissions reductions our companies, our farmers, and our foresters produce are fully recognized and fully tradable in the emerging global greenhouse gas marketplace.

I think it is clear that a cap and trade program is a good idea worthy of further consideration by the U.S. Senate. I look forward to working with Senator LIEBERMAN and others who have expressed a willingness to consider this type of approach to address this problem of global climate change.

Mr. LIEBERMAN. Mr. President, I am pleased to rise to join my colleague, Senator MCCAIN, in advocating an economy-wide cap-and-trade system to control our emissions of greenhouse gases.

I have been extremely troubled by the failure of our government to engage on this crucial issue. Last Monday, 180 nations agreed to take historic action against global warming by agreeing to the Kyoto Protocol. One did not. We are the one. I believe this failure abdicates the United States' position as a leader in environmental affairs and places U.S. industry at risk.

We now have general scientific agreement that climate change is a problem we must face. Early this year, the United Nation's Intergovernmental Panel on Climate Change released its Third Assessment Report on global warming. According to this panel of expert scientists, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during the next century. Such a large, rapid rise in temperature will profoundly alter the Earth's landscape in very practical terms. Sea levels could swell up to 35 feet, potentially submerging millions of homes and coastal property under our present-day oceans. Precipitation could become more erratic, leading to droughts that would aggravate the task of feeding the world's population. Diseases such as malaria and dengue fever could spread at an accelerated pace. Severe weather disturbances and storms triggered by climatic phenomena, such as El Nino, could become more routine.

As the IPCC report reminds us, this threat is being driven by our own behavior. Let me quote the scientists directly, ''There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.'' There is no doubt that human-induced emissions are warming the planet.

After receiving the IPCC's dire report, the White House requested and received a second opinion from the National Academy of Sciences. The NAS confirmed the findings of the IPCC. Let me quote:

> The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue . . . . Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past twenty years.

By going forward with the Kyoto Protocol even without the United States, the world has taken a giant stride forward in response to this pressing problem. That agreement will create a worldwide market in greenhouse gas reductions, using market forces to drive environmental gains. Unfortunately, because the United States did not participate, U.S. interests were virtually ignored in crafting the final deal. In the end, I believe that not just our environment but our economy will suffer as a result.

For example, let's say a multinational corporation is faced with the need to invest in new, more efficient technology, and has the choice of installing it in the United States or overseas. Under the Kyoto Protocol, the corporation will be able to receive valuable credits for making those efficiency gains—and therefore reducing

its greenhouse gas emissions. Those credits will be worth cold, hard cash in the world market that will be established under the treaty. In contrast, the United States currently has no system by which the company will gain credit for the gains. The result will be that more efficient, more competitive technology will be driven overseas.

The agreement in Bonn also has probably made millions of dollars in U.S. investment worthless. A number of our large corporations have invested heavily in forest conservation on the assumption that they would receive credit for these forests' ability to pull carbon out of the atmosphere. In Bonn, however—without the U.S. at the table—credit for forest conservation was written out of the agreement.

After the agreement at Bonn, it will take a lot of work to convince the other nations of the world to reopen the negotiations to U.S. participation.

We can begin by creating a credible domestic system that can work in parallel with the Kyoto Protocol so the United States remains in tune with the remainder of the world as we move forward. Such an approach must move beyond our laudable but inadequate voluntary efforts. As we saw with the Rio Treaty, which former President Bush supported and the Senate ratified in 1992, voluntary programs unfortunately do not work. Instead, Senator MCCAIN and I believe that we need a set of standards requiring action. We need an economy-wide cap and trade approach. In contrast to the current international agreement, such a system will take the interests of the United States into account.

I also believe having such a system in place will much better enable us to negotiate an acceptable international agreement with the Kyoto participants when the U.S. does come back to the table. If we do not have our own domestic cap-and-trade system, our companies will be years behind the rest of the world in operating within the system and therefore disadvantaged when we join an international agreement.

The bona-fides of a cap and trade approach are impressive. I was involved in the drafting of the cap-and-trade program in the Clean Air Act to reduce acid rain—one of the most successful environmental programs on the books. Recent reports from the CBO and the Resources for the Future espoused such an approach. Progressive companies such as British Petroleum have greatly reduced their greenhouse emissions by using their own internal cap-and-trade markets. And no less authority than the Wall Street Journal has endorsed such an approach to address our climate problems, stating that the Bush Administration should ''propose a domestic cap-and-trade program for carbon dioxide that could, of course, be easily expanded to Canada and Mexico.'' It would be a giant step forward if the Bush Administration would make such a proposal to the next international meeting on climate change in Marrakesh, Morocco during October.

If we adopt a cap and trade system, we will create a market by which corporations will receive valuable credits for efficient investments. We also will create a market by which corporations can receive credit for the laudable investments they have made to date. And we will unleash the power of that market to drive the United States back into its leadership position in the international effort to avoid the worst effects of one of the most serious environmental problems the world community has ever faced.

I look forward to working with Senator MCCAIN when we return in September as we meet with environmentalists and representatives of the various sectors of our economy who are currently generating greenhouse gases. We will ask them to help us fashion a cap and trade system that will work.

Together we can and will meet this historic test and protect our children and grandchildren, and all who follow on the Earth, from the real dangers of an overheated planet.

Mr. President, I ask unanimous consent to print the Wall Street Journal editorials in the RECORD.

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

REVIEW & OUTLOOK

EMISSIONS IMPOSSIBLE?

While Genoa burned—a topic we take up at greater length in the space below—bureaucrats in Bonn continued to fiddle with a dead treaty, the Kyoto Protocol on global warming. Japan and Europe appear more determined than ever to resuscitate the treaty without the United States. At the risk of sounding flippant, we ask: Why bother?

The whole idea behind Kyoto is puzzling at best, outrageous at worst. Why require the nations of this planet to spend the hundreds of billions of dollars necessary to reduce carbon dioxide and other emissions when we don't even know if the earth's climate is getting permanently hotter or if that temperature change is caused by human activity or if that change is even dangerous?

Why, indeed. Except that if new and more sophisticated research proves that human-generated greenhouse gases are a menace to civilization as we know it, then it is better to start now to control them and far better to do so in the most cost effective fashion. And that's why we harbor a certain fondness for one part of the Kyoto treaty—emissions trading.

Emissions trading—part of a package called ''cap-and-trade''—is one of the incentive-based market strategies that has been developed as an alternative to traditional fiat-based, nanny-sez-so regulation. The idea is simple: a lower level of pollution is agreed upon and targeted; permits reflecting that level are issued, or even sold, to polluters; firms that produce emissions below their targets can sell their excess permits to firms that exceed their targets. Firms have a straightforward incentive to come up with emission-reducing innovations because they can keep the financial rewards of their innovation through reduced abatement costs, reduced payments for emission permits and/or selling unneeded permits.

Thus, by providing flexibility and financial incentives, cap-and-trade program will result in more abatement from those firms who can do it at relatively lower cost and less abatement from those firms who can only do it at relatively higher cost. The net will be the same amount of overall pollution reduction, but achieved at lower cost than would obtain under traditional regulation.

And cost is really mega-important. Consider the tab if—as mandated by Kyoto—the U.S. had to reduce its carbon dioxide emissions 7% below its 1990 levels by 2012. Without the ability to buy permits from other countries, compliance would have to be achieved mainly by switching from coal-fired plants to natural gas plants, resulting in the premature retirement of tens of billions of dollars of capital stock, the zooming of energy costs throughout the economy, and the loss of millions of jobs. According to the Energy Information Administration, the cost could be as much as 4% of GDP.

Now, however, consider the cost if the U.S. could meet its targets by buying permits from other countries. In a scenario offered back in 1998 by the Clinton Administration's Council of Economic Advisors, if the U.S. buys permits for its ''excess'' emissions—so that if doesn't have to reduce by very much its own emissions—the cost would be only 10% of GDP.

If you doubt these estimates—and we agree that the models they are based on are technically complex—then how about a real-life example? Look no further than the fabulously successful cap-and-trade program for sulfur dioxide. The program, which was started in the U.S. in 1995 as part of the effort to cut the emissions that cause acid rain, saves about $700 million annually compared with the cost of traditional regulation and has been reducing emissions by four million tons annually. When the program is fully implemented, sometime over the next couple of years, cost savings should be as much as $2 billion a year—that's twice as much as originally estimated by the EPA.

In fact, the idea of emissions trading to reduce pollution has proved so attractive that some firms—which are under no legal obligation to cut greenhouses gases—have begun to set up programs for internal trading of permits. For firms interested in external trading, there are already several ''precompliance'' markets where permits can be traded across companies and across national borders.

So, who needs Kyoto? While whatever number of government bureaucrats are filling the air in Bonn with carbon dioxide, the private sector is going ahead with its own cap-and-trade solutions. Not surprisingly, European leaders would rather bureaucrats control the ebb and flow of private sector emissions and have bad mouthed cap-and-trade proposals in the past. Recently, however, even the Euros are beginning to see the light.,

President Bush got it exactly right when he dissed Kyoto. And after Kyoto is pronounced dead in Bonn, the Bush Administration should propose a domestic cap-and-trade program for carbon dioxide that could, of course, be easily expanded to Canada and Mexico. And then to Latin America. And then the world.

ARSENIC IN RURAL WATER SUPPLIES

Mr. STEVENS. Mr. President, yesterday the Senate passed the Appropriations bill funding the Environmental Protection Agency and other departments. I have grave concerns about a provision in that bill, the amendment adopted by the Senate that directs the EPA Administrator to establish a new national primary drinking water regulation for arsenic. This is a slight

modification from the House version of this bill, which requires the Administrator to establish this standard at the level set by the previous administration—10 parts per billion. While the Senate language is not that specific, I still have grave concerns over the direction Congress is heading on this issue.

I understand that 59 public water systems in Alaska, most of which are in rural villages, have naturally occurring, background levels of arsenic in their water supplies that substantially exceed the 10 parts per billion standard. If Congress imposes this standard or a similar one on these villages, they will need nearly twenty million dollars to purchase modern, high-tech water treatment facilities. This is money that will otherwise be spent on their more immediate water and sewer needs, including safe wastewater systems. We are moving many rural villages off of honey buckets, but many people on the haul system still have to cart their own untreated wastewater from their homes to local collection bins, where it lies until the city takes it to a sewage lagoon on the outskirts of town. I know of one village in rural Alaska where a young girl was playing near one of these wastewater collection bins when she scratched at a mosquito bite. She developed a bacterial infection and later died. We are making good progress towards getting her village on to a safe, centralized water and wastewater system. Congress should allow areas without reliable sanitary water supplies to address those needs before turning to the relative luxury of removing a few parts per billion of naturally-occurring arsenic. I invite any Senator who disagrees with me to join me on a trip to rural Alaska where they can see these challenges first hand.

I can foresee another unanticipated consequence of a national arsenic standard applied in rural Alaska. There are no toxic waste facilities available to process the arsenic after it is taken out of the water. We can not drive it away because these villages are not on the road system. The arsenic will end up in the local landfill on the edge of town, next to the sewage lagoon. Like a lot of other things that end up in the landfill, the wind will blow it around town, where it will end up in homes and schools. This arsenic may do far more harm to people in rural Alaska than if we were to just leave it alone.

I intend to seek a modification in conference that will recognize the practical problems of forcing a national standard on the most remote, rural areas of the country. We should not turn away from the most pressing sanitation needs in order to impose an unfunded mandate on rural areas, especially one that may result in a greater health risk than the one we are trying to address.

IN MEMORY OF PAUL R. CAREY

Mr. SCHUMER. Mr. President, I rise to draw the attention of the Senate to the recent passing of Paul R. Carey, an extraordinary public servant and New Yorker who died on June 14th at the age of 38 after a long battle with cancer.

Paul Carey was a Commissioner of the United States Securities and Exchange Commission at the time of his death. Previously, he served in the Clinton White House as Special Assistant to the President for Legislative Affairs, and before that as Finance Director for the northeastern United States for the 1992 Clinton-Gore campaign.

Commissioner Carey was a scion of a great New York family whose patriarch is my friend and political hero, the distinguished former Governor of New York, Hugh L. Carey.

The loss of Paul Carey at such an early age was a blow to the causes he fought for as an SEC Commissioner and White House official, and of course to his loving family and his literally thousands of friends, who mourned him at a mass of Christian burial at St. Patrick's Cathedral in New York on June 18th, and celebrated his life at a memorial service here in Washington on July 25th. Governor Carey and his family honored this Senator by asking me to participate in the memorial service, which was a wondrous event whose other celebrants included former SEC Chairman Arthur Levitt; Senator CLINTON; former President Clinton; Governor Carey; and an audience of hundreds of colleagues, Members of the Senate and the House of Representatives, and other loved ones.

All of the remembrances shared at the memorial service were special and poignant, but none could have been more moving or inspiring than the remarks of Paul's father, Governor Carey. He told the uplifting story of the life of a truly gallant young man.

I ask unanimous consent that excerpts of Governor Carey's remarkable statement be printed in the RECORD. And on behalf of the Senate, I extend our thoughts and prayers to the Carey family on the loss of their beloved Paul.

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

EXCERPTS FROM REMARKS BY FORMER GOVERNOR HUGH L. CAREY

This extended gathering of Paul's family, both the Carey family and his extended family in public service, has been a wonderful tribute to Paul. On behalf of our family, I would like to thank Rev. Coughlin, President Clinton, Senators Clinton and Schumer, Arthur Levitt, Jim Molloy, Mark Patterson, Janet Howard and the many great friends who were responsible for this day of remembrance—and it is, we feel, a celebration, with no remorse, no regret.

When he was about 3 years old, Paul showed signs of the peripatetic propensity he would continue throughout his life. After finding that he was wandering to the neighbors' houses at all hours, his mother fastened a small cowbell to a soft ribbon around his neck. So it became the custom in our house to listen for the bell and to ask, ''where's Paul?''

Over the years, Paul's whereabouts gave us some concern but even greater satisfaction. When we took summer vacations, while others took lessons in swimming and waterskiing, he would accompany his mother to Camp Shelter Island, volunteering with disabled teens and adults. Summer after summer, he began to learn, and to show us, his great capacity to help others.

In 1973, Paul's mother—who was then waging her own battle with the illness that was to take her the next spring, and later Paul—was eager to see the family under one roof. She decreed that the Congressional career had separated us too often. By agreement, we decided to give up Congress for an office that would give the family a home. So we committed, against all odds, to the race for Governor of New York.

It was in that 1974 campaign that Paul's appetite and zeal for his avocation—campaigning—started to shine. He and his 11 brothers and sisters took to the road in a Winnebago, bringing the Carey campaign message to county fairs all summer long. And he never stopped reminding me that of the 62 counties in New York State, I carried all but the one I had to canvass on my own after sending my children back to school in the fall.

Later, after his graduation from Colgate, Paul embarked on a career in finance. I rejoiced in the thought that my future comfort was assured by the prospect of a string of successful IPO's. But after he faced his initial surgery and the prospect of a life-threatening illness, he was determined to pursue a life in public service. When he told me he was offered a fundraising position in a national campaign, I tried to steer him away, but swallowed my initial advice when I saw his great enthusiasm and success. Indeed, he did an outstanding job in that role, as the northeast finance director for the Clinton-Gore campaign in 1992, and President Clinton has recounted for you how pivotal Paul's help was at a time when it was needed most.

And when that victory was won, Paul took his passion for public service to the White House. There, he astounded everyone but himself with his accomplishments at the command center of the greatest country in the world. He mastered legislative detail and created relationships on Capitol Hill that would help his President and his administration achieve the most sweeping fiscal reform and debt reduction package since Harry Truman and Lyndon Johnson.

Then suddenly, one Christmas, his life was suddenly and cataclysmically threatened by the returning disease. But, to our family's lasting gratitude, the brilliant surgeon Dr. Murray Brennan and the medical team at Memorial Sloan-Kettering Cancer Center saved Paul's life and gave him the gift of time. And we will always be especially grateful to Dr. Jim Dougherty, who cared for Paul for more than 5 years since then and worked with him to battle each successive phase of the illness while enabling Paul to live his life to the fullest.

I remember that critical time so clearly, not only because we almost lost Paul that winter, but because I saw a strength and determination in my son that I had never known. One morning, after his surgery, when I visited his room and saw that he was apparently asleep, under heavy sedation, I told Paul's sister that I was about to leave for Albany for the state of the State address. Paul suddenly awoke, sat up, and said clearly and adamantly: ''When you get to Albany, you tell them that we put money in the budget for research and teaching hospitals and they'd better be sure they don't cut it.'' I

took my orders, went to Albany, and carried Paul's message to the legislature.

Although Paul would continue to battle illness over the next 5½ years, he would do it on his own terms. He made a deal with Dr. Dougherty, to structure his treatments around his work schedule. When he became a Commissioner of the SEC, he waged a spirited battle for the least powerful, individual investor, and never let his illness impair his commitment to that work.

He would sometimes have to travel to the Netherlands, to take powerful treatments, but he would combine those trips with visits to friends at European Embassies, or tours with his brothers and sisters through France and Italy.

Among his most memorable journeys was the White House delegation's trip to Ireland last winter, where he and I were privileged to join President Clinton as he made a farewell visit to the country he had guided toward peace.

And this spring we had the honor to attend the investiture of new Cardinals by his Holiness Pope John Paul II. On that trip, we visited many glorious and deeply religious sites, including the Basilica of his namesake, Saint Paul.

And although we mark today his passing into eternal life, we repeat our belief that today is a joyous remembrance, with no remorse or regret.

And there is no need to ask now, ''Where's Paul?'' Because today we celebrate Paul's Homecoming. We know where Paul is, he's in his mother's arms.

And now that Paul's ascendancy is complete, I wonder if when he arrived at the Heavenly Gate, perhaps St. Peter had gone fishing as was his custom, and that day St. Paul may have been there to greet him.

If so, Paul may have had a chance to ask a question he had long pondered: When St. Paul wrote to the Romans and the Colossians and the Corinthians, did they ever write back?

But before he'd answer, St. Paul might say, I have a question for you: ''Did you bring your Rolodex?''

''Why,'' Paul would ask, ''Would you want my Rolodex?''

And St. Paul would answer, ''If it contains the names of all the people you helped, and the people who helped you, that's a list we want to have!''

So if you were in Paul's Rolodex, you're halfway to Heaven!

And you can count on us to be there with you, until we all make it the rest of the way. Thank you and God bless you!

Mrs. CLINTON. Mr. President, I rise to join the senior Senator from New York, Mr. SCHUMER, in paying tribute to the late Paul R. Carey. I was also honored to have been invited to speak at the memorial service for Paul here in Washington last week, and I wish every Senator could have been there to share in the outpouring of emotion and affection for this wonderful young man. My husband and I knew Paul Carey well and we considered him a dear friend. Paul made many important contributions to President Clinton's work in the White House, and he remained a close friend after he left the White House to become a Commissioner of the Securities and Exchange Commission. He touched so many of us with his wonderfully passionate attitude toward life and his truly special gift for friendship. I join Senator SCHUMER in paying tribute to Paul Carey, and in expressing condolences to Governor Carey, to Paul's 11 brothers and sisters, and to his many friends. He was a great New Yorker and we will never forget him.

Mr. DASCHLE. Mr. President, I thank the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, for their statements about Paul Carey. I also knew Paul and his work, both at the SEC and at the White House, and I join the Senators from New York in expressing condolences to his distinguished father, Governor Hugh Carey, and to the rest of Paul's family and many friends. He was a fine public servant and a fine man, and he will be sorely missed.

SALUTE TO JIM GOODNIGHT AND HIS ASSOCIATES AT SAS INSTITUTE

Mr. HELMS. Mr. President, this Nation was founded on the principle of freedom and, needless to say, America's free enterprise system is the hallmark of our Founding Fathers' economic vision. The news on television and in the newspapers report remarkable success stories, and, indeed, our Nation's most notable businesses were founded by men and women who had the ideas and the vision, and the courage to convert those visions into incredible successes.

Those of us blessed to live in North Carolina are proud of our State's history of business successes, citizens like Buck Duke who developed a system to roll tobacco, William Henry Belk, the amazing merchant, whose Main Street sidewalk in Monroe grew into a chain of high-end department stores. There are countless others whose vision and faith in the free enterprise system made North Carolina one of the leading states in which to do business.

Now then, it's an honor to salute another remarkable North Carolinian who has fulfilled the principles of the free enterprise system and thereby developed the largest privately-held software company in the world which, by the way, is headquartered in Cary, NC. SAS Institute, as it is known, was cofounded and now co-owned by James H. Goodnight and John P. Sall in 1976. Today their dream and wisdom ranks as one of North Carolina's largest employers.

This remarkable enterprise was born following a research grant from the U.S. Department of Agriculture to several universities which were seeking new ways to analyze enormous volumes of agricultural data. A result of this grant was the development of the Statistical Analysis System from which SAS takes its name. The customer list of SAS is replete with the vast majority of the Fortune 100 companies, plus all 14 Federal Government departments now use software developed by SAS. SAS software is used by customers in more than 111 countries around the world. It has vast overseas operations which are based in Heidelberg.

I could go on and on reciting the SAS company's business successes but when you get down to it SAS is a reflection of its leadership. It is important to note the innovation of Dr. Goodnight, the distinguished Chairman and Chief Executive Officer who has created one of the most desirable workplace environments in America.

For example, Jim Goodnight had the forethought to create an on-site childcare center back in 1981 and SAS has an extensive medical facility providing healthcare for all of its associates on its campus. As a result of such creative and family friendly innovations SAS has one of the lowest personnel turnover rates in the industry; moreover SAS has been justifiably praised nationally by countless publications such as Working Mother, Fortune and Business Week.

SAS's longstanding commitment to its community, its State and the world is evidenced by its significant contributions to multiple charitable organizations which focus on education and technology.

Jim Goodnight took his personal commitment to education further by establishing a world-class independent co-educational college preparatory day school, which is a model for integrating technology into all facets of education.

Its vast campus might easily be confused for that of a major university.

As the SAS Institute marks its silver anniversary, it's an honor, indeed a privilege to join other friends across North Carolina in saluting this remarkable corporate citizen, the great leader, Dr. Jim Goodnight, on his incredible 25 years. Jim Goodnight's sound business practices, his adherence to the principles of the free enterprise system, together guarantee another remarkable 25 years for this great North Carolina business.

GUNS AND TEEN SUICIDE

Mr. LEVIN. Mr. President, we often rise on this floor to speak on the subject of gun violence and what we can do to prevent it. The debate frequently centers on how we can keep guns out of the hands of criminals and what penalty is appropriate for using a gun to commit a crime. While the importance of these debates cannot be overstated, these discussions all too often ignore a second related and equally important issue—gun-related suicide.

According to statistics from the Brady Campaign to Prevent Gun Violence, most gun deaths in America are not the result of murder, but suicide. The numbers are particularly shocking for young people. According to the Centers for Disease Control and Prevention, from 1993 through 1997, an average of 1,409 young people took their own lives with guns each year. The connection between access to guns and suicide is particularly strong. In fact, The Brady Campaign reports that the presence of a gun in the home increases the risk of suicide fivefold.

While this problem cannot simply be legislated away, trigger locks and

other sensible gun safety measures can help limit children's access to firearms. It is clear that reducing our kids' access to guns can save lives.

PROTECTING AGAINST WRONGFUL CONVICTIONS

Mr. WARNER. Mr. President, I rise today to once again state my strong support for legislation that increases access to post conviction DNA testing.

Our judicial system has numerous safeguards in place to help protect against wrongful convictions of innocent people. The presumption that a person is innocent until proven guilty beyond a reasonable doubt is one of many protections our judicial system provides to protect against wrongful convictions. Rights to appeal criminal convictions are another example.

Despite these many protections, I recognize that wrongful convictions, unfortunately, do occur. In my view, we must continuously examine our judicial system to determine if new protections are available to ensure that individuals are not imprisoned for crimes they did not commit.

In the Commonwealth of Virginia, we need look no further than the Earl Washington case to understand that individuals can be convicted of crimes they did not commit. Washington, a mentally retarded man, spent more than a decade on death row after being convicted for the 1982 rape and murder of 19-year-old Rebecca Williams.

In 1994, Governor Wilder commuted Washington's sentence to life in prison as a result of DNA test results. Since 1994, more sophisticated DNA tests became available, and these tests proved conclusively that Washington did not commit the rape and murder. As a result, last year, Governor Gilmore granted Washington a full pardon for this conviction. Subsequently, the Virginia General Assembly unanimously passed legislation signed into law by Governor Gilmore that allows for inmate access to post conviction DNA testing.

Certainly, Earl Washington's case is not unique to Virginia. Wrongful convictions occur in both Federal and State courts all across the country. The Washington case, however, makes clear to me that post conviction DNA testing must be made more available.

Over the last few years, DNA testing has proved to be a reliable means for identifying criminals when biological evidence exists. While DNA testing is standard in today's investigations, such technology was not available even a decade ago. DNA is more and more frequently used by prosecutors to prove guilt. In my view, it should also be made available to prove innocence. Access to post conviction DNA testing, in circumstances where DNA evidence can prove innocence, is of utmost importance to the administration of justice.

In addition to increasing access to DNA testing, we must look at other ways to improve the administration of justice in our system. The Justice Project, a national non-profit organization focusing on identifying and solving issues of fairness in our judicial system, reports that since 1973, 95 people have been exonerated and released from death row. Of those 95 wrongful convictions, only 10 were discovered as a result of DNA testing. Thus, while access to DNA evidence is one new, important component that we must pursue to protect against wrongful convictions, it cannot be the only avenue we pursue.

We have all read or heard about the horrific cases where individuals are convicted and sentenced to death after a trial where the defense attorney slept through portions of the case, was inexperienced in death penalty cases, or failed to even interview important witnesses. Such incompetency on the part of a defense attorney undoubtedly results in some wrongful convictions.

Certainly, convicted defendants may appeal their conviction to a higher court based on the assertion that they were denied a constitutional right to effective assistance of counsel. However, I believe that our system, particularly in the highly complex capital punishment cases, can do a better job at ensuring effective assistance of counsel prior the time a case gets the appellate level.

In this regard, I share the views of Supreme Court Justice Sandra Day O'Connor, who, in a recent speech, stated that perhaps it's time to look at the minimum standards for appointed counsel in death cases and adequate compensation for appointed counsel when they are used.

Increasing access to post conviction DNA testing, and undertaking a closer examination of the issue of national, minimum standards for appointed counsel in death penalty cases, are two steps in the right direction to improving our judicial system and further protecting against wrongful convictions.

My colleague, Senator LEAHY, has joined with Senator GORDON SMITH and Senator COLLINS in introducing legislation that improves access to post conviction DNA testing and provides for minimum standards for appointed counsel in death penalty cases. Today, I am pleased to join as a cosponsor of this important legislation, S. 486, the Innocence Protection Act.

While I do believe that some technical improvements can be made to the Innocence Protection Act, I support its overall goal of additional, reasonable, protections against wrongful convictions.

Specifically, the Innocence Protection Act contains provisions relating to habeas corpus reform. Under the bill, prisoners in States that do not adopt appointed counsel minimum competency standards will be subject to differing habeas corpus rules than prisoners in States which have adopted such standards. In my view, habeas corpus reform is outside the scope of this legislation, and the issue ought to be thoroughly examined by the Judiciary Committee and addressed in separate legislation.

In addition, the Innocence Protection Act directs the Attorney General to withhold a portion of the funds awarded under the prison grant programs from death penalty States that have not established or maintained a system for providing legal representation in capital cases that satisfy the standards called for by this bill. In my view, a more appropriate way to encourage States to adopt minimum competency standards would be through awarding new grant money for those States that adopt such standards.

Nevertheless, despite these differences, the goal of the Innocence Protection Act is an important one. I look forward to working with the sponsors of this legislation on these concerns, and look forward to working for passage of legislation that will further protect against wrongful convictions.

IN HONOR OF PURPLE HEART MEDAL RECIPIENTS

Mr. WELLSTONE. Mr. President, I rise today to recognize those veterans who have earned the Purple Heart Medal. My own State of Minnesota has recently decided to designate August 7, 2001 as a day to honor these veterans.

The Purple Heart Medal was created by General George Washington and first awarded to soldiers who were wounded as a result of actions by an enemy of the United States. General Washington established the award on August 7, 1782. The Purple Heart Medal is still awarded to members of our Nation's armed forces who are wounded while protecting our Nation and democracy.

Our Government issues several medals to soldiers for bravery, good conduct and efficiency. However, the Purple Heart Medal is unique in the fact that a soldier who is awarded this medal received a wound as a result of hostile actions by an enemy of our Nation. As a U.S. Senator and a member of the Senate Veterans Affairs Committee, I have had the opportunity to personally thank many of the Purple Heart Medal recipients in the State of Minnesota for the sacrifice they made for our Nation and democracy. I believe that every recipient of this distinguished award should also receive appropriate acknowledgment from the Senate.

I invite all members of the Senate to join me and urge all 50 States to hold appropriate ceremonies to honor their Purple Heart Medal recipients.

WE NEED A DRUG CZAR

Mr. GRASSLEY. Mr. President, in the last several days, I have received a copy of the most recent PRIDE survey of youth drug use in this country. The numbers are not encouraging. In fact, the numbers over the last several years

have not been encouraging. Drug use among teenagers since 1992 has risen sharply. This is true for use of more traditional drugs, like heroin. It is true for the newer or more recently popular designer drugs, like meth and now ecstasy.

I have spoken about these trends frequently here and in hearings. The Caucus on International Narcotics Control, which I co-chair, has held a number of hearings on these dangerous trends and their consequences. No one who is familiar with the details can be anything but concerned about what is happening. No one that is except those who seek to legalize drugs in our society and make them even more available than they now are.

The legalizers, of course, do not admit that this is their intent. But it is like the old magician's trick, watch the birdie. They cloak their efforts to legalize with various disguises. They want marijuana for sick people. They want treatment not prisons. They want compassion not punishment. But it's an old game. It's just a variation on the useful lie: I am for a good cause so I don't have to be honest. Well, as the old saying has it, fool me once shame on you, fool me twice shame on me.

And they are trying to fool people again. The goal this time is to stop the nomination of John Walters to be the nation's drug czar. Their effort is a purely cynical one trying to portray Mr. Walters as some kind of stone age, Neanderthal throwback who is out of step with the needs of real drug policy. But the policy they really advocate is to make drugs more widely available. What they object to is that Mr. Walters does not accept that. So they have begun a campaign to impugn his character, misstate his views, and misrepresent the facts and their own goals. They do not want strong leadership on this issue.

They are trying to portray Mr. Walters as a total supply side advocate who cares nothing about treatment or prevention. They are relying on the hope that people will read what they have to say about his record rather than look at his record. Remember, watch the birdie. They hope to block his nomination in order not to help stop drug use but to clear the way for their efforts to legalize.

The main voices against him have come from groups funded by billionaire advocates for drug legalization. It is coming from a number of journals and organizations that are on record favoring drug legalization. They would have us believe that their motive for opposing the President's candidate to be the drug czar is out of concern for treatment and prevention. This is like the wolf expecting Little Red Riding Hood to believe it is really grandma in the bed.

Some facts. When Mr. Walters was the chief of staff for Bill Bennett, the first Drug Czar, Walters was a key player in helping to ensure that we had a serious demand reduction effort as part of our policy. In the Bush years, demand reduction resources doubled. In 4 years of that administration, the rate of funding for demand was higher than in the 8 years of the last administration. Mr. Walters was a player in making that happen in the first Bush administration. It is true he spoke out a lot on supply reduction. That too was part of the President's strategy and he was responsible for helping to implement that as well. He also became the Deputy Director for Supply at ONDCP. It was his job to speak on these issues. There was a Demand Deputy. It was his job to speak on demand issues. You will not find a lot of supply talk in Dr. Kleber's public comments. As the demand guru it wasn't the focus of his job. You won't find a lot of demand comments in Mr. Walters' statements. Why do you think that is?

In the years after he left ONDCP, Mr. Walers made numerous public statements. Many of these were before Congress. He was asked by committees in Congress responsible for dealing with supply issues to speak on them. Is it any wonder that most of those concern supply reduction? It isn't a mystery, but, remember, watch the birdie.

Let's be clear. The objection to Mr. Walters is not that he is a supply sider or a hawk on demand. It is that he believes we need a serious drug policy that is comprehensive. That is what Congress wants and funds. The President has made it clear that that is what he wants and expects. It's the President's policy. As a member of the President's Cabinet, Mr. Walters will be a strong voice, a forceful advocate. We need that. The major demand groups in this country recognize that and support him.

Mr. Walters is not a drug legalizer. He is a man committed to stopping the flow of illegal drugs across our borders and into our schools and neighborhoods. He is committed to prevention and effective treatment. He has children of his own. He is determined to help protect them in their schools from the drug pushers among us. He cares passionately about this issue.

That is why I believe the Senate needs to move quickly on his nomination. We need leadership. We need commitment. We need passion. Mr. Walters can supply those needs in working with Congress to accomplish a common goal. The only people who benefit from blocking this nomination are the legalizers. We should not become their unwitting allies.

I support this nomination. I urge my colleagues to join me. It is late in the year. The August recess is almost upon us. We need to give Mr. Walters a speedy hearing and a quick confirmation so that he can get about the Nation's business.

JOHN WALTERS NOMINATION

Mr. SESSIONS. Mr. President, I rise today to encourage my colleagues to expedite the nomination of John Walters to be Director of the Office of National Drug Control Policy, ONDCP.

We continue to be faced with a major drug problem in America. Drugs are easily available and kids are using them.

While I believe that we must address the supply of drugs coming into this country, I believe that true achievement can only come from within our Nation.

We must decrease the demand for drugs in America before our efforts to stop the flow of drugs can gain any measure of success.

The real challenge is developing a multifaceted approach to move us down the road to substantial reduction in drug use.

According to the University of Michigan, ''Monitoring the Future'' survey, that has tested students for 20 years, for 12 years under the Reagan and Bush administrations, drug use went down every single year. (University of Michigan, ''Monitoring the Future Study,'' 1999.)

This was done through a commitment to energizing our Nation as a whole against this threat. Parents, educators, law enforcement officials, business and community leaders, and the media were all enlisted to create a climate of intolerance.

As a Federal prosecutor in Mobile, AL, during these years, I am proud to say that I participated in this effort.

Unfortunately, when the Clinton-Gore administration took office, things began to change. When President Clinton appeared on MTV and joked about whether or not he inhaled marijuana by saying ''Maybe I wish I had,'' he began to erode the leadership by example that is the crucial first step in the war against drugs.

When President Clinton nominated people who did not carry out a tough drug policy this further weakened the message to our children and to drug criminals regarding the importance of the war on drugs.

After taking office, the Clinton-Gore Administration all but eliminated the Drug Czar's office, slashing the number of employees from 146 to 25.

It is not a surprise that the same University of Michigan study that showed the gains we made during the Reagan-Bush years, showed that drug use had steadily risen among our youth during the Clinton-Gore years.

According to the Monitoring the Future Study, since 1992: overall drug use among 10th graders increased 55 percent. Marijuana and hashish use among 10th graders increased 91 percent; heroin use among 10th graders increased 92 percent; cocaine use among 10th graders increased 133 percent.

Except for a slight decline in 2000, drug use generally increased during the Clinton-Gore administration.

If we are going to make real progress in combating drug use in America, we must return to the key concepts of leadership by example, tough law enforcement initiatives, and community

involvement. We must also ensure that Federal Government programs that are meant to combat drug use really do work.

There are those in this body who have advocated spending hundreds of millions of dollars on increased drug treatment. Treatment is very valuable, but don't we get more for our money if we prevent individuals from using and becoming addicted to drugs in the first place.

President Bush has made a commitment to reducing drug abuse in America. In order to achieve this goal he has nominated a strong candidate in Mr. Walters. I believe that Mr. Walters will provide the strong leadership we so desperately need.

President Bush's approach will focus on reducing the demand for drugs through effective education, prevention, treatment, and law enforcement.

President Bush has nominated Mr. Walters for this position because he is an experienced leader in reducing the demand for and supply of drugs. John Walters was indeed a major catalyst for the successes achieved during the Reagan-Bush years. Indeed during his tenure as Assistant to our Drug Czar, Bill Bennett, America saw a marked and dramatic reduction in drug use. The war on drugs was not a failure, it was one success after another.

Some members of the press have focused on Mr. Walters experience in interdiction and law enforcement, but he actually started in public service at the Department of Education, specializing in drug abuse prevention, including writing and taking a lead on the ''Schools Without Drugs'' prevention and education program.

Mr. Walters went on to serve as the ONDCP chief of staff in the first Bush administration and later was confirmed by the Senate as deputy director. We achieved some of our greatest victories under his watch. It is obvious he has the qualifications and experience for the job.

William Bennett, the former director of ONDCP and Mr. Walters former boss while he was at the agency, has said ''John is the best person for the job. He is one of the three or four most knowledgeable people about the issue and he has a deep passion about the job of stopping illegal drugs.''

Now more than ever we need strong leadership. The Director of ONDCP coordinates all Federal anti-drug efforts, but it is also important that the Director work more effectively to support State and local efforts. President Bush's plan stresses this aspect.

Let me give you an example of the crisis we face. Last year a study was released by the National Center for Addiction and Substance Abuse at Columbia University. According to the study, adolescents in small-town and rural America are much more likely than their peers in urban areas to have used drugs.

The study reports that 8th-graders in rural areas are 104 percent likelier than those in big cities to use amphetamines, including methamphetamines, and 50 percent likelier to use cocaine.

Law enforcement officials in Alabama have come to me with major concerns about increased drug use and trafficking in the rural parts of the South, particularly an alarming rise in Methamphetamine use and production.

We must take steps to reverse this alarming trend. We need solid leadership at the Office of National Drug Control Policy to address this issue. One area were Mr. Walters can have a major impact on this problem is in regards to the High Intensity Drug Trafficking Area or HIDTA program.

The Anti-Drug Abuse Act of 1988 authorized the Director of ONDCP to designate areas within the United States which exhibit serious drug trafficking problems and harmfully impact other areas of the country as High Intensity Drug Trafficking Areas.

The HIDTA program provides additional Federal funds to those areas to help eliminate or reduce drug trafficking and its harmful consequences. The program enhances and coordinates drug control efforts among local, State, and Federal law enforcement agencies.

The House and Senate Appropriations Committees have passed increases for the HIDTA program in both versions of the Treasury Postal Appropriations bills. Much of these funds will be left to the discretion of the director of ONDCP.

We need immediate, strong, and competent leadership at ONDCP to ensure that issues like this are properly addressed. The funding must flow to the areas with the most need, where law enforcement can make a real difference. Mr. Walters has the knowledge and expertise to make these types of important decisions.

Mr. Walters can also provide strong leadership in our overall Federal efforts. Our Federal campaign against drugs is spread over a number of agencies, including the Justice, Treasury, and Defense Departments. We need strong leadership to ensure that these efforts are coordinated. I have become concerned in recent months that perhaps some of these agencies efforts have become repetitive.

I have requested that the GAO study these efforts to ensure that is not happening. Mr. Walters has the expertise to take a close look at all our efforts to ensure that our dollars are being sent wisely.

I believe we can make a real difference in the problems with drugs in America. Under President Bush and Mr. Walters leadership, I know we can send a clear message to our youth that drugs use is dangerous and just plain wrong. We can also send a clear message to drug dealers, that there activities will not be tolerated.

I urge my colleagues to move toward confirmation of John Walters nomination. This is not an area where we can afford to delay.

KOREAN GOVERNMENT SUBSIDIES

Mr. CRAIG. Mr. President, I rise today to express my extreme concern about developments in the Republic of Korea that have far reaching negative implications for U.S. semiconductor companies. I am referring to the massive and unjustified government bailout that the South Korean government is providing to Hyundai Electronics, now known as Hynix.

To date, the South Korean Government and the government-owned banks have given Hynix over $4 billion in loans and other types of financing which carry the guarantee of the government of Korea. This is a subsidy pure and simple. As if this is not bad enough, however, two Wall Street Journal articles over the past week report that the Korean government is now planning on giving Hynix an additional billion dollars to keep them solvent.

In the year 2000, Hynix was the world's largest producer of dynamic random access memory, or DRAM, an important type of memory semiconductor that is used in everything from personal computers to satellites. Hynix has captured over 24 percent of the world semiconductor market. However, Hynix achieved such a large share of the global market not because it is particularly good at making DRAMs, but because it borrowed excessively and built up enormous capacity.

Now, Hynix is broke and cannot repay the loans it took out to finance its expansion. Verging on bankruptcy, Hynix has been kept alive by the South Korean government through infusions of new cash. Far from solving the company's problems, however, these government subsidies are just plunging Hynix deeper into debt. This behavior circumvents normal market forces and has very severe implications for the companies in the U.S. and the rest of the world that are forced to compete with Hynix's illegally subsidized products.

Over the past several months, the Korean government has given assurances to me, to my colleague Senator CRAPO, and other members of this body, as well as Ambassador Zoellick, Secretary Evans and Secretary O'Neill, that the Korean government will stop giving these subsidies to Hynix, subsidies that clearly violate our international trade agreements. Now, the Korean government seems poised to violate these assurances completely, destroying the U.S. semiconductor industry in the process.

I call on the Korean government to stop subsidizing Hynix, to stop this distortion of the international semiconductor market, and to let Hynix sink or swim on its own.

Mr. MCCONNELL. Mr. President, as we are all aware, the Internet has revolutionized communication and business. Unfortunately, it also provides a new tool for some very traditional villains: child molesters. While it is already a Federal crime to cross State

lines to sexually molest a minor, in recent years the number of people using the Internet to violate this law has skyrocketed. According to a report issued to Congress last year by the National Center for Missing and Exploited Children, NCMEC, one in five children, aged 10–17, were sexually solicited over the Internet in 1999. And from 1998–2000 alone, the FBI's cybermolester caseload increased by 550 percent.

Unfortunately, loopholes in the current law allow some of these predators to escape without any real consequences. Because most cybermolesters are well-educated, middle-class, and have no previous criminal record, many judges are giving them laughably light sentences. Ironically, the purveyors of child-pornography receive mandatory ten-year sentences, but those who use the Internet to meet children and act out pornographic fantasies often receive no jail time at all.

We need to end the double standard that gives lighter sentences to a special set of privileged criminals. For this reason, last week I re-introduced my Cybermolesters Enforcement Act to ensure that these new on-line molesters are apprehended and brought to justice. Like last year, my bill provides for a five-year mandatory minimum sentence for those who abuse the Internet in an effort to sexually abuse America's children, but it does not change the maximum sentence provided by Federal law.

This year, the bill contains two additional provisions to help the Bureau apprehend these abusers and destroy their disgusting wares. First, my bill would allow law enforcement to obtain a Federal wiretap on those suspected of committing certain child sexual exploitation offenses, such as transmitting computer-generated child pornography, enticing a minor to travel for sexual activity, or transporting a minor for sexual activity. Adding these offenses to the list of crimes for which Federal law enforcement may obtain wiretaps will significantly increase the ability of the authorities to detect and interdict those who use the Internet to send pornography to minors and then arrange to meet them for unlawful sexual activity. As with any other wiretap request, though, the government first must demonstrate probable cause to the satisfaction of a Federal judge in order to use this important tool.

Second, this year my bill would classify child pornography as contraband. Illegal drugs and counterfeit currency are already defined as contraband, and child pornography is at least as dangerous to our society. Classifying child pornography as contraband would enable law enforcement officials to seize it based upon probable cause and destroy it automatically after its use as evidence is no longer needed. Furthermore, treating this odious material as contraband will likely lead to increased cooperation from commercial entities, such as Internet service providers, which are unwittingly used by child pornographers to store and transmit this disgusting material. Because no customer can claim a legitimate property interest in contraband, these entities will be free to seize child pornography, delete its presence on the Internet, and send the images to law enforcement without fear of civil liability from their customers.

The Cybermolesters Enforcement Act addresses a real and chilling threat to our Nation's children. It will support the FBI's ''Innocent Images'' program, which is on the front lines of the battle against on-line pedophiles. Both Ernie Allen, President of the NCMEC, and by John Walsh of ''America's Most Wanted'' have endorsed it. ''Predators are hiding behind the relative anonymity of the Internet to target children,'' said Mr. Allen. ''While we're making enormous progress in addressing this problem, it is clear that too many of these cases are not being viewed in a serious way by the courts. Senator MCCONNELL's bill sends a loud, clear message that enticing children for sexual purposes over the Internet is just as illegal and just as dangerous as doing it in a shopping mall or playground,'' said Allen. And John Walsh notes that ''yesterday's child molesters are today's cybermolesters. Senator MCCONNELL's bill is a comprehensive approach to fighting these despicable crimes. It helps the FBI track down these criminals, allows the Bureau to seize their perverse wares, and makes sure we do not let them escape justice.''

I urge my colleagues to support this initiative, and I ask unanimous consent that this article by George Will outlining the problem of cybermolesters be printed in the RECORD.

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

[From the Washington Post, Jan. 23, 2000]

NASTY WORK

(By George F. Will)

To visit a crime scene, turn on your computer. Log on to a list of ''bulletin boards'' or real-time chat rooms, which come and go rapidly. Look for names like ''Ilovemuchyoungerf'' (''f'' stands for females) or ''vryvryvrybrlylegal'' or ''Moms'nsons'' or ''likemyung.''

The Internet, like the telephone and automobile before it, has created new possibilities for crime. Some people wielding computers for criminal purposes are being combated by FBI agents working out of an office park in Calverton, Md.

The FBI operation, named Innocent Images, targets cyber-stalkers seeking sex with children, and traffickers in child pornography. As one agent here says, ''Business is good—unfortunately.'' Criminal sexual activity on the Internet is a growth industry.

In many homes, children are the most competent computer users. They are as comfortable on the Internet as their parents are on the telephone. On the Web, children can be pen pals with the entire world, instantly and at minimal cost. But the world contains many bad people. Parents should take seriously a cartoon that shows two dogs working on computers. One says to the other, ''When you're online, no one knows you're a dog.''

A child does not know if the person with whom he or she is chatting is another child or a much older person with sinister intentions. The typical person that the agents call a ''traveler''—someone who will cross state lines hoping to have a sexual encounter with a child—is a white male age 25–45. He has above-average education—often an advanced degree, and he can find his way around the Internet—and above-average income, enabling him to travel. Many ''travelers'' are married.

But these cyber-stalkers do not know if the person with whom they are chatting is really, as they think, a young boy or girl, or an FBI agent. Some ''travelers'' who thought they had arranged meetings with children have been unpleasantly surprised, arrested, tried and jailed.

Since the first arrest under Innocent Images in 1995, there have been 487 arrests of ''travelers'' and pornographers, and 409 convictions. Most of the 78 nonconvictions are in cases still pending. The conviction rate is above 95 percent. However, the FBI is distressed by light sentences from some judges who justify their leniency by the fact that the offenders are socially upscale and first offenders. (Actually, probably not: How likely is it that they get caught the first time they become predators?) Lenient judges also call the crime ''victimless'' because it is an FBI agent, not a child, receiving the offender's attention.

Agents are trained to avoid entrapment, and predators usually initiate talk about sexual encounters. But children implicitly raise the subject by visiting such chat rooms. Most children recoil when sexual importunings become overt. (''When you come to meet me, make sure you're not wearing any underwear.'') But some importunings, including gifts and sympathetic conversation about the problems of children, are cunning, subtle and effective.

Publicity about Innocent Images may deter some predators, but most are driven to risk-taking by obsessions. America Online and other service providers look for suspect chat rooms and close those they spot, but they exist in such rapidly changing profusion that there are always many menacing ones open.

Digital cameras, and the plunging price of computer storage capacity for downloaded photographs, have made this, so to speak, the golden age of child pornography. The fact that the mere possession of it is a crime does not deter people from finding, in the blizzard of Internet activities, like-minded people to whom they say things like, ''I'm interested in pictures of boys 6 to 8 having sex with adults.''

A booklet available from any FBI office, ''A Parent's Guide to Internet Safety,'' lists signs that a child might be at risk online. These include the child's being online for protracted periods, particularly at night. Being online like that is the unenviable duty of FBI agents running Innocent Images.

Each of the FBI's 56 field offices has an officer trained to seek cyber-stalkers and traffickers in child pornography. Ten offices have Innocent Images operations. Agents assigned to Innocent Images can spend as many as 10 hours a day monitoring the sexual sewer that is a significant part of the ''information superhighway.'' So the FBI looks for ''reluctant volunteers'' who, while working, are given psychological tests to see that they are not becoming ''damaged goods.'' Whatever these agents are being paid, they are underpaid.

BALLISTIC MISSILE DEFENSE

Mr. SMITH of New Hampshire. Mr. President, as momentum builds for the deployment of missile defense and the abandonment of the obsolete ABM Treaty, those who oppose missile defense are getting more and more desperate in their arguments. One argument that we're hearing with more frequency is the threat of the suitcase bomb. This argument maintains that we shouldn't be spending our scarce defense dollars on ballistic missile defense when there are easier and cheaper ways a potential enemy could deliver a weapon of mass destruction to the United States. Rogue states could just smuggle a bomb in on a ship, or put it in a suitcase in New York, or drop biological weapons into our water supply. A missile defense system won't do anything to stop a suitcase bomb, so it must be a waste of money, or so the argument goes.

This argument is repeated with such frequency, it might be useful to state for the record why it misses the point.

Let me state the most obvious reason first. The presence of one kind of threat doesn't mean you shouldn't also defend against other threats. Imagine if this logic were applied consistently to our approach to national defense. Why have an army if you can be attacked by sea? Or, why have air defenses if you can be attacked by land? Such reasoning is absurd. If we refused to defend against one threat simply because other threats exist, we would end up completely defenseless.

National defense capabilities are like insurance policies: we hope we never have to use them, but the consequences of not having them could be catastrophic. No one would argue that because you have auto insurance you shouldn't also buy insurance for your house. However, opponents of missile defense argue that you don't need insurance against ballistic missiles, but that you only need insurance against suitcase bombs and other terrorist threats.

I think we would all agree that a potential adversary would likely try to exploit any perceived vulnerabilities in our defenses. This is only logical. If the U.S. forgoes the capability to repel a missile attack, that creates a powerful incentive for our adversaries to seek a ballistic missile capability. Once again, this is only logical.

I would like to emphasize that defending against the so-called suitcase bomb threats is not an alternative to defending against ballistic missiles, as opponents of missile defense assert. We must do both. We have an obligation to do both.

Keep in mind that terrorist acts, such as those that would be perpetrated by a suitcase bomb, serve purposes entirely different from ballistic missiles. The surreptitious placement and detonation of a weapon, such as occurred at the World Trade Center or in Oklahoma City, is intended to disrupt society by spreading terror. Such acts depend on covert action and their goal is the actual use of the weapon. That's not why nations acquire ballistic missiles.

How many times have we heard opponents of missile defense drag out the tired cliche ''Missiles have a return address!'' as though that somehow devalues them. The opposite is true, missiles derive their value from the knowledge of their existence and the belief that they might be used. Of course they have a return address; their owners want to make sure we know it. The point is not, as it is with terrorist weapons, to hide the existence of ballistic missiles, but to broadcast it. The ability to coerce the United States with ballistic missiles depends on our belief that a potential adversary has nuclear missile and would be willing to use them against us. We called this principle deterrence when the Soviet Union was in existence. However, in the hands of a dictator, deterrence can quickly become coercion and blackmail.

Those who argue that missile defense is not necessary as long as a potential adversary could use a suitcase bomb erroneously assume that the goal of a rogue state in having a ballistic missile is to use it somewhere. This is not necessarily correct. These rogue states recognize that ballistic missiles armed with nuclear warheads provide an effective way to coerce the United States. Imagine a dictator who could stand up to the United States with a nuclear missile, knowing full well that there is nothing the United States can do to defend itself.

There is another huge difference between the terrorist act and the ballistic missile—we are actively fighting against terrorism but doing nothing whatsoever to protect ourselves against ballistic missiles. Last year, the United States spent around $11 billion in counter terrorism programs, more than double what we spent on the entire missile defense program, including theater missile defenses. Spending this year on counter terrorism programs will be even higher. And that layer of defense is working, as evidenced last year by the successful interdiction of terrorist infiltration attempts on our northern border. Counter terrorism is an important aspect of our national security program and we need to continue to be vigilant and to dedicate the necessary resources to it. But we have no defense against ballistic missiles, and we cannot continue to have this glaring vulnerability in our defenses.

For those opponents of missile defense, I pose the following questions. Why are nations like North Korea and Iran spending billions of dollars on the development of ballistic missiles? Are they irrational, spending money on things they don't need? I think that's highly unlikely. I think a better explanation is that the leaders of such nations see tremendous value in such weapons. They understand that the only way to counter the power of the United States and reduce its influence is to exploit its vulnerabilities. I think they have surveyed the landscape and have correctly perceived that our one glaring vulnerability is our utter defenselessness against ballistic missile attack. And I think they have realized that ballistic missiles, with their return address painted right on the side in big bright letters, can be instruments of coercion without ever being launched.

That is a purpose very different from the one served by suitcase bombs, and it is time opponents of missile defense stopped pretending otherwise.

THE FISCAL YEAR 2002 VA–HUD AND INDEPENDENT AGENCIES

Mr. KYL. Mr. President, I regret that, once again, I was compelled to oppose this appropriations bill. At the outset, I should make it clear that there are many worthwhile items contained within it. Above all, I am pleased that the committee has provided significant increases in funding for veterans' health care, veterans' medical research, State veterans home construction and other vital programs that serve those who have sacrificed for our Nation.

Nevertheless, I cannot endorse the order of priority accorded to the various programs funded within this bill. I object to leaving veterans' needs unmet while funding hundreds of earmarked projects. And I regret that our appropriations process compels Members to, in effect, choose between voting for rightly popular veterans' programs and voting against wasteful social spending.

For a number of years, I have questioned the desirability of grouping agencies with unrelated missions into omnibus appropriations bills, and I have cited the VA–HUD bill as the best illustration of the problem. Despite my strong support for veterans benefits I have, more often than not, voted against the VA–HUD bill since I came to the Senate, because I believed that the spending levels and earmarks in the HUD portion could not be defended.

We all know that HUD is a Department fraught with serious problems, as detailed repeatedly by the General Accounting Office, which to this day, classifies HUD as the only ''high risk'' executive branch agency at the Cabinet level. Yet the bill before us provides HUD with a robust nine percent increase, bigger than the increase provided for veterans.

The HUD title also includes eleven pages of earmarked projects, the vast bulk of them in States represented by appropriators. If past history is any guide, the final list of earmarks will grow beyond what is in this bill, or the House bill.

Last night, I reluctantly voted against the amendment offered by the senior Senator from Minnesota, because I believed that the additional

funding for veterans' health it provided needed to be, and could have been, fully offset. The first $140 million could be found in those eleven pages of earmarks!

Another $420 million could be found in the allocation for AmeriCorps, former President Clinton's program to pay salaries and benefits to ''volunteers.''

Nearly all of the remaining $90 million could be found by reclaiming for veterans money this bill allocates for federally-funded community computer centers, an unauthorized expenditure.

It is all about priorities, you see, and the priorities in this bill are out of whack.

Finally, I must reiterate my disappointment with the failure of the Senate to adopt needed reforms to restore equity in the formula used to distribute funding for wastewater needs to the various States. Although the managers graciously adopted my amendment urging the authorizing committee to act this year to address the need for reform, the Senate has lost a real opportunity to bring this outmoded formula into the 21st century.

WILDFIRE TRAGEDIES

Mr. SMITH of Oregon. Mr. President, I rise today to reflect on a tragedy that weighs very heavy upon my heart. Last month four firefighters were killed in a conflagration in Washington State's Okanogan National Forest. My prayers and thoughts are with the families of Tom Craven, Devin Weaver, Jessica Johnson, and Karen FitzPatrick. Their service and bravery will not be forgotten.

This tragedy, like those at Mann Gulch and Storm King Mountain, reminds us of the very real, imminent and often hidden specter of wildfire. While Congress and the Administration have made a commendable commitment to fighting and preventing wildfire, this most recent tragedy raises valid concerns about potential administrative and regulatory barriers to responsible fire management.

There are reports that conflicting authorities, involving the requirements to protect bull trout under the Endangered Species Act, delayed a water drop on the fire for nearly 12 hours, during which time the fire grew from 25 to 2,500 acres. I am aware that the Forest Service is investigating this matter, and in no way want to comment on the verity of this report. The fact that such an occurrence is possible, however, is cause enough for great alarm, and a call for immediate attention by this body and the administration.

I would pose two questions to my colleagues: What obstacles are preventing the protection of human life during emergency situations? If there is indecision in the face of danger, is there also inconsistency in our laws, and our priorities as a government?

There is a clause in the Endangered Species Act, ESA, that provides for threats to human life. It says that ''No civil penalty shall be imposed if it can be shown . . . that the defendant committed an act based on a good faith belief that he was acting to protect himself . . . or any other individual from bodily harm, from any endangered species.'' This is the ''charging bear'' scenario, which I believe in spirit, should apply to any conflict between human and animal life.

As the Forest Service investigates this tragedy, I believe that clarity should be given to all Federal land management agencies, as well as the National Marine Fisheries Service, NMFS, giving explicit authority, in emergency situations, to take without reservation necessary actions to prevent the loss of human life. While this authority is consistent with the Endangered Species Act, it seems to be constrained by a bureaucracy that has repeatedly turned a blind eye to the human side of natural disasters.

I also want to express my disappointment in one of the government's missed opportunities to prevent wildfire threats in the first place. The National Fire Plan provided a landmark level of funding to reduce hazardous fuel loads on 3.2 million acres of public lands. In addition, the Forest Service and NMFS entered into a Memorandum of Agreement to streamline the ESA consultation process for fuels reduction projects while protecting salmon habitat. NMFS was consequently given $4 million to accomplish this. Over a month ago, thirty NMFS biologists were sent to the Pacific Northwest to expedite these consultations. It appears that, to date, they have not been assigned a single project. In addition, testimony from the General Accounting Office this week reported that there are serious flaws in the implementation of the National Fire Plan, including interagency cooperation.

When I go home to Oregon tomorrow I want to tell my constituents, including my friends and neighbors, that ''help is on the way.'' In order to do that, I must be confident that this body will exert every power at its disposal to protect our citizens, and our forests, from Nature's disasters, and our own.

TRIBUTE TO LANCE ARMSTRONG

Mr. BROWNBACK. Mr. President, in the world of sports, there are competitions, there are grueling tests of strength and endurance, and there is the Tour de France. For 22 days—through 20 different stages—over 2,286 miles—over mountains—across valleys—through cities—some of the world's greatest athletes ride. They compete against each other, the elements, the terrain and themselves, primarily with the hope of simply completing the ride.

Competing in the Tour de France, there are the great athletes, there are the elite athletes, and there is Lance Armstrong. On his Circum Vitae, Lance might list himself as a two time Olympian, a two time US Champion, World Champion, or—a feat boasted by only eight riders since the beginning of the tour in 1903—a three time Tour de France winner.

On this past Sunday, July 29, the 29 year old Texan pulled up to the Champs-Elysees, six minutes and 44 seconds ahead of his next closest competitor. It was his third victory at the Tour de France in as many years. While he has been reluctant to accept the title, many of his fellow cyclists consider him to be ''the Patron''—the unquestioned boss of the race.

However, as remarkable as his competitive achievements may be, Mr. Armstrong's Circum Vitae has one addition that establishes him as a truly remarkable human being—he is a cancer survivor. With the same fortitude that carried him over 6 peaks in the Pyrenees, Mr. Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer. By the time it was discovered, the cancer had spread to, and established itself in, Mr. Armstrong's abdomen, lungs and brain. Some of the 11 masses in the talented young cyclist's lungs were the size of golf balls. According to medical science, Mr. Armstrong had an estimated 50/50 chance of survival. Needless to say, the odds of his ever returning to the sport he loved were more slim.

However, as has been made obvious in the last three tours, Lance Armstrong is a man of great determination. Since 1997, Mr. Armstrong has been cancer free. Despite having endured brain surgery, the removal of a testicle and intense chemotherapy, he has returned to and excelled in one of the toughest competitions in the history of sport.

Beyond his professional triumphs, Mr. Armstrong has lived a fulfilled personal life. In 1998, Lance Armstrong and Kristen Richard were joined as husband and wife. In 1999, the couple were blessed with the birth of their first son, Luke David.

Beyond his incredible professional and personal triumphs, Mr. Armstrong has become a beacon of hope to his community. Through his work with the Lance Armstrong Foundation, Mr. Armstrong has greatly benefitted the causes of research, early detection and treatment, and survivorship. The name Lance Armstrong has come to signify hope for cancer patients and their families.

So, I rise today not to congratulate Mr. Armstrong, but to thank him. He has meant a great deal to a great many people. The word ''hero'' is, in my opinion, overused in the world of sports. Lance Armstrong is a hero.

THE BUDGET OUTLOOK

Mr. ALLARD. Mr. President, on July 20 the senior Senator from the great State of North Dakota made a series of thought-provoking comments on the

floor of the Senate. Many of those comments related to a speech Larry Lindsey, President Bush's economic advisor and a distinguished public servant, delivered in Philadelphia on July 19.

In his statement my colleague alleges that Dr. Lindsey misrepresented his views on raising taxes at a time of economic slowdown. In fact, on page 12 of his speech, Dr. Lindsey said, ''In recent hearings conducted by Senator CONRAD at which Budget Director Daniels testified, the Senator agreed that raising taxes this year might not be a good idea given the economy. But he went on to be clear that next year might be different. He hinted at a tax increase in 2002, just as the economy is recovering.''

If, when he made his remarks on the floor of the Senate, Senator CONRAD had not seen a copy of Dr. Lindsey's speech, I can well understand that he may not have realized that his allegation on the matter of his favoring a tax increase this year was false. As to Senator CONRAD's views on the advisability of a tax increase next year, I must say that the transcript of his floor statement on July 20 only reinforces the view that he might support a tax increase next year when the economy is growing more robustly. Independent observers have drawn the same conclusion about Senator CONRAD's views from his public statements. Robert Samuelson, in the July 11 Washington Post wrote, ''To protect on-budget surpluses, Conrad says the Bush administration has 'an affirmative obligation to come up with spending cuts or new revenue (tax increases).''' If this is not the case, and Senator CONRAD is opposed to tax increases next year, I can assure you that I would applaud his decision.

In his Philadelphia speech, Dr. Lindsey provided compelling reasons why we should not even be talking about the possibility of raising taxes next year. First, a tax increase next year would undermine the sense of permanence associated with this year's tax cut. That sense of permanence is key to the success of this year's tax cut. Talk of increasing taxes, or of repealing the tax cut next year, thus reduces the effectiveness of this year's tax cut. Furthermore, you need only look at Japan's experience when it increased taxes early in an expansion. It wasn't pretty.

A second point of concern in this dialogue involves the timing of the tax cut. I am pleased to discover the amount of agreement between the administration and Senator CONRAD on the need for a fiscal stimulus this year. When he announced his tax program in December, 1999, the President said that the country may need an insurance policy. Thus, while he proposed a basic plan involving a 5-year phase-in, the President left flexible the actual timing of his tax reduction, explicitly letting it depend on macroeconomic circumstances. In January he indicated a need to work with Congress on an acceleration of the tax cut. And in his formal proposal in February, the President said explicitly, ''I want to work with you to give our economy an important jump-start by making tax relief retroactive.'' That was a full month before the distinguished senior Senator from North Dakota proposed his $60 billion tax cut proposal for this year.

Fortunately, Congress did pass a fiscal stimulus for 2001. Senator CONRAD's floor statement indicates support for a $60 billion tax reduction this year. That figure is very close to the $74 billion figure that actually passed and was signed into law. I don't believe that the $14 billion difference in these figures could be the basis for Senator CONRAD's assertion that the administration is ''driving us into the fiscal ditch,'' especially given a $2 trillion Federal budget and the Senator's apparent support for cutting taxes during an economic slowdown.

Furthermore, the spending side of the fiscal year 2001 budget was determined last fall under President Clinton. At that time, the President and the Congress increased discretionary spending by more than 8 percent. Had that rate of spending increase been sustained, we certainly would have deficit problems later this decade. Fortunately President Bush proposed a budget, and Congress adopted a budget resolution, with a sharp deceleration of that rate of spending increase.

Looking forward, a comparison of the Democratic alternative that Senator CONRAD referred to in his remarks and the bill that actually passed is instructive. For example, in fiscal year 2002 the bill that passed the Congress and was signed by the President was scored at $38 billion. By comparison, the Democratic alternative was scored at $64 billion. Would the Democratic alternative tax proposal have driven us into the ''fiscal ditch'' deeper and faster than the President's budget?

In fiscal year 2003, the relevant scoring by Congress' Joint Committee on Taxation shows the bill that actually passed cost $91 billion while the Democratic alternative cost $83 billion. In fiscal year 2004 the figures were $108 billion for the bill that actually passed and $101 billion for the Democratic alternative. In fiscal year 2005 the actual legislation cost $107 billion while the Democratic alternative cost $115 billion. Surely this $7 billion difference between the two bills over a three year period cannot plausibly be labeled ''driving us into the fiscal ditch'' either.

One must assume that Senator CONRAD's assertions are based on the long-term revenue effects of the President's proposal. Yet, in fiscal year 2006 and later no one is forecasting anything but a large budget surplus. Thus, it is hard to find any factual basis for claims that the President's tax plan is ''driving us into the fiscal ditch'' by any definition of that term that does not also apply to the proposals Senator CONRAD and his Democrat colleagues advanced during the budget debate.

It is apparent from Senator CONRAD's remarks that he and Dr. Lindsey differ on the proper measure of fiscal tightness. Dr. Lindsey asserted in his speech that the best measure of the Government's effect on the financial markets is the Unified Budget Surplus. This was a concept created by a special commission appointed by President Lyndon Johnson and has been in use for more than 30 years. It has long been the standard for non-partisan analysis of the budget. For good measure, on page fifteen of his speech, Dr. Lindsey quoted Robert Samuelson regarding the usefulness of alternative definitions.

As to the appropriate size of the unified surplus, I concur wholeheartedly with the administration's view that the unified surplus should be at least as large as the Social Security surplus. Dr. Lindsey outlined in his Philadelphia speech why this is appropriate. But, Senator CONRAD and Dr. Lindsey disagree fundamentally regarding the right term to apply to Medicare. As Dr. Lindsey stated in his speech, every dollar of Medicare premiums paid by beneficiaries and every dollar of Medicare taxes paid by workers and their employers is spent on Medicare. In addition, Medicare receives $50 billion in extra money from the rest of the Federal budget. Frankly, the ''surplus'' concept does not make much sense under the circumstances.

In his floor speech Senator CONRAD made an analogy to ''defense,'' noting that all of its funding is paid for from the rest of the Federal budget. But no one talks of a ''defense surplus.'' Indeed, the concept of a ''surplus'' in a program that requires net inflows from the rest of the budget seems to make little sense. I therefore do not see why references to the budgetary funding of defense conceivably supports the assertion that Medicare has a ''surplus.''

Finally, Senator CONRAD and Dr. Lindsey also seem to disagree on the extent to which the Government should control the fruits of our Nation's labor, saving, and risk-taking. Over the last 8 years, the share of GDP taken in Federal receipts has increased from 17.3 percent to 20.3 percent. Even if the President's original campaign proposal on taxes were to have been enacted, the tax share of GDP would have been rolled back only modestly, and would still have been above the post-War average. I believe that I am on firm ground stating that Senator CONRAD's opposition to even this modest rollback means that he supports something close to the current record-setting tax take.

As a member of the Senate Budget Committee, I urge my colleagues to consider these facts as they consider the appropriate course for fiscal policy in the months and years ahead.

FURTHER INVESTIGATION OF THE FBI'S ACTIONS AT RUBY RIDGE

Mr. GRASSLEY. Mr. President, I rise today to discuss the need to revisit an unfortunate chapter in the FBI's history: the investigation of the FBI's actions at Ruby Ridge.

While there have been a number of internal investigations of the FBI's actions at Ruby Ridge, the most recent investigation, sponsored by the Justice Management Division of the Department of Justice, was completed in 1999. The results of this investigation have raised serious questions about the integrity of the previous joint investigation by the Department of Justice and the FBI, which was completed in 1993. Among these questions is whether FBI supervisors who headed that previous investigation were personal friends of some of the senior executives they were investigating. These questions, and many others, were raised in the testimony of four FBI Agents who appeared at a Judiciary Committee Hearing on FBI Oversight, chaired by Senator LEAHY, last month. These exemplary Agents exposed the double standard that has existed in how rank and file FBI Agents are punished versus FBI Senior Officials.

So, you might think that the Justice Management Division's report would have cleared this matter up. Well, you'd be wrong. As a matter of fact, most of us didn't even realize the existence of this report until it was brought to light by the testimony of these Agents. It was also then that we found that Justice Management sat on this report for two years before releasing it internally in January of this year. And, despite clear and convincing evidence of irregularities in how FBI officials have been punished in this matter, Justice Management division has ruled that no new discipline would be imposed against any FBI personnel. One of the FBI Agents testifying at the hearing described this decision as ''outrageous'' and ''alarming.''

Three weeks ago, I joined Chairman LEAHY and Senator SPECTER in requesting documents relating to the Justice Management Division's report. While the Department of Justice was responsive in providing the requested materials, many of these documents were subject to protection under the privacy act and our staffs could only review them for a short period of time.

Once again, Senator SPECTER and I have joined Chairman LEAHY, along with Ranking Member HATCH, and Senator KOHL, to request that these documents be provided again, this time with appropriate redactions to comply with Privacy act concerns. I ask that this letter be made part of the RECORD.

Less than twenty-four hours ago we confirmed the nomination of Robert Mueller to head the Federal Bureau of Investigation. In his testimony before the Senate Judiciary Committee, Mr. Mueller stated, as their new Director, the FBI would be honest and forthright about mistakes. While, I understand that the mistakes of Ruby Ridge did not occur on Mr. Mueller's watch I truly believe that the FBI will never truly make a clean break with the past unless matters such as these are resolved.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 27, 2001.

Hon. JOHN ASHCROFT,
Attorney General, Department of Justice, Washington, DC.

DEAR GENERAL ASHCROFT: As you are aware, the Senate Judiciary Committee is conducting oversight hearings on the Federal Bureau of Investigation. At our hearing last week, three present FBI agents and one former agent testified that there is a widespread perception among FBI agents that a ''double standard'' has been applied in FBI internal disciplinary decisions, with members of the FBI's senior executive service receiving far lighter punishment than line agents for similar infractions.

As a case in point, the witnesses cited the various internal investigations that the FBI conducted into the 1992 incident at Ruby Ridge. A 1993 investigation conducted by a DOJ/FBI task force led to the imposition of discipline against 12 FBI employees in 1995. However, information that subsequently came to light has called into question the integrity of that internal investigation. It was alleged for example, that FBI supervisors who headed the internal investigation were personal friends of some of the senior executives they were investigating and that they failed to take basic investigative steps that would have uncovered significant new evidence on questions such as who had approved the FBI's rules of engagement during the Ruby Ridge siege. Based upon this new information, the Office of Professional Responsibility for the Department of Justice and a Task Force of the Justice Management Division recommended in 1999 that two FBI senior executives be suspended and that the FBI Director and one other FBI agent be censured. They also recommended that discipline imposed in 1995 on three FBI agents be rescinded because of procedural irregularities in their disciplinary proceedings as well as exculpatory evidence that had subsequently been developed. However, in January of 2001, the outgoing Assistant Attorney General for the Justice Management Division ruled that no new discipline would be imposed against any FBI agents and that no previously-imposed discipline would be rescinded. One of the agents at our hearing described this decision as ''outrageous'' and ''alarming.''

In order to evaluate these issues, we requested the production of documents relating to the Justice Management Division's disciplinary decision. The Department of Justice's Office of Legislative Affairs provided our Committee with outstanding cooperation and managed to pull together the requested material in a short period of time. However, because the material contained information that was subject to protection under the Privacy Act, we agreed to return all of the material, with the exception of one document, at the conclusion of the hearing. We have requested, however, that the Office of Legislative Affairs provide us with copies of these documents with appropriate redactions to comply with Privacy Act concerns.

Although our review of this material has necessarily been limited by time constraints, what we have seen thus far has confirmed that this material is relevant to the issues that our Committee is examining, including the Justice Management Division's January 2001 decision. It appears that the former Assistant Attorney General's decision was based entirely upon an April 17, 2000 memorandum by two Deputy Assistant Attorneys General. That memorandum contains some surprising conclusions. For example, the memorandum appears to conclude that the FBI's rules of engagement at Ruby Ridge were not contrary to any established Department of Justice policy. As you may know, the Senate Subcommittee on Terrorism, Technology and Government Information, after conducting extensive hearings on the Ruby Ridge incident in 1995, concluded that the rules of engagement were clearly unconstitutional and contrary to the FBI's policy on the use of deadly force. Indeed, the illegality of the rules of engagement was conceded in testimony before the Subcommittee by former Deputy Attorney General Gorelick and former FBI Director Louis Freeh. Further, two FBI agents were disciplined in 1995 for their part in promulgating the rules of engagement, precisely because the rules were inconsistent with established FBI policy on the use of deadly force. It is therefore mystifying how anyone could still believe that the rules of engagement were lawful.

The April 17 memorandum raises other troubling issues. For example, the authors concluded that no discipline was appropriate for senior FBI executives who conducted incomplete investigations into the Ruby Ridge matter because there was insufficient proof that their failures were the result of intentional misconduct. However, under the precedents employed by both the Department of Justice's and the FBI's OPR, intentional misconduct has, in our view, never been a prerequisite for imposing internal discipline; rather, it has been sufficient that an FBI employee acted in reckless disregard of an obligation or standard imposed by law, applicable rule of professional conduct, or Department regulation or policy. For example, according to other documents we have reviewed, it appears that an FBI Inspector who prepared the Ruby Ridge shooting incident report in September 1992 was suspended for five days because Director Freeh found that his analysis of the justification for the shootings was incorrect and incomplete and because his report showed ''inattention to detail'' in referring, for example, to Vicki Weaver as ''Vicki Harris.'' It is difficult to square the suspension imposed on this lower-level FBI employee with the ruling of the Justice Management Division that no discipline may be imposed on senior FBI executives in the absence of proof of intentional misconduct.

We, of course, understand that none of thee matters occurred under your watch. However, we believe that it is important for our Committee to review carefully how decisions on matters of internal discipline are made within the FBI. As we are sure you can appreciate, the poisonous perception that there is a double standard being applied threatens to undermine FBI morale as well as public confidence. We would therefore appreciate your providing us with appropriately-redacted copies of the documents previously produced to our Committee as soon as possible. In its report on Ruby Ridge filed in December of 1995, the Subcommittee on Terrorism, Technology and Government Information noted that allegations of a cover-up in Ruby Ridge were then under investigation by the Department of Justice, but that ''a full public airing of this matter must eventually be undertaken'' and that ''the Subcommittee will consider additional hearings to deal with the cover-up allegations.'' (p. 1124). We intend to pursue these matters

within the Committee to ensure that Congress, and the public, are fully informed as to how the FBI handled these important investigations.

Sincerely,

PATRICK J. LEAHY,
Chairman,
CHARLES E. GRASSLEY,
Senator,
ARLEN SPECTER,
Senator,
ORRIN G. HATCH,
Ranking Republican Member,
HERB KOHL,
Senator.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 4, 1996 in Santa Monica, CA. Lawrence Ford, 61, a retired stockbroker, was found beaten to death in his apartment, allegedly killed by a man who believed Ford was gay. Michael Robert Schafer, 28, was arrested and faced first-degree murder and hate crime charges.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, August 2, 2001, the Federal debt stood at $5,730,045,940,032.12, five trillion, seven hundred thirty billion, forty-five million, nine hundred forty thousand, thirty-two dollars and twelve cents.

One year ago, August 2, 2000, the Federal debt stood at $5,656,022,578,326.22, five trillion, six hundred fifty-six billion, twenty-two million, five hundred seventy-eight thousand, three hundred twenty-six dollars and twenty-two cents.

Five years ago, August 2, 1996, the Federal debt stood at $5,172,008,136,975.88, five trillion, one hundred seventy-two billion, eight million, one hundred thirty-six thousand, nine hundred seventy-five dollars and eighty-eight cents.

Ten years ago, August 2, 1991, the Federal debt stood at $3,569,166,000,000, three trillion, five hundred sixty-nine billion, one hundred sixty-six million.

Twenty-five years ago, August 2, 1976, the Federal debt stood at $623,367,000,000, six hundred twenty-three billion, three hundred sixty-seven million, which reflects a debt increase of more than $5 trillion, $5,106,678,940,032.12, five trillion, one hundred six billion, six hundred seventy-eight million, nine hundred forty thousand, thirty-two dollars and twelve cents during the past 25 years.

ADDITIONAL STATEMENTS

HONORING DR. FRED GILLIARD

• Mr. BAUCUS. Mr. President, I want to take this opportunity to recognize a good friend of mine and a man who has committed his life to education—Dr. Fred Gilliard.

Dr. Gilliard announced this year that he will retire as President of the University of Great Falls on August 13, 2001.

I have seen first hand the impact Dr. Gilliard has had on the University of Great Falls community. Without a doubt, he was a huge success and will be missed.

Dr. Gilliard was proud of his students, staff and facility. Not only did he understand the importance of a good, solid education, but he followed the mission of the University at work and everyday in his life. When I read the mission of the University of Great Falls, three areas, in my view, tell us who Dr. Gilliard is and what he stands for:

Character—have a positive impact on the world and on the communities in which they live and work, particularly by recognizing and accepting personal accountability to themselves, to society and to God;

Competence—further their ability to live full and rewarding lives by becoming competent working members of society who know the basics of their professional field and have access to future learning;

Commitment—find meaning in life which enables them to participate effectively in society while transcending its limitations, by living according to their own moral and religious convictions, as well as respecting the dignity and beliefs of other people.

Dr. Gilliard achieved so much during his tenure as President. From introducing the Student Service Learning Center, moving the institution from ''College'' to ''University'' status, and broadcasting classes over the Internet, to completing a successful capital campaign, completing the Jorgenson Library addition and re-starting the Argos men's and women's basketball program. These are just a few Dr. Gilliard's successes.

In early 2000, I called Fred to see if he would be interested in hosting ''Montana's Economic Development Summit'' at the University of Great Falls. Without hesitation he said, ''yes.'' Since that time, Dr. Gilliard has continued to work tirelessly to help me grow Montana's economy.

I wish the best to Dr. Fred Gilliard and his wife, Berry Lynn. I know Dr. Gilliard will be spending lots of his free time cheering for the Detriot Tigers with his grandson.

Semper Fi, Fred.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 9:31 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 208. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 12:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 988. An act to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse.''

H.R. 2501. An act to reauthorize the Appalachian Regional Development Act of 1965.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 89. A concurrent resolution mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism.

H. Con. Res. 179. A concurrent resolution expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2501. An act to reauthorize the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve, Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism; to the Committee on Foreign Relations.

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2505. An act to amend title 18, United States Code, to prohibit human cloning.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4. An act to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3273. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Compensation for the 1999–2000 and Subsequent Crop Seasons'' (Doc. No. 96–016–37) received on August 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3274. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest-free Adjustment with Respect to Underpayments of Employment Taxes'' (RIN1545–AY21) received on August 2, 2001; to the Committee on Finance.

EC–3275. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax and Revenue Anticipation Notes'' (Notice 2001–49) received on August 2, 2001; to the Committee on Finance.

EC–3276. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities In Connection with an Acquisition'' (RIN1545–BA01) received on August 2, 2001; to the Committee on Finance.

EC–3277. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace, Malta, MT'' ((RIN2120–AA66)(2001–0119)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3278. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment and Revision of Restricted Area, ID'' ((RIN2120–AA66)(2001–0118)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3279. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Poplar, MT'' ((RIN2120–AA66)(2001–0117)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3280. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establish Class E Airspace; Hagerstown, MD'' ((RIN2120–AA66)(2001–0116)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3281. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100 and –200 Series Airplanes'' ((RIN2120–AA64)(2001–0366)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Program Analyst of the Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas DC9 51 and DC 9 83 Series Airplanes Modified by Supplemental Type Certificate SA8026NM'' ((RIN2120–AA64)(2001–0364)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3283. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300 Series Airplanes Modified by Supplemental Type Certificate ST00171SE'' ((RIN2120–AA64)(2001–0365)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3284. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, 314, and 315 Series Airplanes'' ((RIN2120–AA64)(2001–0363)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3285. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A310, and A300 B4–600, A300–600R, and A300–F4–600R Series Airplanes'' ((RIN2120–AA64)(2001–0362)) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3286. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''High-Theft Lines for Model Year 2002'' (RIN2127–AI08) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3287. A communication from the Senior Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Some Civil Penalties Required by Statute'' (RIN2127–AI42) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3288. A communication from the Paralegal Specialist of the Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Alcohol Misuse in Transit Operations; Prevention of Prohibited Drug Use in Transit Operations'' (RIN2132–AA56) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–177. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the conflict between the United States Navy and the citizens of Vieques, Puerto Rico; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 11

Whereas, Tensions continue to rise in Puerto Rico over the Navy's presence in Vieques; and

Whereas, Many residents object to the Navy using an inhabited part of the island for target practice with live munitions since 1941; and

Whereas, Demonstrations against the military's presence in Vieques spread throughout Puerto Rico in April 1999 when a United States Marine Corps jet dropped two 500-pound bombs off target, killing a civilian guard working on the bombing range; and

Whereas, A part between the former Puerto Rican Governor and the White House to delay withdrawal of the Navy until 2003 is not in accord with the general consensus in Puerto Rico; and

Whereas, A special commission appointed by former Governor Pedro Rosello concluded that the military training had caused disastrous economic and environmental damage to the island; and

Whereas, The commission also concluded the human and constitutional rights of more than 9,300 residents of Vieques had been violated; and

Whereas, Continued training exercises have made residents anxious about their safety, stifled the island's fledgling tourism and lowered the general quality of life; and

Whereas, News reports last February reported an accidental firing of 263 shells tipped with depleted uranium and raised health concerns among people already reeling from unexplained high rates of cancer; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania call for a repudiation of the agreement reached last year to allow the Navy to resume firing training on the island of Vieques; and be it further

Resolved, That the House of Representatives request that the President issue an executive order for the immediate cessation of bombing on the island range; and be it further

Resolved, That copies of this resolution be transmitted to the President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–178. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to a national missile defense system; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 238

Whereas, The ballistic missile threat to the United States has been declared by the President, the Secretary of Defense, the Congress of the United States, the bipartisan Commission to Assess the Ballistic Missile Threat to the United States (known as the Rumsfeld Commission) and the United States intelligence community to be a clear, present and growing danger to the United States; and

Whereas, The United States currently cannot stop even one missile launched with malice or by accident by any number of foreign states or terrorist organizations; and

Whereas, It is immoral to intentionally leave the American people, our troops and overseas allies and the nation's children vulnerable to attack by nuclear, chemical or biological weapons delivered by ballistic missiles; and

Whereas, The citizens of the Commonwealth of Pennsylvania and the United States remain exposed to missile attack; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to fully fund and deploy as soon as technologically possible an effective, affordable global missile defense system, including a sea-based system to intercept theater and long-range missiles, space-based sensors and ground-based interceptors and radar, to protect all Americans, United States troops stationed abroad and our nation's allies from ballistic missile attack; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–179. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to money earmarked for abandoned mine reclamation; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 230

Whereas, The biggest water pollution problem facing the Commonwealth of Pennsylvania today is polluted water draining from abandoned coal mines; and

Whereas, Over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has more abandoned mine lands than any other state in the nation, with more than 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of the 67 counties; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $20 million a year from the Federal Government for reclamation projects; and

Whereas, There is now a $1.5 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal-producing state in the nation and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, The Commonwealth does not seek to rely on the Federal appropriation to solve the abandoned mine lands problem in this State and has enacted the Growing Greener program which has provided additional money for mine reclamation activities; and

Whereas, The Commonwealth has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and the Congress of the United States have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress of the United States to make the $1.5 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–180. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the individuals with Disabilities Education Act to the Committee on Appropriations.

HOUSE RESOLUTION NO. 214

Whereas, In 1975 the Congress of the United States enacted the Education of the Handicapped Act, now known as the Individuals with Disabilities Education Act (Public Law 91–230, 20 U.S.C. §1400 et seq.), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs, to ensure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities in providing for the education of all children with disabilities and to assess and ensure the effectiveness of efforts to educate children with disabilities; and

Whereas, Since 1975, Federal law has authorized Congress to provide 40% of the average per pupil expenditure; and

Whereas, Congress continued the 40% funding authority in the Individuals with Disabilities Education Act amendments of 1997 (Public Law 105–17, 111 Stat. 37); and

Whereas, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the 15% funding level and has usually appropriated funding at approximately the 10% level; and

Whereas, The Lack of an adequate and appropriate Federal fiscal commitment leaves State and local taxpayers bearing a disproportionate share of the costs to comply with these Federal mandates; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and Congress to fully fund its obligations under the Individuals with Disabilities Education Act; and be it further

Resolved, That copies of this resolution be transmitted to the President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–181. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to Israel; to the Committee on Foreign Relations.

RESOLUTION

Whereas, The State of Israel and the City of Tel Aviv suffered a vicious terrorist attack on Friday, June 1, 2001, which terrorist attack took the lives of 20 innocent young people; and

Whereas, The State of Israel is under continuing violent attacks against its people; and

Whereas, It is necessary to put an unconditional end to the use of terrorism and violence in order to enable the parties to secure peace in the region; and

Whereas, It is incumbent upon the Federal Government to support the State of Israel and assist in the peace process; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and Congress of the United States to:

(1) Offer condolences to the people of the State of Israel and especially to the families of those victims who suffered losses in the terrorist attack of June 1, 2001, in Tel Aviv.

(2) Strongly condemn that attack and any use of terrorism in order to achieve political gains or for any other reason.

(3) Reaffirm the desire of the people of the United States to assist the parties in their efforts to achieve a full and lasting peace; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Presiding Officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM–182. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to the Railroad Retirement and Survivors Improvement Act of 2000; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, The Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Missouri delegation to Congress; and

Whereas, more than 83 United States Senators, including both Missouri Senator KIT BOND and then Missouri Senator JOHN ASHCROFT, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now, therefore, be it

Resolved by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, That the United States Congress are urged to support the Railroad Retirement and Survivors Improvement Act in the 107th

Congress; and be it further *Resolved,* That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all Missouri members of the Missouri Congressional delegation.

POM–183. A concurrent resolution adopted by the House of the Legislature of the Sate of Missouri relative to the Railroad Retirement and Survivors Improvement Act of 2000; to the Committee on Finance.

RESOLUTION

Whereas, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives of the 106th Congress, including the entire Missouri delegation to the United States House of Representatives; and

Whereas, more than 83 United States Senators, including both Missouri Senator KIT BOND and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share of active employees: Now, therefore, be it

Resolved, That the members of the Missouri House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; and be it further

Resolved, that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Committee on Intelligence:

Special Report entitled ''Committee Activities: Special Report of the Select Committee on Intelligence'' (Rept. No. 107–51).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1372: A bill to reauthorize the Export-Import Bank of the United States (Rept. No. 107–52).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, and Mr. FEINGOLD):

S. 1348. A bill to designate the Federal building located at 10th Street and Constitution Avenue, NW, in Washington, District of Columbia, as the ''Robert F. Kennedy Department of Justice Building''; to the Committee on Environment and Public Works.

By Mr. ENSIGN (for himself and Mr. BROWNBACK):

S. 1349. A bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem cells, and for the conduct and support of research using such cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 1350. A bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Finance.

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

S. 1351. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1352. A bill to amend the National and Community Service Act of 1990 to carry out the Americorps program as a voucher program that assists charities serving low-income individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1353. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. LEAHY):

S. 1354. A bill to require the Secretary of Agriculture to provide payments to producers of forage crops for losses due to army worms; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. LEVIN, Mr . REED, and Mr. SCHUMER):

S. 1355. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. KENNEDY):

S. 1356. A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, Europeans Latin Americans, and European refugees during World War II; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 1357. A bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1358. A bill to revise Federal building energy efficiency performance standards, to establish the Office of Federal Energy Productivity within the Department of Energy, to amend Federal Energy Management Program requirements under the National Energy Conservation Policy Act, to enact into law certain requirements of Executive Order No. 13123, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. BREAUX, Mr. HAGEL, Mrs. LINCOLN, and Mr. ENZI):

S. 1359. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1360. To reauthorize the Price-Anderson provisions of the Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

By Mr. BENNETT:

S. 1361. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project , to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Energy and Natural Resources.

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

S. 1362. A bill to amend title XVIII of the Social Security Act and title VII of the Public Health Service Act to expand medical residency training programs in geriatrics, and for other purposes; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. LEAHY, and Mr. JEFFORDS):

S. 1363. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of Hew Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. STEVENS):

S. 1364. A bill to ensure full and expeditious enforcement of the provisions of the Communications Act of 1934 that seek to bring about the competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. KERRY, Mr. GRASSLEY, Mr. DAYTON, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. SARBANES):

S. 1365. A bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES:

S. 1366. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

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

S. 1367. A bill to amend title XVIII of the Social Security Act to provide appropriate reimbursement under the medicare program for ambulance trips originating in rural areas; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SMITH of New Hampshire):

S. 1368. A bill to amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes; to the Committee on Armed Services.

By Mr. WARNER:

S. 1369. A bill to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

By Mr. McCONNELL:

S. 1370. A bill to reform the health care liability system; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. NELSON of Florida, Mr. KYL, and Mr. DEWINE):

S. 1371. A bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES:

S. 1372. A bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. BROWNBACK):

S. 1373. A bill to protect the right to life of each born and preborn human person in existence at fertilization; to the Committee on the Judiciary.

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

S. 1374. A bill to provide for a study of the effects of hydraulic fracturing on underground drinking water sources; to the Committee on Environment and Public Works.

By Mr. DORGAN:

S. 1375. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1376. A bill to amend part C of title XVIII of the Social Security Act to ensure that Medicare + Choice eligible individuals have sufficient time to consider information and to make an informed choice regarding enrollment in a Medicare + Choice plan; to the Committee on Finance.

By Mr. SMITH of Oregon:

S. 1377. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. HATCH, Mr . INOUYE, Mr. JOHNSON, and Mr. REID):

S. 1378. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners under strict guidelines, and for other purposes; to the Committee on Health , Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1379. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1380. A bill to coordinate and expand United States and international programs for the conservation and protection of North Atlantic Whales; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1381. A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressmen Julian C. Dixon Post Office Building''; to the Committee on Governmental Affairs.

By Mr. DEWINE (for himself and Ms. LANDRIEU):

S. 1382. A bill to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. ROBERTS):

S. 1383. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases; to the Committee on Finance.

By Mr. SMITH of Oregon:

S. 1384. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to expand the definition of the term ''Major disaster'' to include an application of the Endangered Species Act of 1973 that so uses severe economic hardship; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1385. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 1386. A bill to amen the Internal Revenue Code of 1986 to provide for the equitable operation of welfare benefit plans for employees, and for other purposes; to the Committee on Finance.

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

S. 1387. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural States by developing a comprehensive program that will result in statewide physician population growth, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 1388. A bill to make election day a Federal holiday; to the Committee on the Judiciary.

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

S. 1389. A bill to provide for the conveyance of certain real property in South Dakota to the State of South Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. TORRICELLI, and Mr. CORZINE):

S. 1390. A bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes; to the Committee on Finance.

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

S. 1391. A bill to establish a grant program for Sexual Assault Forensic Examiners, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1392. A bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1393. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 150. A resolution designating the week of September 23 through September 29, 2001, as ''National Parents Week''; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. LUGAR, Mr. SANTORUM, Mr. WELLSTONE, and Mr. CORZINE):

S. Res. 151. A resolution expressing the sense of the Senate that the World Conference Against Racism, Racial Discrimination, Xenophobia , and Related Intolerance presents a unique opportunity to address global discrimination; to the Committee on Foreign Relations.

By Mrs. LINCOLN:

S. Res. 152. A resolution expressing the sense of the Senate that the secretary of Veterans Affairs should request assistance from the Commissioner of Social Security in fulfilling the Secretary's mandate to provide outreach to veterans, their dependants, and their survivors ; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself, Mr. BIDEN, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. LEVIN, and Mr. SCHUMER):

S. Res. 153. A resolution recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm; to the Committee on the Judiciary.

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

S. Res. 154. A resolution commending Elizabeth B. Letchworth for her service to the United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 155. A resolution electing David J. Schiappa of Maryland as Secretary of the Minority of the Senate; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. Res. 156. A resolution expressing the sense of the Senate that the Regional Humanities Initiative of the National Endowment for the Humanities be named for Eudora Welty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire:

S. Res. 157. A resolution expressing the sense of the Senate that the Secretary of State should redesignate the Palestine Liberation Organization as a terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. CANTWELL , Mrs. CARNAHAN, Mr. DODD, Mr. HARKIN, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW):

S. Con. Res. 64. A concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of minority women in public life, and for other purposes; to the Committee on Rules and Administration.

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

S. Con. Res. 65. A concurrent resolution expressing the sense of Congress that all Americans should be more informed of dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 60

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

S. 143

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 543

At the request of Mr. DOMENICI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 756

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 762

At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 762, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for information technology training expenses and for other purposes.

S. 778

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 857

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 918

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 918, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 926

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 1002

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1008

At the request of Mr. BYRD, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1093

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1093, a bill to amend title 38, United States Code, to exclude certain income from annual income determinations for pension purposes, to limit provision of benefits for fugitive and incarcerated veterans, to increase the home loan guaranty amount for construction and purchase of homes, to modify and enhance other authorities relating to veterans' benefits, and for other purposes.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1161, a bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time, earned adjustment to legal status for certain agricultural workers; and for other purposes.

S. 1220

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1232

At the request of Mr. MCCONNELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from New Hampshire (Mr. SMITH), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. KYL), the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. DEWINE), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1232, a bill to provide for the effective punishment of online child molesters, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1295

At the request of Mr. LEVIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1295, a bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1313

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1313, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, and for other purposes.

S. 1341

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to expand human clinical trials qualifying for the orphan drug credit, and for other purposes.

S. 1343

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1343, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. RES. 138

At the request of Mr. BURNS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Res. 138, a resolution designating the month of September 2001 as ''National Prostate Cancer Awareness Month.''

S. RES. 143

At the request of Mr. BIDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 143, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week.''

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 143, supra.

S. RES. 145

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 145, a resolution recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society.

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. DASCHLE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 1157

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1157 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, and Mr. FEINGOLD):

S. 1348. A bill to designate the Federal building located at 10th Street and Constitution Avenue, NW, in Washington, District of Columbia, as the ''Robert F. Kennedy Department of Justice Building''; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, I am pleased to introduce, with Senators HATCH, SCHUMER, SPECTER, CLINTON, and MCCAIN, a bipartisan bill to name the Department of Justice building in honor of the late Robert F. Kennedy. I am also pleased to join the bipartisan efforts of Congressmen ROEMER and SCARBOROUGH, who are introducing companion legislation in the House of Representatives today.

Robert F. Kennedy was a man of great courage and conviction. Of his many accomplishments during his life, the one we honor today is his tenure as Attorney General of the United States. Appointed by his brother, President John F. Kennedy, on January 21, 1961, he served his country admirably in the office of Attorney General until September 3, 1964.

During his tenure as Attorney General, Robert Kennedy led the fight against injustice and championed civil rights for all Americans. He ordered United States Marshals to protect the Freedom Riders in Montgomery, Alabama. He sent Federal troops to open

the doors for James Meredith to walk with dignity as the first African-American to attend the University of Mississippi. He pushed Congress to enact the Civil Rights Act of 1964 to guarantee basic freedoms for all our citizens, regardless of race, religion or creed.

Robert F. Kennedy's commitment to justice for all echoed in his fond saying: ''Some men see things as they are and ask why; I dream of things that never were and ask why not.''

Attorney General Kennedy also was a determined prosecutor. His investigated organized crime throughout America and became the first attorney general to establish coordinated federal law programs for the prosecution of organized crime. From 1960 to 1963, Department of Justice convictions against organized crime rose 800 percent because of his efforts and dedication to bring organized crime figures to justice.

As Attorney General, Bobby Kennedy represented President Kennedy in foreign affairs and closely advised the President in times of trouble. Attorney General Kennedy's wise counsel during the Cuban Missile Crisis in October of 1962, as well as secret negotiations with the Soviet Embassy, helped bring a peaceable end to the crisis.

The memory of Robert F. Kennedy lives on in the work of others who care as much for justice as he did. As Attorney General, Robert Kennedy wrote these words: ''What happens to the country, to the world, depends on what we do with what others have left us.'' It is in that spirit that we honor him today.

I am proud to led this bipartisan effort to name the Department of Justice Building after Robert F. Kennedy with the greatest respect, admiration and appreciation for his service to his country.

By Mr. ENSIGN (for himself and Mr. BROWNBACK):

S. 1349. A bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem cells, and for the conduct and support of research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise to join my colleague JOHN ENSIGN of Nevada in proud support of The Responsible Stem Cell Research Act of 2001, legislation aimed at committing our Nation to a bold investment in promising, ethical medical research with which we all can live.

As my colleagues well know, the issue of stem cell research has been the subject of rigorous debate in Congress, within the medical, bioethical, legal, and patient advocacy communities, and on the pages and airwaves of the local and national media.

Over the past several months in particular the American public has been witness and subject to a maddening barrage of charges and countercharges about how our public conscience may or may not countenance the deliberate destruction of a human embryo for the purpose of research.

If one thing is clear on this controversial issue, it is that the country is divided about this wrenching dilemma, about whether or not the Federal Government ought to lend support—and thus communal moral sanction—to the speculative potential of stem cell research which involves the destruction of human embryos. This is a profound policy question which is fraught with considerable ethical, moral and legal questions. It requires that our body politic make the monumental determination that will forever brand our public conscience as to whether a human embryo is a life, or conversely, a property which can be destroyed and exploited for the advancement of science and research.

I fervently believe that fertilization produces a new member of the human species, that it is a categorical imperative that human life be treated as an end and not a means. To use a human being, even a newly conceived one, as a commodity is never morally acceptable. Each person must be treated as an end in himself, not as a means to improve someone else's life.

Indeed, current Federal law explicitly prohibits Federal funding of experiments that destroy embryos outside the womb precisely because individual human life begins at fertilization.

But while President Bush continues to review the stem cell guidelines issued under the previous administration to determine whether or not they violate current Federal law barring the use of Federal funds in research that leads to the destruction of embryos, and it is my hope that President bush will uphold current Federal law and reject any semantical nuances or euphemisms with regard to what embryonic stem cell research is all about, the field of promising research behind which all Americans can unite, which is ethical and beyond controversy, is that which involves embryonic-type post-natal stem cells.

Unfortunately, the opportunities for developing successful therapies from stem cells that do not require the destruction of human embryos have been given relative short shrift by the media. But adult and other post-natal stem cells have been successfully extracted from umbilical cord blood, placentas, fat, cadaver brains, bone marrow, and tissues of the spleen, pancreas, and other organs. They can be located in numerous cell and tissue types and can be transformed into virtually all cell and tissue types. And perhaps most important of all, these alternative cell therapies are already treating cartilage defects in children, systemic lupus, and helping restore vision to patients who were legally blind, just to name a few. By contrast, embryonic stem cell research has no equivalent record of success even in animal studies. Embryonic cells have never ameliorated one human malady.

In order to move forward with and build upon the successes of this promising research, the Responsible Stem Cell Research Act would authorize $275 million for this ethical stem cell research which is actually proven to help hundreds of thousands of patients, with new clinical uses expanding almost weekly. This represents a 50 percent increase in current NIH funding being devoted to this stem cell research.

This legislation would also establish a National Stem Cell Donor Bank for umbilical cord blood and human placenta to generate a source of versatile, embryonic-type stem cells that could be matched with people who need stem cells for treatment. These stem cells would be available for biomedical research and clinical purposes.

No matter where one stands on the divisive issue of embryonic stem cell research, this issue and many others dealing with the rapid advancements in biotechnology are coming to define the very important choices which confront us as a society and the courses we must choose as policymakers. With stem cell research moving forward so rapidly, we have a duty to be well educated to be able to make informed decisions about these issues. For this reason, and because of biotechnology's prospects for affecting positive change in other areas of our lives such as in our agriculture community, I have recently joined as a member of the bipartisan Senate Biotechnology Caucus. Co-chaired by our colleagues TIM HUTCHINSON of Arkansas and CHRIS DODD of Connecticut, the Biotechnology Caucus regularly hosts educational forums for members of the Senate and their staff about a broad scope of biotech issues, from the increasing availability of genetically-engineered products to research, trade, and bioethics. The group also acts as a resource for information about biotechnology and encourage committee hearings on the topic.

The possibility that biotechnology may help improve the health humankind holds great promise and must be examined closely. But there is no reason for our Nation to lie fallow with respect to the federal government's support for type of stem cell research which is life-friendly and beyond controversy. It is my hope that our colleagues here in the Senate and in the House will pause from the rancor that has surrounded the stem cell research debate and come to support the Responsible Stem Cell Research Act, an aggressive initiative to fund and develop promising medical research with which we all can live.

By Mr. DAYTON:

S. 1350. A bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Finance.

Mr. DAYTON. Mr. President, today I rise to introduce the Medicare Access

to Ambulance Service Act of 2001. Reliable ambulance service is often a matter of life and death. This bill is designed to head off growing problems that are putting ambulance providers in Minnesota and across the country in financial jeopardy and affecting their ability to deliver emergency services to patients.

The Medicare Access to Ambulance Service Act of 2001 will help ambulance providers whose service quality is threatened by inadequate Medicare payments and the inappropriate payment denials by Medicare claims processors. The continuing difficulties jeopardize the quality of care, and ultimately may increase the time it takes to respond to emergencies.

Recently my staff in Minnesota met with ambulance providers and Medicare beneficiaries in Hibbing, Duluth, Moorhead, St. Cloud, Bemidji, Marshall, and Harmony, Minnesota to listen to their concerns over Medicare ambulance service. In every part of the State the stories were the same. The biggest concern was Medicare's denial of ambulance claims. Medicare has denied claims for such medical emergencies as cardiac arrest, heart attack, and stroke. One elderly woman from Duluth, Minnesota was so upset with the Medicare process and the year it took to get her claim paid, that when she needed an ambulance again she called a taxi. This is unacceptable.

To make matters worse, when Congress enacted the Balanced Budget Act of 1997 it required that ambulance payments be moved to a fee schedule on a cost-neutral basis. Moving to a fee-schedule makes sense, but not on a cost-neutral basis for a system that is already underfunded. The proposed fee-schedule is especially unfair to rural areas and will mean the end of small ambulance providers in Minnesota and throughout the country.

My bill includes four components to address these problems. First, the bill requires that the Medicare fee schedule be based on the national average cost of providing the service. Second, the bill requires the General Accounting Office to determine a reasonable definition for how to identify rural ambulance providers and higher payments for rural ambulance services. Third, the bill includes a ''prudent layperson'' standard for the payment of emergency ambulance claims. Simply stated, this provision means that if a reasonable person believed an emergency medical problem existed when the ambulance was requested then Medicare would pay the claim. Minnesota already leads the nation with this successfully implemented standard for all other patients, with the exception of those covered by Medicare. And finally, the bill requires Medicare to adopt a ''condition coding'' to be used by the ambulance provider.

Medicare beneficiaries deserve more from the health insurance system than additional anxiety in an emergency situation for a system into which they have paid. When people in Minnesota and across the country have an emergency requiring an ambulance, they want to know that they will quickly and reliably get the care they need. However, current Medicare policies and procedures are putting quality ambulance service at risk and are forcing many ambulance providers to struggle to stay in business, especially in rural communities. My legislation addresses problems that threaten quality ambulance service for patients in Minnesota and across the country.

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

S. 1351. A bill to provide administrative subpoena authority to apprehended fugitives; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would help Federal law enforcement track down and apprehend dangerous fugitives who are roaming the streets of America.

I am pleased to have as original cosponsors Senator BIDEN and Senator HATCH. Both of them are distinguished members of this Body with extensive knowledge in crime issues, and I greatly appreciate their support on this important legislation.

Fugitives from justice pose a serious threat to public safety. These criminals are evading the criminal justice system with impunity, and many of them are committing more crimes while they are free. We should help law enforcement bring them to justice and prevent future crime.

It has been estimated that fifty percent of the crime in America is committed by five percent of the offenders. It is these serious, repeat criminals, many of whom are fugitives, that law enforcement must address today.

There are over 550,000 felony or other serious Federal and State fugitives listed in the National Crime Information Center database. The number has more than doubled since 1987, and is growing every year.

This bill would respond to the growing fugitive threat by providing the Justice Department administrative subpoena authority for fugitives. Federal officers already have this crime-fighting tool in other areas, and this legislation would fill a serious gap that currently exists for fugitive investigations. Information such as telephone or apartment records may provide the missing link to track down a fugitive. Also, it can be critical to track down leads very quickly because fugitives are often transient and the trail can quickly become cold.

The grand jury is routinely available to obtain information about the whereabouts of those who are suspected of committing crimes. Surprisingly, the same cannot be said for those who were caught but got away. The grand jury is generally not an option to get information about known fugitives who are evading justice.

It is true that a Federal prosecutor can seek the approval of a judge for a administrative subpoena under the All Writs Act. However, it is a long, time-consuming process to get overworked federal judges with crowded dockets to act on these requests, especially if they are not rare. In any event, it may be too late by the time the court responds. Administrative subpoenas can prevent costly delays.

Last year, we worked hard to give law enforcement tools to address the serious fugitive threat, holding hearings and moving important legislation. The Congress authorized $40 million over three years to create task forces led by the Marshals Service to apprehend dangerous fugitives. As part of this effort, the Senate passed administrative subpoena authority twice by unanimous consent last year. However, this authority was not included in the final legislation because it stalled in the House last year. I hope that, as we explain the need for this authority and how it is really a very narrow expansion beyond current law, we will receive widespread support in both Houses of Congress.

Administrative subpoenas are not new to federal law enforcement. They have existed for years to help authorities solve various crimes, including drug offenses, child pornography, and even health care fraud. However, this bill places greater restrictions on the use of the subpoenas than currently exist in these other areas. These subpoenas could be used only to obtain documents and records, not testimony.

None of us want a subpoena issued unless it is needed and fully complies with the law. This bill contains procedures for people to challenge the subpoena that they receive and have a judge review whether it should be issued. Judicial review is required in any case where the person requests it.

The subpoena authority has no impact on the Fourth Amendment and its general prohibition on searches and seizures without a court-approved warrant. Courts have routinely upheld administrative subpoenas as entirely consistent with the Fourth Amendment. Administrative subpoenas do not allow law enforcement to enter a home or business to conduct any search. They only allow the government to receive documentary information that they can show will help them find felons who are on the run.

In summary, this legislation would help authorities get the information they need to find dangerous fugitives before it is too late. I am pleased that this proposal has the endorsement of law enforcement organizations, including the Fraternal Order of Police, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

I encourage my colleagues to stand up for law enforcement and support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1351

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 ''Fugitive Apprehension Act of 2001''.

SEC. 2. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

''§ 1075. Administrative subpoenas to apprehend fugitives

''(a) DEFINITIONS.—In this section:

''(1) FUGITIVE.—The term 'fugitive' means a person who—

''(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

''(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

''(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

''(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

''(2) INVESTIGATION.—The term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

''(b) SUBPOENAS AND WITNESSES.—

''(1) SUBPOENAS.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.

''(2) WITNESSES.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(c) SERVICE.—

''(1) AGENT.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

''(2) NATURAL PERSON.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

''(3) CORPORATION.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

''(4) AFFIDAVIT.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(d) CONTUMACY OR REFUSAL.—

''(1) IN GENERAL.—In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered.

''(2) CONTEMPT.—Any failure to obey the order of the court may be punishable by the court as contempt thereof.

''(3) PROCESS.—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.

''(4) RIGHTS OF SUBPOENA RECIPIENT.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

''(A) the terms of the subpoena are unreasonable or oppressive;

''(B) the subpoena fails to meet the requirements of this section; or

''(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

''(e) GUIDELINES.—

''(1) IN GENERAL.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

''(2) REVIEW.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.

''(f) NONDISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—Except as otherwise provided by law, the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

''(2) ORDER.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation or undue delay of a trial.

''(g) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

''1075. Administrative subpoenas to apprehend fugitives.''.

Mr. BIDEN. Mr. President, I am pleased today to be able to join with Senators THURMOND and HATCH in introducing the Fugitive Apprehension Act of 2001. This bill authorizes the Attorney General to issue administrative subpoenas in cases involving fugitives. Its passage will provide law enforcement with the tools it needs to more effectively track and apprehend fugitives from justice, and I look forward to its prompt consideration.

Crime across the country continues to trend downwards, though we have seen some mixed statistical signals of late. As chairman of the newly-created Judiciary Subcommittee on Crime and Drugs, I am extremely concerned by the Nation's fugitive problem. According to estimates from the Department of Justice, there are approximately 54,000 fugitives from justice in Federal cases. A total of 565,611 fugitives, including state and local felony cases, have been entered into the database of the National Crime Information Center, up from 340,000 10 years ago. But this figure only begins to measure the problem, as the National Crime Information Center receives just 20 percent of all outstanding State and local felony warrants.

These fugitives from justice are a very real and dangerous concern. For example, last December, there was a shooting in Wilmington, DE. The shooter was charged with attempted murder and weapons violations and was jailed in Chester, PA, on a separate, earlier shooting charge. He then posted $500 bail on those charges, and promptly fled the jurisdiction. Members of Delaware's Violent Fugitive Task Force soon determined this violent criminal was hiding out in West Los Angeles. They alerted local FBI agents, who soon located the fugitive in a car and tried to stop him. He led the agents on a two-mile, high-speed chase, crashed into a pole, then tried to escape on foot. He was eventually captured, arrested, and he was recently returned to Delaware to face charges. This fugitive is particularly dangerous: he has a long record of drug and other offenses, including 52 arrests in Delaware dating all the way back to when he was 13.

Unfortunately, this incident from my home State is not an isolated one, and we should not hamstring law enforcement when they try to catch these criminals. To better equip our Federal law enforcement agents with the resources they need to track and apprehend dangerous fugitives from justice, we need to make some changes to our criminal laws. The Fugitive Apprehension Act of 2001 gives the Attorney General, principally through the United States Marshals Service, authority to issue administrative subpoenas in cases involving fugitives. Last year, the Director of the Marshals Service testified as to the need for these subpoenas in fugitive cases; he noted that seldom is a grand jury available to issue a subpoena in these instances. In fugitive cases, time is often of the essence and successful investigations depend on real-time information, such as telephone subscriber and credit records. The time required to get a court order can make the difference between whether a fugitive is apprehended or remains at large.

Given the privacy concerns that rightfully arise whenever Fourth Amendment protections are impacted, I want to take a moment to describe some of the safeguards in the bill we introduce today. First, and importantly, the bill's provisions apply only to those fugitives charged with or convicted of violent felonies or trafficking in drugs.

Second, the bill in no way authorizes searches by law enforcement agencies; the subpoenas envisioned by the bill may be used only to obtain documents. Witness testimony and searches still must meet the Constitution's warrant requirement.

Third, each administrative subpoena issued must be approved by the local United States Attorney for the district in which the subpoena will be served. I realize the Marshals Service and other law enforcement groups would rather this safeguard not be in the bill, but I insisted upon its inclusion at this point so as to ensure this new investigative power is not abused. I look forward to continuing my discussions with the Marshals Service and others concerning the effect this safeguard could have on their fugitive apprehensions.

Fourth, the bill allows the person on whom an administrative subpoena is served to request to a court that it be overturned—judicial review is mandated each time an administrative subpoena is challenged.

I am mindful of the fact that Federal law enforcement already has administrative subpoena power in other types of cases, including drug enforcement, child abuse and child pornography investigations. The need for administrative subpoena authority should be more clear in fugitive cases; there, the criminal being pursued has already proven his danger to society by committing a very serious crime. The bill we are introducing today is quite limited in scope, and its built in safeguards coupled with the opportunity for judicial review I believe balance well the rights of individuals with the clear need to catch those violent criminals on the lam, criminals whose very presence on our streets threatens us all. I thank Senator THURMOND for his leadership in this area, and I look forward to working with him and Senator HATCH to see this bill signed into law.

By Mr. SANTORUM:

S. 1352. A bill to amend the National and Community Service Act of 1990 to carry out the Americorps program as a voucher program that assists charities serving low-income individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, today I am introducing a bill which reforms and expands service opportunities through the AmeriCorps program by transitioning the service program toward an individual model with voucher-like awards to individuals desiring to serve low-income individuals or communities. The goal is to decrease dependency on large, more permanent group service locations and dramatically increase the scope of service opportunities and charitable locations which would be eligible for voucher recipients to serve communities and to require that site locations be predominantly serving low-income communities or people.

Under the leadership of former Senator Harris Wofford and the States, significant steps were taken to improve the management of the AmeriCorps program of the Corporation for National Service, CNS, and I recognize the dedication and contributions of AmeriCorps participants. I also believe that more can be done to expand the effectiveness of the AmeriCorps by expanding the opportunities for service and have been looking at a number of options for more than a year.

The bill's approach to reform should better enable participants to get to know the communities that they are serving. It is also a goal of this initiative to place an additional emphasis on the importance of leveraging volunteers and providing technical assistance and capacity building skills for these organizations. This will increase the long-term benefit which the organizations and the communities that they serve receive. The new proposal has some similarities to AmeriCorpsVISTA under the CNS but the scope of the proposed authorization is limited to AmeriCorps, although I believe that other restructuring may well be warranted.

The reform proposal includes the following elements: The individual award or voucher would be for use at charitable organizations predominantly serving the poor (like the current AmeriCorpsVISTA focus). All eligible qualifying charities (consistent with IRS requirements for 501(c)(3)'s) predominantly serving the poor would be eligible locations for service. All receiving locations must comply with the current supervisory and reporting requirements (e.g., web-based reporting system) of the Corporation for National Service. The voucher is awarded to the individual who chooses a qualified location for service and not the charitable organization. The current education and stipend benefits of AmeriCorps would remain the same and be included with the new voucher. The education award may be given to another individual chosen by the AmeriCorps volunteer without impacting the ability of the donee to receive other sources of grant and scholarship assistance, increasing the attractiveness for older Americans to participate. If the number of applicants exceeds the available vouchers, a lottery system established by the Corporation for National Service would be used to determine the selection of qualified voucher recipients. The bill provides for consolidation of Americans and AmeriCorpsVISTA state offices to better leverage resources. A one-year transition period to the new system is provided.

I urge my colleagues to consider this opportunity to reform AmeriCorps participants. I believe that refocusing the program on poverty alleviation efforts, expanded choice, and placing a greater emphasis on serving charities and the needy communities they serve through provision of expanded technical assistance and capacity building services will provide a brighter future for AmeriCorps and a more strategic contribution from this federally supported program for Americans in need.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. REED, and Mr. SCHUMER):

S. 1355. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today with my colleagues Senator KENNEDY, LEVIN, REED, and SCHUMER to introduce the Children's Firearm Access Prevention Act of 2001.

My legislation is modeled after similar legislation that Texas enacted into law under then Governor George W. Bush in 1995. It is my sincere hope that President Bush will work with Congress to enact this important bill.

While many in Congress have argued that the Second Amendment guarantees individuals the right to bear arms, there has been far less discussion about the corresponding responsibilities of gun owners to keep their firearms away from children.

The Children's Firearm Access Prevention, CAP, Act of 2001 subjects gun owners to a prison sentence of up to 1 year and a fine of up to $4,000 when they fail to use a secure gun storage or safety device for their firearms and a juvenile under the age of 18 uses that firearm to cause serious bodily injury to themselves or others. The CAP bill also subjects gun owners to a fine of up

to $500 when they fail to use a secure gun storage or safety device for their firearm and a juvenile obtains access to the firearm.

My legislation includes commonsense exceptions. Gun owners would not be subject to criminal or civil liability when a juvenile uses a firearm in an act of lawful self-defense; takes the firearm off the person of a law enforcement official; obtains the firearm as a result of an unlawful entry; or obtains the firearm during a time when the juvenile was engaged in agricultural enterprise. Gun owners would also not be liable if they had no reasonable expectation that juveniles would be on the premises, or if the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or other lawful purposes.

CAP laws have reduced unintentional shootings in states that have enacted these laws. In Florida, the first State to pass a CAP law, unintentional shooting deaths dropped by more than 50 percent in the first year following enactment. 17 states, including my home state of Illinois, have enacted CAP laws.

A study published in the Journal of the American Medical Association, JAMA, in October of 1997 found a 23 percent decrease in unintentional firearm related deaths among children younger than 15 in those States that had implemented CAP laws. According to the JAMA article, if all 50 States had CAP laws during the period of 1990–1994, 216 children might have lived.

While I understand that some Americans feel safer with a gun in the home, the sad reality is that a gun in the home is far more likely to be used to kill a family member or a friend than to be used in self-defense. Over 90 percent of handguns involved in unintentional shootings are obtained in the home where these shootings occur. Many unintentional shootings could be prevented if firearms were safely stored.

Children and easy access to guns are a recipe for tragedy. I ask my Senate colleagues to join me in this effort to protect children from the dangers of gun violence.

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. 1355

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 ''Children's Firearm Access Prevention Act''.

SEC. 2. CHILDREN AND FIREARMS SAFETY.

(a) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting ''or removing'' after ''deactivating''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) JUVENILE.—The term 'juvenile' means an individual who has not attained the age of 18 years.

''(B) CRIMINAL NEGLIGENCE.—The term 'criminal negligence' pertains to conduct that involves a gross deviation from the standard of care that a reasonable person would exercise under the circumstances, but which is not reckless.

''(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for a firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premises that is under the custody or control of that person if that person knows or, with criminal negligence, should know that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile, and fails to take steps to prevent such access.

''(3) EXCEPTIONS.—Paragraph (2) does not apply if—

''(A) the person uses a secure gun storage or safety device for the firearm;

''(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

''(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of one or more other persons;

''(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept;

''(E) the juvenile obtains the firearm as a result of an unlawful entry by any person;

''(F) the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or another lawful purpose; or

''(G) the juvenile gained the gun during a time that the juvenile was engaged in an agricultural enterprise.''.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever violates section 922(z), if a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation and thereby causes death or serious bodily injury to the juvenile or to any other person, shall be fined not more than $4,000, imprisoned not more than 1 year, or both.

''(B) Whoever violates section 922(z), if a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation shall be fined not more than $500.''.

(d) ROLE OF LICENSED FIREARMS DEALERS.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

''(d) CONTENTS OF FORM.—The Secretary shall ensure that a copy of section 922(z) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm;

''(e) NOTICE OF CHILDREN'S FIREARM ACCESS PREVENTION ACT.—A licensed dealer shall post a prominent notice in the place of business of the licensed dealer as follows:

''IT IS UNLAWFUL AND A VIOLATION OF THE CHILDREN'S FIREARM ACCESS PREVENTION ACT TO STORE, TRANSPORT, OR ABANDON AN UNINSURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.''.

(e) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. KENNEDY):

S. 1356. A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and European refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Wartime Treatment of European Americans and Refugees Study Act. This bill would create a Commission to review the United States Government's treatment during World War II of German Americans, Italian Americans, certain Latin Americans, and refugees of Nazi Germany.

I am very pleased that my distinguished colleagues, Senators GRASSLEY and KENNEDY, have joined me as cosponsors of this important bill. I particularly want to thank them for their input and valuable contributions to this bill.

The allied victory in the Second World War was an American triumph, and most of all, a triumph for human freedom. Today we rightly celebrate the contributions of what Tom Brokaw has called the Greatest Generation, the courage displayed by so many Americans in that terrible struggle should be a source of pride for every American.

Those Americans fought, and often gave their lives, to restore freedom and democracy abroad. But, as brave Americans fought enemies in Europe and the Pacific, here at home the U.S. government was curtailing the freedom of its own people. Of course, every nation has the duty to protect its homefront in wartime. But, even in war, we must respect the basic freedoms for which so many Americans have given their lives, including untold numbers of German and Italian Americans.

Many Americans are by now aware that during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes and into camps. This evacuation policy forced Japanese Americans to endure great hardship. Approximately 15,000 additional ethnic Japanese were selectively interned in government operated internment camps. They often lost their basic freedoms, their livelihood, and perhaps worst of all, suffered the shame and humiliation of being locked behind barbed wire and military guard, by their own government. Under the Civil Liberties Act of 1988, this shameful episode in American history received the official condemnation it deserved. Under the Act, people of Japanese ancestry who suffered either relocation or selective internment received an apology and reparations, on behalf of the people of the United States.

But, while the treatment of Japanese Americans has finally received the attention it deserves by the public, most Americans have never even heard about the approximately 11,000 ethnic Germans living in America, the 3,200 ethnic Italians living in America, or the scores of ethnic Bulgarians, Hungarians, Rumanians or other European Americans who were taken from their homes and placed into internment camps during World War II. Hundreds remained interned for up to three years after the war was over.

Today I introduce legislation to convene an independent commission to examine this tragic history, try to understand why it happened, and to try to ensure that it never happens again. We must learn the lessons of history, however painful they might be for us, and for the families that endured this shameful treatment. In a time of American heroism abroad, here at home we faltered. We failed to protect the liberty of all Americans. Through our restrictive immigration policies, we also failed to offer safe harbor to European refugees fleeing Nazi genocide. We turned away thousands of refugees fleeing Germany, delivering many of them to their deaths.

As a Nation we have been slow to address our conduct during the war. There has finally been some measure of justice for Japanese Americans who suffered in the United States, however little or however late. And Congress has finally begun to address the treatment of Italian Americans. Last year, the President signed into law The Wartime Violation of Italian American Civil Liberties Act, which called for a report from the Department of Justice detailing injustices suffered by Italian-Americans during World War II. I believe that this is a step in the right direction, but an independent panel should be convened to conduct a full and thorough review.

I think many Americans would be surprised to learn that, to this day, more than 50 years later, there has been no recognition of the ordeal of thousands of German Americans during and after the Second World War. There has been no justice for ethnic Germans living in America who were branded ''enemy aliens'' by their own government. The U.S. government limited their travel, imposed curfews and seized their personal property. Thousands were interned in camps, often separated from other members of their family, living in miserable conditions. Many of these families, including American children, were later shipped back to war-torn Europe in exchange for Americans held there, and suffered terribly. It is past time for the U.S. Government to recognize the pain and anguish these actions caused.

And there has been no justice for European Latin Americans, including German and Austrian Jews, who were actually repatriated or deported to hostile, war-torn European Axis powers, often as part of an exchange for Americans being held in those countries. The U.S. government uprooted these people from their homes and forced them into camps in the United States, essentially kidnaping them from nations not even directly involved in the War. Again, many were then shipped for exchange to Europe.

And finally, there has been no justice for Europeans, often Jews, who sought refuge from the Nazis on our shores. We must examine the U.S. immigration policies of the 1930s and 1940s that turned these people away, and often delivered them into the hands of the Third Reich.

This legislation proposes an independent commission to look at U.S. policies during World War II, including the policies regarding German and Italian Americans, European Latin Americans, and the refugee immigration policies of the World War II era.

In the 1940s, Germans and Italians were the two largest foreign-born populations in the United States. Under the policy put in place by the U.S. government, thousands of aliens were simply arrested by the FBI. Far more often than not, these arrests were based on highly questionable evidence. Those arrested were held indefinitely pending a hearing. Many times their families did not know where they had been taken for weeks, and if both parents were taken, children were often left to fend for themselves until family members or local governments took custody of them.

They received a brief hearing before local hearing boards during which the local U.S. Attorney acted as prosecutor. The hearing boards then recommended to the Department of Justice whether they should be released, paroled, or interned for the duration of the War. Despite the serious nature of this proceeding, those arrested did not have the right to have their own lawyer and did not have the right to confront witnesses against them. The hearing boards would then send their recommendations to the Department of Justice, where a final determination could take months. Internment orders were issued for the duration of the war. Ironically, many were interned on Ellis Island, where immigrants had been welcomed for decades.

Families, often left destitute, struggled to survive and often lost their homes. Finally, the government would permit families to join their loved ones in a family camp, where they would live indefinitely behind barbed wire. These spouses and children were frequently American citizens.

In addition to internment, all enemy aliens during World War II were subject to strict regulations affecting their daily lives. Enemy aliens were required to carry photo-bearing identification booklets at all times, were forbidden to travel beyond a five mile radius of their homes, were required to turn in any short wave radios and cameras they owned. They were required to given the government a full-week's notice if they planned to spend a night away from home, and could not ride in airplanes. Thousands of enemy aliens were prohibited from entering military zones, some even evacuated from their homes. Many aliens and European American citizens were also subject to restrictions in or excluded from military areas that collectively covered one-third of the country.

As I've said, there has been some recognition of the wrongs done to Italian Americans during the war, but there has yet to be any formal recognition of the pain that German American families went through. So I want to take a few moments to give examples to help my colleagues and the public understand the kind of harassment they endured.

The FBI searched tens of thousands of alien residences between 1943 and 1945. The stories of homes ransacked, or people being taken from their families for years, are chilling. Take the case of Guenther Greis. Mr. Greis, as U.S. citizen, was 17 years old when World War II began in 1941. On December 7, 1941 Guenther's father, a German citizen who had lived in the U.S. for at least 15 years, and worked in the chemical industry, was arrested.

Weeks passed before Guenther, his mother, and his family of four boys, three born in the United States, finally learned where their missing father had been taken. He was to be interned for the duration of the war. In the meantime, Guenther's family had struggled to keep their home. Even as their father was being detained by the government, two sons enlisted in the merchant Marines and served in the Pacific War Zone on behalf of the United States. The remaining family eventually was sent to the internment camp in Crystal City, TX, until Guenther and his brother were released in 1946. Guenther's parents remained interned until 1947, two years after the end of the war. To this day, the Greis family does not have explanation of why their father was interned.

Or take the story of Anton Schroeger, a German citizen who came to America at the age of 16, and by the time World War II began, had lived half his life in America. When World War II broke out, Anton was lucky to have a relatively high paying job as a skilled painter at the Milwaukee Road repair shops. Based on what Anton believed to be a false tip from somebody who wanted his job, however, Anton was arrested while at work, and taken to a series of interment camps. After his arrest, his wife, Anna, insisted on joining him in the internment camps, and, in fact, gave birth to a daughter in a camp in Texas. After World War II, Anton earned a living working at lower paying jobs. Despite this ordeal, Anton eventually became a U.S. citizen in 1952. His family is certain that Anton did not engage in any activity that deserved such treatment.

Let me say here that there may have been people affected by these policies

who harbored sympathy for our adversaries, and was potentially dangerous. And every government must take steps to protect its homefront in a time of war. But even the people who may have posed a threat to our security should have had the basic protections enshrined in our Constitution. War tests all of our principles and values, without question. But it is during these times of conflict, and fear, that we need to protect those principles the most.

At least 11,000 German-Americans were placed in internment camps during WWII. Thousands more were denied basic freedoms that most of us today take for granted. These Germans and German-Americans deserve a full fact-finding review and acknowledgement from the U.S. government, and they deserve to have their story told so that we may strive to ensure that the individual rights of all Americans will remain free from arbitrary persecution.

The work of the commission created by this bill would include a review of The Alien Enemy Act of 1798, which permitted this treatment under U.S. law and remains on the books today. So, the first act of the Commission would involve a full and thorough review of the federal government's treatment of European Americans and European Latin Americans.

The second part of the Commission's work would be to study America's treatment of refugees from Nazi Germany. After Hitler took power in 1933, the freedoms of German Jews were eroded until many of them sought desperately to flee the country. First came an economic boycott, the loss of civil rights, citizenship, and jobs.

Then, in November 1938, came the Kristallnacht pogrom, and ultimately, incarceration and systematic murder in concentration camps. Unfortunately, as restrictions began to tighten and many Jews sought refuge outside of Nazi Germany, America, instead of acting as a haven for these refugees, was tightening its immigration rules. Between 1933 and 1939, 300,000 Germans, mostly Jews fleeing Nazi persecution, applied for visas to America. Yet only about 90,000 applicants were ever admitted into our nation.

The requirements just to be considered for a visa were formidable. An applicant had to submit an application, a birth certificate, a certificate of good conduct from the German police, affidavits of good conduct, submit to a physical exam, proof of permission to leave a country of origin, proof of booked passage to the U.S., two sponsors in America, and on and on. These requirements made immigrating to the U.S. very difficult. Then, in 1941, a new regulation forbidding the granting of a visa to anyone who had relatives in an Axis-occupied territory essentially made seeking refuge in America impossible for many Jews.

Thanks to research conducted by the United States Holocaust Museum and other American scholars, we now have a fuller understanding of the ramifications of U.S. immigration policies. To put the tragic results of those policies into perspective, I'll recount the fate of the passengers aboard a ship called the *St. Louis*. The *St Louis* sailed from Hamburg in April 1939 with 937 passengers aboard. Over 900 of those passengers were Jews, attempting to flee Germany. America denied entry to the refugees on the ship, and it eventually sailed back to Antwerp in June 1939. From there, the refugees frantically searched for new countries to offer them protection. Some of them succeeded, while many did not, and were later detained and killed at Auschwitz.

Some attempts were made to allow the most vulnerable of these refugees, children, into the United States. On February 9, 1939 the Wagner-Rogers refugee bill was introduced in this very Senate. The bill would have allowed admission to the United States of 20,000 German refugee children under the age of 14 over a period of two years, in addition to the immigration normally permitted. But sadly, that bill was not even considered by the full Senate.

The United States' failure to offer refuge to Jews attempting to flee the Nazis is one of the most shameful periods in our history. We closed our borders to people fleeing persecution, and at the same time, within those borders, we treated too many people of ''enemy ethnicity'' as threats to a national security. The purpose of this proposed commission, is to understand and acknowledge the United States' actions during this period. As a Nation, we have repeatedly called on other countries to acknowledge their wartime offenses against civilians. Today we have to ask of ourselves what we ask of other nations—why did we do it, and how can we prevent it from happening again?

During the Second World War, we defeated terrible enemies abroad, but we also lost something of ourselves as we denied freedoms to people at home. For many, the nation they called home would never be the same to them after their loyalty was questioned, and their lives were ripped apart. Too many German and Italian Americans were harassed and humiliated by the country where they lived, struggled, raised children, ran businesses, and built their dreams for a better life. This was the country they chose, like millions before them, and like each and every one of us. I hope by establishing a commission we can better understand how we allowed such a gross injustice, and how we can guard against implementing similar policies in the future.

No American can justify using ethnicity as a basis for the terrible treatment these people endured. And there's no way we can justify the policy which allowed European Latin Americans to be torn from their homes, brought here to the U.S. under deplorable conditions to be interned, and sometimes deported back to hostile European nations. Finally, there's surely no way we can justify our World War II era immigration policy, which undoubtedly led to the deaths of thousands of people—people who turned to the U.S., in fear and desperation, for a safe harbor, and were tragically turned away.

We cannot learn from this troubling history unless we first seek to acknowledge it and understand it. Coming to terms with these events will be difficult, but for the families who suffered under these wartime policies, it will be, at long last, a recognition of the ordeal they went through at the hands of their own government. I urge my colleagues to support this legislation, so that we can learn from this painful past, and ensure that we will never again let our worst fears drive us to neglect our most cherished freedoms. Thank you, Mr. President.

I ask unanimous consent that the full text of the Wartime Treatment of European Americans and Refugees Study Act be printed in the RECORD.

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

S. 1356

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 ''Wartime Treatment of European Americans and Refugees Study Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has long encouraged other nations to acknowledge their wartime offenses against civilians. Now, the United States Government should fully assess its treatment of European Americans and European Latin Americans during World War II and its effect on Italian American, German American, and other European American communities.

(2) The United States Government should also fully assess its treatment of European refugees who fled persecution and genocide in Europe to seek refuge in the United States prior to and during World War II.

(3) During World War II, the United States Government branded as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(4) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(5) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(6) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(7) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(8) Prior to and during World War II, the United States restricted the entry of European refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of European refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(9) Time is of the essence for the establishment of a Commission, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN REFUGEES.—The term ''European refugees'' refers to European nationals who desired to flee persecution and genocide in Europe and to enter the United States during the period between January 1, 1933 and December 31, 1945 but were denied entry.

(4) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans and Refugees (referred to in this Act as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall be composed of 11 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Five members shall be appointed by the President.

(2) Three members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Three members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Commission shall include 2 members from the Italian American community and 2 members from the German American community representing their wartime treatment interests. The Commission shall also include 2 members representing the interests of European refugees.

(e) MEETINGS.—The President shall call the first meeting of the Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 5. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission to review—

(1) the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b)(1); and

(2) the United States Government's refusal to allow European refugees fleeing persecution in Europe entry to the United States as provided in subsection (b)(2).

(b) SCOPE OF REVIEW.—

(1) EUROPEAN AMERICANS AND EUROPEAN LATIN AMERICANS.—The Commission's review shall include, but not be limited to, the following:

(A) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II which violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemy Act (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Armed Forces pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(B) A review of United States Government action with respect to European Americans pursuant to the Alien Enemy Act (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(C) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or excluded.

(D) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or inclusion, an assessment of the continued viability of the Alien Enemy Act (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans, European Latin Americans, and European refugees during World War II.

(2) EUROPEAN REFUGEES.—The Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(A) A review of the United States Government's refusal to allow European refugees entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the European refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on European refugees.

(B) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 4(e).

SEC. 6. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Commission shall be deemed to be a committee of jurisdiction.

SEC. 7. ADMINISTRATIVE PROVISIONS.

The Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United

States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $850,000 to carry out the purposes of this Act.

SEC. 9. SUNSET.

The Commission shall terminate 60 days after it submits its report to Congress.

Mr. KENNEDY. Mr. President, I am honored to join Senator FEINGOLD and my other colleagues in the Senate in introducing the Wartime Treatment of European Americans and Refugees Study Act. This legislation will authorize the study of U.S. policies and practices during World War II that resulted in severe civil liberties violations against European Americans and European Latin Americans. The bill also authorizes an investigation into U.S. refugee policy during World War II that caused many persons seeking safe haven to be turned away from our shores.

This bill will examine these issues by establishing a commission to investigate U.S. policies and programs during that period. Other countries are reexamining their own policies, and so must the United States. Identifying the abuses of the past is one of the best ways to ensure that they never happen again. I urge the Senate to adopt this important legislation.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 1357. A bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, today I am introducing a modest bill that can help us take an important step toward providing all of America's students physically and psychologically safe school environments so they can live up to their full potential as students. I appreciate that Senator FEINGOLD is joining me as an original co-sponsor.

Unfortunately, there is increasing evidence that schools are anything but safe havens for American students who are gay and lesbian, or for those who are perceived to be gay or lesbian. Two studies in recent months have focused on the issue of school harassment of gay and lesbian students. A 7-State study of abuses of gay and lesbian students by their peers, conducted by Human Rights Watch, found that these students often were not protected by school officials, and that in some cases harassment was even condoned by teachers and administrators. That report's troubling summation was that, ''Gay youth spend an inordinate amount of energy plotting how to get safely to and from school, how to avoid the hallways when other students are present so they can avoid slurs and shoves, how to cut gym class to escape being beaten up, in short, how to become invisible so they will not be verbally and physically attacked. Too often, students have little energy left to learn.'' A second, more general report on school bullying, conducted by the American Association of University Women, AAUW, found that 61 percent of students had seen fellow students bullied for being gay or lesbian, whether or not the students actually were gay or lesbian. Boys were the most likely target of such teasing, according to the report.

Further, the recent Surgeon General's Call to Action to Promote Sexual Health and Responsible Behavior notes that ''anti-homosexual attitudes are associated with psychological distress for homosexual persons and may have a negative impact on mental health, including a greater incidence of depression and suicide, lower self-acceptance and a greater likelihood of hiding sexual orientation.'' That report finds that: ''Averaged over two dozen studies, 80 percent of gay men and lesbians have experienced verbal or physical harassment on the basis of their orientation, 45 percent had been threatened with violence, and 17 percent had experienced a physical attack.''

These studies and numerous journalistic reports describe the verbal, physical and psychological abuse that becomes part of two many gay, lesbian, bisexual and transgendered students' daily lives.

We should seek to provide equal learning experiences for gay and lesbian students. We should also be concerned about the widespread bullying of students with sexual orientation-based epithets in view of the growing evidence that students who are bullied are more likely to harm their fellow students.

The Department of Education's ''Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,'' issued in 1997 by the Assistant Secretary for Civil Rights, includes in one section the following statement: ''sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX.'' This guidance was revised in 2001, clarifying that school officials have a responsibility to respond to ''acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.''

In spite of the Department's existing guidance, evidence is clear that harassment of gay students remains a serious problem. Even so, the AAUW study cited earlier points out that many schools and universities have not established grievance procedures or designate any representative to address complaints of sex discrimination, including harassment.

To better understand the true level of sexual harassment against gay and lesbian students by peers and school officials in schools, as well as the degree to which schools are employing the Office of Civil Rights, OCR, standard in reacting against such cases of harassment, this bill calls for a study by the Commission on Civil Rights. The study would seek to answer five questions:

What is the best estimate of the true level of harassment against gay and lesbian students in America's schools and universities, applying the OCR standard?

What is the best estimate of the level of gender-based harassment such as that described in the 2001 update of the policy guidance that negatively affects the learning environment of gay and lesbian students?

To what degree are school officials and teachers aware of the alteration of the guidelines in 1997 that now includes certain harassment of gay and lesbian students?

Are the 1997 guidelines being accurately and aggressively enforced by schools?

What are the Commission's recommendations for an alternation in policy or enforcement based on the findings of the study?

The bill calls for completion of the study within 18 months so that Congress can act thoughtfully in working to create safe learning environments for all our students, gay and straight alike. It is endorsed by a number of the groups focused on promoting learning environments that are safe ones for gay students. I hope my colleagues will support it also.

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. 1357

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

SECTION 1. FINDINGS AND PURPOSE.

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

(1) Although title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) does not prohibit discrimination on the basis of sexual orientation, one section of the Department of Education's Office for Civil Rights' 1997 final policy guidance, entitled ''Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties'' published in the Federal Register on March 13, 1997, 62 Fed. Reg. 12034, included a determination that ''sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by title IX under the circumstances described in this guidance.''. This language was unchanged in a 2001 update of the policy guidance entitled ''Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties'' for which a notice of availability was published in the Federal Register on January 19, 2001, 66 Fed. Reg. 5512.

(2) That section of the 2001 ''Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties'' went on to state: ''Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond, if it rises to the level that denies or limits a student's ability to participate in or benefit from the educational program.... A school must respond to such harassment in accordance with the standards and procedures described in this guidance.''.

(3) There is evidence that brings into question the degree to which the policy guidance on sexual harassment against gay, lesbian, bisexual, and transgender students is being implemented. For example, a 7-State study by Human Rights Watch of the abuses suffered by gay, lesbian, bisexual, and transgender students at the hands of their peers, published in ''Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools'' found that such students were often the victims of abuses.

(4) A 2000 study by the American Association of University Women focused on implementation of title IX of the Education Amendments of 1972 more generally, and the findings of that study, published in ''A License for Bias: Sex Discrimination, Schools, and Title IX'', included a finding that many schools and universities have not established procedures for handling title IX-based grievances.

(5) The 2001 report of the Surgeon General, entitled ''Surgeon General's Call to Action to Promote Sexual Health and Responsible Sexual Behavior'' notes that ''antihomosexual attitudes are associated with psychological distress for homosexual persons and may have a negative impact on mental health, including a greater incidence of depression and suicide, lower self-acceptance and a greater likelihood of hiding sexual orientation.''. It goes on to report: ''Averaged over two dozen studies, 80 percent of gay men and lesbians had experienced verbal or physical harassment on the basis of their orientation, 45 percent had been threatened with violence, and 17 percent had experienced a physical attack.''.

(b) PURPOSE.—The purpose of this Act is to provide for an examination of how secondary schools are implementing the policy guidance of the Department of Education's Office for Civil Rights related to sexual harassment directed against gay, lesbian, bisexual, and transgender students.

SEC. 2. STUDY OF HOW EDUCATIONAL INSTITUTIONS ARE IMPLEMENTING THE POLICY GUIDANCE RELATING TO SEXUAL HARASSMENT.

(a) IN GENERAL.—The United States Commission on Civil Rights (hereafter in this Act referred to as the ''Commission'') shall conduct a study of the 1997 final policy guidance entitled ''Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties'' published in the Federal Register on March 13, 1997, 62 Fed. Reg. 12034, and the application of such policy guidance.

(b) SCOPE.—

(1) NATIONWIDE.—The study shall be conducted nationwide.

(2) ELEMENTS OF STUDY.—The study shall examine, at a minimum, with regard to secondary schools—

(A) the extent to which there exists sexual harassment against gay and lesbian students in secondary schools, using the applicable standards in the policy guidance of the Office for Civil Rights described in subsection (a);

(B) the extent to which there exists gender-based harassment that negatively affects the learning environment of gay, lesbian, bisexual, and transgender students in secondary schools, applying the definition of such gender-based harassment contained in the 2001 update of the policy guidance entitled ''Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties'' for which a notice of availability was published in the Federal Register on January 19, 2001, 66 Fed. Reg. 5512;

(C) the level of awareness by school officials and students of the policy guidance described in subsection (a); and

(D) the level of implementation of such policy guidance.

(c) DEFINITION.—In this section, the term ''secondary school'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 3. REPORTING OF FINDINGS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commission shall transmit to Congress and to the Secretary of Education—

(1) a report of the Commission's findings under section 2; and

(2) any policy recommendations developed by the Commission based upon the study carried out under section 2.

(b) DISSEMINATION.—The report and recommendations shall be disseminated, in a manner that is easily understandable, to the public by means that include the Internet.

SEC. 4. COOPERATION OF FEDERAL AGENCIES.

(a) IN GENERAL.—The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study under section 2.

(b) INFORMATION.—The head of each Federal department or agency shall provide to the Commission, to the extent permitted by law, such data, reports, and documents concerning the subject matter of such study as the Commission may request.

(c) DEFINITION.—In this section, the term ''Federal department or agency'' means any agency as defined in section 551 of title 5, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, such sums as may be necessary for fiscal year 2002.

(b) AVAILABILITY.—Any amount appropriated under the authority of subsection (a) shall remain available until expended.

By Mr. BAYH:

S. 1358. A bill to revise Federal building energy efficiency performance standards, to establish the Office of Federal Energy Productivity within the Department of Energy, to amend Federal Energy Management Program requirements under the National Energy Conservation Policy Act, to enact into law certain requirements of Executive Order No. 13123, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAYH. 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. 1358

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Facility Energy Management Act of 2001''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the energy efficiency of facilities of Federal agencies by—

(1) establishing the Office of Federal Energy Productivity within the Department of Energy to provide for interagency coordination in evaluating opportunities for, and implementation of, energy efficiency measures and programs;

(2) updating energy reduction goals;

(3) expanding Federal agency resources for energy measurement and improving accountability by providing for—

(A) energy metering and monitoring;

(B) transparent energy spending; and

(C) rigorous interagency and congressional oversight;

(4) promoting the acquisition and operation of more efficient facilities by extending the authority and eligibility of a Federal agency to enter into energy savings performance contracts; and

(5) establishing a reliable and steady source of funding for permanent energy capital improvement available to supplement appropriations for use by Federal agencies and the Architect of the Capitol—

(A) to fund energy efficiency projects; and

(B) to leverage funding for energy savings performance contracts.

SEC. 3. REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ''CABO Model Energy Code, 1992'' and inserting ''the International Residential Code''; and

(B) by adding at the end the following:

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(i) new commercial buildings and multifamily high rise residential buildings be constructed so as—

''(I) to have, in the aggregate, a level of energy efficiency that is 10 percent greater than the level of energy efficiency required under the standards established under paragraph (1); and

''(II) to meet or exceed the most recent ASHRAE Standard 90.1, approved by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.;

''(ii) new residential buildings (other than those described in clause (i)) be constructed so as to exceed the level of energy efficiency required under the most recent version of the International Residential Code by not less than 10 percent.

''(B) ADDITIONAL REVISIONS.—Not later than 180 days after the date of approval of amendments to ASHRAE Standard 90.1 or the International Residential Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

''(C) COMPUTER SOFTWARE.—The Secretary of Energy shall develop computer software to facilitate compliance with the revised standards established under this paragraph.

''(D) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

''(i) a list of all new Federal buildings of the Federal agency; and

''(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a metering and commissioning component that is in compliance with the measurement and verification protocols of the Department of Energy.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.''; and

(2) by adding at the end the following:

''(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that exceed the revised standards established under subsection (a)(3) by 15 percent or more.

''(f) COLLECTION OF INTERVAL SOLAR DATA.—The Secretary of Commerce shall collect interval solar data at all weather stations under the jurisdiction of the Secretary of Commerce for use in determining building energy efficiency performance under this section.''.

SEC. 4. OFFICE OF FEDERAL ENERGY PRODUCTIVITY OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act is amended by inserting after section 211 (42 U.S.C. 7141) the following:

''SEC. 212. OFFICE OF FEDERAL ENERGY PRODUCTIVITY.

''(a) ESTABLISHMENT.—There is established, within the Department, the Office of Federal Energy Productivity (referred to in this section as the 'Office').

''(b) ASSISTANT SECRETARY FOR FEDERAL ENERGY PRODUCTIVITY.—

''(1) IN GENERAL.—The Office shall be headed by the Assistant Secretary for Federal Energy Productivity (referred to in this section as the 'Assistant Secretary'), who shall report directly to the Secretary.

''(2) DUTIES.—The Assistant Secretary shall—

''(A) ensure compliance with the energy use and expenditure requirements applicable to Federal agencies under Federal law (including Executive orders);

''(B) perform all duties assigned to the Director of the Federal Energy Management Program of the Department of Energy, including duties assigned to the Director by the President by any Executive order in effect on the date of enactment of this subparagraph;

''(C) coordinate implementation of energy efficiency requirements by Federal agencies using staff of the Office that have expertise in the mission of each Federal agency;

''(D) coordinate compilation of, and review, energy-use reports required to be submitted by Federal agencies under this Act and other Federal law (including Executive orders);

''(E) serve as a liaison from the Federal Government to the private sector to identify opportunities and obstacles to expanded private and Federal markets for energy management technologies, energy efficiency technologies, and renewable energy technologies;

''(F) operate the Federal Energy Bank established by section 552 of the National Energy Conservation Policy Act;

''(G)(i) not later than 120 days after the date of enactment of this subparagraph, issue such guidelines for Federal agency energy preparedness and energy emergency response as the Secretary determines to be appropriate; and

''(ii) in accordance with paragraph (3), receive, review, and report on plans submitted by Federal agencies in conformance with the guidelines; and

''(H)(i) not later than 180 days after the date on which the first Assistant Secretary takes office, identify and submit to Congress a list of the principal conservation officers under section 656; and

''(ii) annually update the list.

''(3) ENERGY PREPAREDNESS AND ENERGY EMERGENCY RESPONSE PLANS.—

''(A) SUBMISSION BY FEDERAL AGENCIES.—The head of each Federal agency shall submit to the Assistant Secretary annually (or at such intervals as the Secretary determines to be appropriate) an energy preparedness and energy emergency response plan for the Federal agency that is in conformance with the guidelines issued under paragraph (2)(G)(i).

''(B) REVIEW BY ASSISTANT SECRETARY.—The Assistant Secretary shall review each plan submitted under subparagraph (A) for effectiveness and feasibility.

''(C) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the President and Congress an annual report on the ability of each Federal agency—

''(i) to reduce energy use on an emergency basis; and

''(ii) to perform the mission of the Federal agency during such a period of emergency reduced energy use.

''(c) LIAISON TO DEPARTMENT OF DEFENSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Assistant Secretary shall appoint an individual employed by the Office to serve as a liaison to the Department of Defense.

''(2) DUTIES.—The individual appointed under paragraph (1) shall coordinate energy efficiency measures, and energy efficiency reporting to the President and Congress, into the operation of the Department of Defense without compromising national security or the defense mission of the Department of Defense.

''(3) SECURITY CLEARANCE.—The individual appointed under paragraph (1) shall have appropriate security clearance.

''(d) REPORT TO CONGRESS.—The Secretary, acting through the Office, shall submit to Congress an annual report that—

''(1) describes the energy expenditures, investments, and savings of each Federal agency;

''(2) describes the obstacles to meeting the energy efficiency requirements under Federal law (including Executive orders) that are faced by each Federal agency; and

''(3) includes an accounting of energy-consuming products procured by each Federal agency that indicates—

''(A) which energy-consuming products procured by the Federal agency during the preceding year were Energy Star products or FEMP designated products (as those terms are defined in section 551(a) of the National Energy Conservation Policy Act); and

''(B) which energy-consuming products procured by the Federal agency during the preceding year were neither Energy Star products nor FEMP designated products.

''(e) AUDITS OF FEDERAL ENERGY MANAGEMENT PROGRAMS.—

''(1) IN GENERAL.—The Assistant Secretary may require the Inspector General of each Federal agency to conduct audits of the energy management programs of the Federal agency every 3 years.

''(2) GUIDELINES.—The Assistant Secretary shall—

''(A) issue guidelines for the conduct of audits described in paragraph (1); and

''(B) conduct training for Inspectors General on use of the guidelines.''.

(b) LIAISON FROM DEPARTMENT OF DEFENSE.—The Secretary of Defense shall—

(1) establish as a senior level position within the Department of Defense the position of energy management liaison; and

(2) assign to the official appointed to that position by the Secretary of Defense the duty to coordinate with appropriate officials of the Department of Defense and appropriate officials of the Department of Energy concerning energy use and expenditure requirements applicable to the Department of Defense under Federal law (including Executive orders).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended —

(1) in the item relating to section 209, by striking ''Section'' and inserting ''Sec.'';

(2) by inserting after the item relating to section 211 the following:

''Sec. 212. Office of Federal Energy Productivity.'';

and

(3) in the items relating to each of sections 213 through 216, by inserting ''Sec.'' before the section designation.

SEC. 5. ENERGY REDUCTION GOALS.

(a) IN GENERAL.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in calendar years 2002 through 2011 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in calendar year 2000, by the percentage specified in the following table:

''Calendar year:	Percentage reduction:
2002	2
2003	4
2004	6
2005	8

''Calendar year:	Percentage reduction:
2006	10
2007	12
2008	14
2009	16
2010	18
2011	20.'';

(B) by striking ''(2) An'' and inserting the following:

''(2) EXCLUSION OF CERTAIN FEDERAL BUILDINGS.—An''; and

(C) by adding at the end the following:

''(3) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Not later than December 31, 2010, the Secretary shall—

''(A) review the results of the implementation of the energy performance requirement established under paragraph (1); and

''(B) submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.''; and

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) EXCLUSIONS.—An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if—

''(i) the head of the agency finds that compliance with those requirements would be impracticable; and

''(ii) the agency has—

''(I) completed and submitted all federally required energy management reports;

''(II) achieved compliance with the energy efficiency requirements of—

''(aa) this Act;

''(bb) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.);

''(cc) Executive orders; and

''(dd) other Federal law; and

''(III) implemented all practicable, cost-effective, life-cycle projects with respect to the Federal building or collection of Federal buildings to be excluded.

''(B) FINDING OF IMPRACTICABILITY.—A finding of impracticability under subparagraph (A)(i) shall be based on—

''(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

''(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.'';

(B) in paragraph (2)—

(i) by striking ''(2) Each agency'' and inserting the following:

''(2) REVIEW BY SECRETARY.—Each agency''; and

(ii) in the second sentence—

(I) by striking ''impracticability standards'' and inserting ''standards for exclusion''; and

(II) by striking ''a finding of impracticability'' and inserting ''the exclusion''; and

(C) by adding at the end the following:

''(3) CRITERIA.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).''.

(b) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting ''THE PRESIDENT AND'' before ''CONGRESS''; and

(2) by inserting ''President and'' before ''Congress''.

(c) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking ''the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)).'' and inserting ''each of the energy reduction goals established under section 543(a).''.

SEC. 6. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(e) METERING OF ENERGY USE.—

''(1) IN GENERAL.—Subject to paragraph (2), each agency shall meter or submeter the energy use in each Federal building, industrial process, and energy-using structure of the agency.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue guidelines concerning the extent of the metering and submetering required under paragraph (1).

''(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

''(i) take into consideration—

''(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

''(II) the extent to which metering and submetering are expected to result in—

''(aa) increased potential for energy management;

''(bb) increased potential for energy savings and energy efficiency improvement; and

''(cc) cost and energy savings due to utility contract aggregation; and

''(III) the measurement and verification protocols of the Department of Energy;

''(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

''(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirement specified in paragraph (1) shall take effect; and

''(iv) establish exclusions from the requirement specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

''(f) USE OF INTERVAL DATA IN FEDERAL BUILDINGS.—

''(1) IN GENERAL.—Beginning not later than January 1, 2003, each agency shall use, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity used in the Federal buildings of the agency, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency.

''(2) PLAN.—As soon as practicable after the date of enactment of this subsection, in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirement of paragraph (1), including how the agency will designate personnel primarily responsible for achieving the requirement.''.

(b) BUDGET SUBMISSIONS TO THE PRESIDENT.—Section 545 of the National Energy Conservation Policy Act (42 U.S.C. 8255) is amended—

(1) by inserting ''(a) BUDGET SUBMISSION TO CONGRESS.—'' before ''The President''; and

(2) by adding at the end the following:

''(b) BUDGET SUBMISSIONS TO THE PRESIDENT.—The head of each agency shall submit to the President, as part of the budget request of the agency for each fiscal year, a statement of the amount of appropriations requested in the budget for the electric and other energy costs and compliance costs described in subsection (a).''.

(c) ENERGY AND WATER CONSERVATION INCENTIVE PROGRAM.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following:

''(e) ENERGY AND WATER CONSERVATION INCENTIVE PROGRAM.—

''(1) IN GENERAL.—In addition to the other incentive programs established under this section, the Secretary shall establish an incentive program under which, for any fiscal year, of the amounts made available to each agency to pay the costs of providing energy and water for Federal buildings under the jurisdiction of the agency, the agency may retain, without fiscal year limitation, such amounts as are determined under paragraph (2) to have been saved because of energy and water management and conservation projects carried out by the agency.

''(2) DETERMINATION OF RETAINED AMOUNTS.—In cooperation with the Secretary of Defense and the Director of the Office of Management and Budget, the Secretary shall issue guidelines and establish methodologies for—

''(A) retention of amounts saved as described in paragraph (1) for a period ending not more than 3 years after the date of completion of the project that resulted in the savings;

''(B) establishment of a baseline amount of energy and water expenditures, consisting of the amounts that would be expended on energy or water but for implementation of the project; and

''(C) use by agencies of the baseline amounts established under subparagraph (B) in submitting to the President budget requests for appropriated amounts equal to the amounts of savings that an agency is expected to be entitled to retain under paragraph (1).

''(3) USE OF RETAINED AMOUNTS.—Amounts retained under paragraph (1) may be used to carry out energy or water management and conservation projects, invest in renewable energy systems, and purchase electricity from renewable energy sources for use, at the Federal building at which the project that resulted in the savings was carried out.

''(4) ANNUAL REPORT ON USE OF AMOUNTS.—Each report submitted by an agency under section 548(a) shall describe—

''(A)(i) the amounts retained under paragraph (1) during the period covered by the report; and

''(ii) the use of the amounts retained; and

''(B) if no amounts were retained under paragraph (1), why no amounts were retained and the plans of the agency for retaining such amounts in the future.''.

(d) REPORTS.—Section 548 of the National Energy Conservation Policy Act (42 U.S.C. 8258) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the quantity of greenhouse gases emitted by the Federal buildings of the agency during each fiscal year, as measured by the agency in consultation with the Assistant Secretary for Federal Energy Productivity of the Department of Energy.'';

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the semicolon at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) the quantity of greenhouse gases emitted by the Federal buildings of each agency during each fiscal year;''; and

(3) by adding at the end the following:

''(d) RECOMMENDATIONS ON MEANS OF ACCOUNTING FOR ENERGY USE.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Energy Information Agency, the Administrator of General Services, and the Secretary of Defense, shall conduct a study to develop recommendations on the most accurate means of accounting for energy use in Federal facilities.

''(2) REQUIRED RECOMMENDATIONS.—Recommendations shall include a recommendation concerning whether a uniform performance measure based on British thermal units per gross square foot is preferable to an agency-specific performance measure or any other performance-based metric.

''(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress a report on the results of the study.''.

SEC. 7. FEDERAL GOVERNMENT PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended—

(i) by redesignating section 551 (42 U.S.C. 8259) as section 554; and

(ii) by inserting after section 550 (42 U.S.C. 8258b) the following:

''SEC. 551. FEDERAL GOVERNMENT PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

''(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means a program administered by the Administrator of the Environmental Protection Agency that involves voluntary cooperation between that agency and an industry to enhance the energy efficiency of the energy consuming products of the industry so as to reduce—

''(A) burdens on air conditioning and electrical systems of buildings that result from the use of the products in the buildings; and

''(B) air pollution caused by utility power generation.

''(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

''(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

''(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

''(A) an Energy Star product; or

''(B) if there is no Energy Star product that meets the requirements of the executive agency and that is reasonably available, a FEMP designated product.

''(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

''(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

''(B) no Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

''(3) PROCUREMENT PLANNING.—

''(A) REQUIREMENT.—The head of an executive agency shall incorporate into the specifications for a procurement involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with—

''(i) the criteria for energy efficiency used for rating products under the applicable Energy Star program; and

''(ii) the criteria used for designating products under the Federal Energy Management Program of the Department of Energy.

''(B) APPLICABILITY.—The requirement of subparagraph (A) shall apply to—

''(i) a contract for new construction or renovation of a building;

''(ii) a basic ordering agreement;

''(iii) a blanket purchasing agreement;

''(iv) a Government-wide procurement contract; and

''(v) any other contract for a procurement described in that subparagraph.

''(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—

''(1) DEVELOPMENT.—The Administrator of General Services and the Director of the Defense Logistics Agency of the Department of Defense shall—

''(A) develop, and revise if appropriate, catalog listings of Energy Star products and FEMP designated products; and

''(B) clearly identify in the listings the products that are Energy Star products and the products that are FEMP designated products.

''(2) AVAILABILITY OF LISTINGS.—The Administrator and the Director shall make the listings available in printed and electronic formats.

''(d) GSA AND DLA INVENTORIES AND LISTINGS.—No energy consuming product may be made available to any executive agency from an inventory or listing of products by the General Services Administration or the Defense Logistics Agency unless—

''(1) the product is an Energy Star product;

''(2) the product is a FEMP designated product and no equivalent Energy Star product is reasonably available; or

''(3) no equivalent Energy Star product or FEMP designated product is reasonably available.

''(e) REGULATIONS.—The Secretary of Energy shall promulgate regulations to carry out this section, including policies and conditions for exercising authority under this section to procure energy consuming products other than Energy Star products and FEMP designated products.''.

(B) CONFORMING AMENDMENTS.—

(i) The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by striking the item relating to section 551 and inserting the following:

''Sec. 551. Federal Government procurement of energy efficient products.
''Sec. 552. Federal Energy Bank.
''Sec. 553. Energy and water savings measures in congressional buildings.
''Sec. 554. Definitions.''.

(ii) Section 151(5) of the Energy Policy Act of 1992 (42 U.S.C. 8262(5)) is amended by striking ''section 551(4)'' and inserting ''section 554(4)''.

(iii) Section 164(a) of the Energy Policy Act of 1992 (42 U.S.C. 8262h note; Public Law 102–486) is amended by striking ''section 551(5)'' and inserting ''section 554(5)''.

(2) IMPLEMENTATION.—

(A) REGULATIONS.—Not later than 180 days after the effective date specified in subsection (d), the Secretary of Energy shall promulgate regulations to carry out section 551 of the National Energy Conservation Policy Act (as added by paragraph (1)(A)(ii)).

(B) DISPOSAL OF EXISTING INVENTORIES.—An energy consuming product that, on the effective date specified in subsection (d), is in an inventory of products offered by the General Services Administration or the Defense Logistics Agency may be made available to an executive agency out of that inventory without regard to section 551(d) of the National Energy Conservation Policy Act.

(C) PROCUREMENT OF REPLACEMENT INVENTORY.—On and after the effective date specified in subsection (d), the Administrator of General Services and the Director of the Defense Logistics Agency of the Department of Defense may not list or procure for an inventory of products offered by the General Services Administration or the Defense Logistics Agency an energy consuming product that, under section 551(d) of the National Energy Conservation Policy Act, may not be made available to executive agencies out of that inventory.

(b) PROCUREMENT GUIDELINES.—The Secretary of Energy, in cooperation with the Secretary of Defense, shall issue guidelines that the Secretary of Defense may apply to the procurement of energy consuming products by the Department of Defense to ensure that, to the maximum extent feasible consistent with the performance of the national security missions of the Department of Defense, the products selected for procurement are energy efficient products.

(c) DESIGNATION OF ENERGY STAR PRODUCTS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall—

(1) expedite the process of designating products as Energy Star products (as defined in section 551(a) of the National Energy Conservation Policy Act (as added by subsection (a)(1)(A)(ii))); and

(2) merge the efficiency rating procedures used by the Environmental Protection Agency and the Department of Energy under the Energy Star programs (as defined in section 551(a) of that Act).

(d) EFFECTIVE DATE.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 8. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by inserting after section 551 (as added by section 7(a)(1)(A)(ii)) the following:

''SEC. 552. FEDERAL ENERGY BANK.

''(a) DEFINITIONS.—In this section:

''(1) BANK.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

''(2) ENERGY OR WATER EFFICIENCY PROJECT.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

''(A) this part;

''(B) title VIII;

''(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

''(D) any applicable Executive order, including Executive Order No. 13123 (42 U.S.C. 8251 note (June 3, 1999)).

''(3) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an Executive agency (as defined in section 105 of title 5, United States Code);

''(B) the United States Postal Service;

''(C) the United States Patent and Trademark Office;

''(D) Congress and any other entity in the legislative branch; and

''(E) a Federal court and any other entity in the judicial branch.

''(4) UTILITY PAYMENT.—The term 'utility payment' means a payment made to supply electricity, natural gas, or any other form of energy to provide the heating, ventilation, air conditioning, lighting, or other energy needs of a facility of a Federal agency.

''(b) ESTABLISHMENT OF BANK.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Federal Energy Bank', consisting of—

''(A) such amounts as are deposited in the Bank under paragraph (2);

''(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

''(C) any interest earned on investment of amounts in the Bank under paragraph (3).

''(2) DEPOSITS IN BANK.—

''(A) IN GENERAL.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to 2.5 percent for fiscal year 2003 and 5 percent for each fiscal year thereafter of the total amount of utility payments made by all Federal agencies for the preceding fiscal year.

''(B) MAXIMUM AMOUNT IN BANK.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed $1,000,000,000.

''(C) LIMITATION.—No funds made available to any Federal agency (other than to the Department of the Treasury under subsection (f)) shall be deposited in the Bank.

''(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(c) LOANS FROM THE BANK.—

''(1) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

''(2) LOAN PROGRAM.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

''(ii) COMMENCEMENT OF OPERATIONS.—The Secretary may begin—

''(I) accepting applications for loans from the Bank in fiscal year 2002; and

''(II) making loans from the Bank in fiscal year 2003.

''(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—The Secretary shall not make a loan from the Bank to a Federal agency for a project for which funding is available and is acceptable to the Federal agency under title VIII.

''(C) PURPOSES OF LOAN.—

''(i) IN GENERAL.—A loan from the Bank may be used to pay—

''(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

''(II) the costs of an energy metering plan developed in accordance with the measurement and verification protocols of the Department of Energy, or energy metering equipment, for the purpose of—

''(aa) a new or existing building energy system; or

''(bb) verification of the energy savings under an energy savings performance contract under title VIII; or

''(III) at the time of contracting, the costs of development or cofunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

''(ii) LIMITATION.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

''(iii) RENEWABLE AND ALTERNATIVE ENERGY PROJECTS.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive orders)).

''(D) REPAYMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

''(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

''(iii) DETERMINATION OF INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

''(iv) INSUFFICIENCY OF APPROPRIATIONS.—

''(I) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

''(II) SUSPENSION OF REPAYMENT REQUIREMENT.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

''(E) FEDERAL AGENCY ENERGY BUDGETS.—Until a loan is repaid, a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

''(F) NO RESCISSION OR REPROGRAMMING.—A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines issued under subparagraph (G).

''(G) GUIDELINES.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

''(d) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

''(2) SELECTION CRITERIA.—

''(A) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

''(i) is technically feasible;

''(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary by regulation;

''(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

''(I) commission energy savings for new and existing Federal facilities;

''(II) monitor and improve energy efficiency management at existing Federal facilities; and

''(III) verify the energy savings under an energy savings performance contract under title VIII; and

''(iv)(I) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

''(II) in the case of any other project, has a simple payback period of not more than 10 years.

''(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

''(i) are a component of a comprehensive energy management project for a Federal facility; and

''(ii) are designed to significantly reduce the energy use of the Federal facility.

''(e) REPORTS AND AUDITS.—

''(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

''(A) states whether the project meets or fails to meet the energy savings projections for the project; and

''(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

''(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

''(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the operations of the Bank, including a statement of—

''(A) the total receipts by the Bank;

''(B) the total amount of loans from the Bank to each Federal agency; and

''(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury such sums as are necessary to fund—

''(1) deposits required under subsection (b)(2); and

''(2) the costs to the Treasury associated with the loan program established under subsection (c)(2), as determined in accordance with guidelines issued by the Office of Management and Budget.''.

SEC. 9. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by inserting after section 552 (as added by section 8) the following:

''SEC. 553. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

''(a) IN GENERAL.—The Architect of the Capitol—

''(1) shall develop and implement a cost-effective energy conservation strategy for all facilities administered by Congress (referred to in this section as 'congressional buildings') to meet the mandatory standards for Federal buildings established under title III of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.);

''(2) shall submit to Congress, not later than 120 days after the date of enactment of this section, a revised comprehensive energy conservation and management plan that includes life cycle cost methods to determine the cost-effectiveness of proposed energy efficiency projects;

''(3) shall submit to Congress annually a report on congressional energy management and conservation programs that describes in detail—

''(A) energy expenditures and cost estimates for each facility;

''(B) energy management and conservation projects; and

''(C) future priorities to ensure compliance with this section;

''(4) shall perform energy surveys of all congressional buildings and update the surveys as necessary;

''(5) shall use the surveys to determine the cost and payback period of energy and water conservation measures likely to achieve the energy consumption levels specified in the strategy developed under paragraph (1);

''(6) shall install energy and water conservation measures that will achieve those levels through life cycle cost methods and procedures included in the plan submitted under paragraph (2);

''(7) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and achieve energy consumption targets;

''(8) may develop innovative contracting methods that will attract private sector funding for the installation of energy efficient and renewable energy technology to meet the requirements of this section, such as energy savings performance contracts described in title VIII;

''(9) may participate in the Financing Renewable Energy and Efficiency (FREE) Savings contracts program for Federal Government facilities established by the Department of Energy;

''(10) not later than 100 days after the date of enactment of this section, shall submit to Congress the results of a study of the installation of submetering in congressional buildings;

''(11) shall produce information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars;

''(12) shall ensure that state-of-the-art energy efficiency technologies are used in the construction of the Visitor Center; and

''(13) shall include in the Visitor Center an exhibit on the energy efficiency measures used in congressional buildings.

''(b) ENERGY AND WATER CONSERVATION INCENTIVE.—

''(1) IN GENERAL.—For any fiscal year, of the amounts made available to the Architect of the Capitol to pay the costs of providing energy and water for congressional buildings, the Architect may retain, without fiscal year limitation, such amounts as the Architect determines were not expended because of energy and water management and conservation projects.

''(2) USE OF RETAINED AMOUNTS.—Amounts retained under paragraph (1) may be used to carry out energy and water management and conservation projects.

''(3) ANNUAL REPORT ON USE OF AMOUNTS.—As part of each annual report under subsection (a)(3), the Architect of the Capitol shall submit to Congress a report on the amounts retained under paragraph (1) and the use of the amounts.''.

(b) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

SEC. 10. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) 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) COST SAVINGS FROM REPLACEMENT FACILITIES.—

''(A) IN GENERAL.—In the case of an energy savings performance contract that provides for energy savings through the construction and operation of 1 or more buildings or other facilities to replace 1 or more existing buildings or other facilities, benefits ancillary to the purpose of achieving energy savings under the contract may include, for the purpose of paragraph (1), savings resulting from reduced costs of operation and maintenance at the replacement buildings or other facilities as compared with the costs of operation and maintenance at the buildings or other facilities being replaced.

''(B) DETERMINATION OF PAYMENTS.—Notwithstanding paragraph (2)(B), the aggregate annual payments by a Federal agency under an energy savings performance contract described in subparagraph (A) may take into account (through the procedures developed under this section) savings resulting from reduced costs of operation and maintenance as described in subparagraph (A).''.

(b) REPEAL OF SUNSET.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITIONS.—The National Energy Conservation Policy Act is amended by striking section 804 (42 U.S.C. 8287c) and inserting the following:

''SEC. 804. DEFINITIONS.

''In this title:

''(1) ENERGY CONSERVATION MEASURE.—The term 'energy conservation measure' has the meaning given the term in section 554.

''(2) ENERGY SAVING.—The term 'energy saving' means a reduction, from a baseline cost established through a methodology set forth in an energy savings performance contract, in the cost of energy or water used in—

''(A) 1 or more existing federally owned buildings or other federally owned facilities, that results from—

''(i) the lease or purchase of operating equipment, an improvement, altered operation or maintenance, or a technical service;

''(ii) increased efficiency in the use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for a building that is not a federally owned building or a facility that is not federally owned facility; or

''(iii) increased efficiency in the use of existing water sources or treatment of wastewater or stormwater; or

''(B) a replacement facility under section 801(a)(3).

''(3) ENERGY SAVINGS PERFORMANCE CONTRACT.—The term 'energy savings performance contract' means a contract that provides for—

''(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an energy conservation measure or water conservation measure (or series of such measures) at 1 or more locations; or

''(B) energy savings through the construction and operation of 1 or more buildings or other facilities to replace 1 or more existing buildings or other facilities.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means each authority of the United States Government, regardless of whether the authority is within or subject to review by another agency.

''(5) WATER CONSERVATION MEASURE.—The term 'water conservation measure' means a conservation measure that—

''(A) improves the efficiency of use of water;

''(B) is cost-effective over the life cycle of the water conservation measure; and

''(C) involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, an improvement in operation or maintenance efficiency, a retrofit activity, or any other related activity, that is carried out at a building or other facility that is not a Federal hydroelectric facility.''.

SEC. 11. FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.

(a) IN GENERAL.—Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.—

''(1) DEFINITIONS.—

''(A) AVERAGE FUEL ECONOMY.—The term 'average fuel economy' has the meaning given the term in section 32901 of title 49, United States Code.

''(B) COVERED VEHICLE.—

''(i) IN GENERAL.—The term 'covered vehicle' means a passenger automobile or light duty motor vehicle.

''(ii) EXCLUSIONS.—The term 'covered vehicle' does not include—

''(I) a military tactical vehicle of the Armed Forces; or

''(II) any law enforcement, emergency, or other vehicle class or type determined to be excluded under guidelines issued by the Secretary of Energy under paragraph (6).

''(C) FEDERAL AGENCY.—The term 'Federal agency' means an Executive agency (as defined in section 105 of title 5, United States Code) (including each military department (as specified in section 102 of that title)) that operates 20 or more motor vehicles in the United States.

''(D) PASSENGER AUTOMOBILE.—The term 'passenger automobile' has the meaning given the term in section 32901 of title 49, United States Code.

''(2) MINIMUM AVERAGE FUEL ECONOMY.—In fiscal year 2005 and each fiscal year thereafter, the average fuel economy of the covered vehicles acquired by each Federal agency shall be not less than 3 miles per gallon greater than the average fuel economy of the covered vehicles acquired by the Federal agency in fiscal year 2000.

''(3) USE OF ALTERNATIVE FUELS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in fiscal year 2005 and each fiscal year thereafter, each Federal agency shall use alternative fuels for at least 50 percent of the total annual volume of motor fuel used by the Federal agency to operate covered vehicles.

''(B) INCLUSION OF MOTOR FUEL PURCHASED BY STATE AND LOCAL GOVERNMENTS.—Not more than 25 percent of the motor fuel purchased by State and local governments at federally-owned refueling facilities may be included by a Federal agency in meeting the requirement of subparagraph (A).

''(4) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this paragraph, each Federal agency shall develop and submit to the President and Congress an implementation plan for meeting the requirements of this subsection that

takes into account the fleet configuration and fleet requirements of the Federal agency.

''(5) ANNUAL REPORT.—

''(A) IN GENERAL.—Each Federal agency shall submit to the President and Congress an annual report on the progress of the Federal agency in meeting the requirements of this subsection.

''(B) GUIDELINES.—The Secretary of Energy, acting through the Assistant Secretary for Federal Energy Productivity and in consultation with the Administrator of the Energy Information Administration, shall issue guidelines for the preparation by Federal agencies of reports under paragraph (1), including guidelines concerning—

''(i) methods for measurement of average fuel economy; and

''(ii) the collection and annual reporting of data to demonstrate compliance with this subsection.

''(6) GUIDELINES CONCERNING EXCLUSION OF CERTAIN VEHICLES.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Assistant Secretary for Federal Energy Productivity, shall issue guidelines for Federal agencies to use in the determination of vehicles to be excluded under paragraph (1)(B)(ii).''.

(b) ALTERNATIVE FUEL USE BY LIGHT DUTY FEDERAL VEHICLES.—Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended—

(1) in subsection (a)(3)(E)—

(A) by striking ''(E) Dual'' and inserting the following:

''(E) OPERATION OF DUAL FUELED VEHICLES.—

''(i) IN GENERAL.—Subject to clause (ii), dual''; and

(B) by adding at the end the following:

''(ii) MINIMUM ALTERNATIVE FUEL USE.—For fiscal year 2005 and each fiscal year thereafter, not less than 50 percent of the total annual volume of fuel used to operate dual fueled vehicles acquired pursuant to this section shall consist of alternative fuels.''; and

(2) in subsection (g)(4)(B), by inserting before the semicolon at the end the following: '', including any 3-wheeled enclosed electric vehicle that has a vehicle identification number''.

By Mr. BURNS (for himself, Mr. BREAUX, Mr. HAGEL, Mrs. LINCOLN, and Mr. ENZI):

S. 1359. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, 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. 1359

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 ''Facilitating Access to Speedy Transmissions for Networks, E-commerce and Telecommunications (FASTNET) Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced telecommunications and information technologies and services to all Americans by promoting competition and reducing regulation in telecommunications markets nationwide.

(2) The Telecommunications Act of 1996 specifically recognized the unique abilities and circumstances of local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.

(3) Given the markets two percent carriers typically serve, such carriers are uniquely positioned to accelerate the deployment of advanced services and competitive initiatives for the benefit of consumers in less densely populated regions of the Nation.

(4) Existing regulations are typically tailored to the circumstances of larger carriers and therefore often impose disproportionate burdens on two percent carriers, impeding such carriers' deployment of advanced telecommunications services and competitive initiatives to consumers in less densely populated regions of the Nation.

(5) Reducing regulatory burdens on two percent carriers will enable such carriers to devote additional resources to the deployment of advanced services and to competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(6) Reducing regulatory burdens on two percent carriers will increase such carriers' ability to respond to marketplace conditions, allowing them to accelerate deployment of advanced services and competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(b) PURPOSES.—The purposes of this Act are—

(1) to accelerate the deployment of advanced services and the development of competition in the telecommunications industry for the benefit of consumers in all regions of the Nation, consistent with the Telecommunications Act of 1996, by reducing regulatory burdens on local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide;

(2) to improve such carriers' flexibility to undertake such initiatives; and

(3) to allow such carriers to redirect resources from paying the costs of such regulatory burdens to increasing investment in such initiatives.

SEC. 3. DEFINITION.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (51) and (52) as paragraphs (52) and (53), respectively; and

(2) by inserting after paragraph (50) the following:

''(51) TWO PERCENT CARRIER.—The term 'two percent carrier' means an incumbent local exchange carrier within the meaning of section 251(h) whose access lines, when aggregated with the access lines of any local exchange carrier that such incumbent local exchange carrier directly or indirectly controls, is controlled by, or is under common control with, are fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.''.

SEC. 4. REGULATORY RELIEF FOR TWO PERCENT CARRIERS.

Title II of the Communications Act of 1934 is amended by adding at the end thereof a new part IV as follows:

''PART IV—PROVISIONS CONCERNING TWO PERCENT CARRIERS

''SEC. 281. REDUCED REGULATORY REQUIREMENTS FOR TWO PERCENT CARRIERS.

''(a) COMMISSION TO TAKE INTO ACCOUNT DIFFERENCES.—In adopting rules that apply to incumbent local exchange carriers (within the meaning of section 251(h)), the Commission shall separately evaluate the burden that any proposed regulatory, compliance, or reporting requirements would have on two percent carriers.

''(b) EFFECT OF COMMISSION'S FAILURE TO TAKE INTO ACCOUNT DIFFERENCES.—If the Commission adopts a rule that applies to incumbent local exchange carriers and fails to separately evaluate the burden that any proposed regulatory, compliance, or reporting requirement would have on two percent carriers, the Commission shall not enforce the rule against two percent carriers unless and until the Commission performs such separate evaluation.

''(c) ADDITIONAL REVIEW NOT REQUIRED.—Nothing in this section shall be construed to require the Commission to conduct a separate evaluation under subsection (a) if the rules adopted do not apply to two percent carriers, or such carriers are exempted from such rules.

''(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit any size-based differentiation among carriers mandated by this Act, chapter 6 of title 5, United States Code, the Commission's rules, or any other provision of law.

''(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any rule adopted on or after the date of enactment of this section.

''SEC. 282. LIMITATION OF REPORTING REQUIREMENTS.

''(a) LIMITATION.—The Commission shall not require a two percent carrier—

''(1) to file cost allocation manuals or to have such manuals audited or attested, but a two percent carrier that qualifies as a class A carrier shall annually certify to the Commission that the two percent carrier's cost allocation complies with the rules of the Commission; or

''(2) to file Automated Reporting and Management Information Systems (ARMIS) reports, except for purposes of section 224.

''(b) PRESERVATION OF AUTHORITY.—Except as provided in subsection (a), nothing in this Act limits the authority of the Commission to obtain access to information under sections 211, 213, 215, 218, and 220 with respect to two percent carriers.

''SEC. 283. INTEGRATED OPERATION OF TWO PERCENT CARRIERS.

''The Commission shall not require any two percent carrier to establish or maintain a separate affiliate to provide any common carrier or noncommon carrier services, including local and interexchange services, commercial mobile radio services, advanced services (within the meaning of section 706 of the Telecommunications Act of 1996), paging, Internet, information services or other enhanced services, or other services. The Commission shall not require any two percent carrier and its affiliates to maintain separate officers, directors, or other personnel, network facilities, buildings, research and development departments, books of account, financing, marketing, provisioning, or other operations.

''SEC. 284. PARTICIPATION IN TARIFF POOLS AND PRICE CAP REGULATION.

''(a) NECA POOL.—The participation or withdrawal from participation by a two percent carrier of one or more study areas in the common line tariff administered and

filed by the National Exchange Carrier Association or any successor tariff or administrator shall not obligate such carrier to participate or withdraw from participation in such tariff for any other study area. The Commission may require a two percent carrier to give 60 days notice of its intent to participate or withdraw from participation in such common line tariff with respect to a study area. Except as permitted by section 310(f)(3), a two percent carrier's election under this subsection shall be binding for one year from the date of the election.

''(b) PRICE CAP REGULATION.—A two percent carrier may elect to be regulated by the Commission under price cap rate regulation, or elect to withdraw from such regulation, for one or more of its study areas. The Commission shall not require a carrier making an election under this subsection with respect to any study area or areas to make the same election for any other study area. Except as permitted by section 310(f)(3), a two percent carrier's election under this subsection shall be binding for one year from the date of the election.

''SEC. 285. DEPLOYMENT OF NEW TELECOMMUNICATIONS SERVICES BY TWO PERCENT COMPANIES.

''(a) ONE-DAY NOTICE OF DEPLOYMENT.—The Commission shall permit two percent carriers to introduce new interstate telecommunications services by filing a tariff on one day's notice showing the charges, classifications, regulations, and practices therefor, without obtaining a waiver, or make any other showing before the Commission in advance of the tariff filing. The Commission shall not have authority to approve or disapprove the rate structure for such services shown in such tariff.

''(b) DEFINITION.—For purposes of subsection (a), the term 'new interstate telecommunications service' means a class or subclass of service not previously offered by the two percent carrier that enlarges the range of service options available to ratepayers of such carrier.

''SEC. 286. ENTRY OF COMPETING CARRIER.

''(a) PRICING FLEXIBILITY.—Notwithstanding any other provision of this Act, any two percent carrier shall be permitted to deaverage its interstate switched or special access rates, file tariffs on one day's notice, and file contract-based tariffs for interstate switched or special access services immediately upon certifying to the Commission that a telecommunications carrier unaffiliated with such carrier is engaged in facilities-based entry within such carrier's service area. A two percent carrier subject to rate-of-return regulation with respect to an interstate switched or special access service, for which pricing flexibility has been exercised pursuant to this subsection, shall compute its interstate rate of return based on the nondiscounted rate for such service.

''(b) STREAMLINED PRICING REGULATION.—Notwithstanding any other provision of this Act, upon receipt by the Commission of a certification by a two percent carrier that—

''(1) a local exchange carrier, or its affiliate, or

''(2) a local exchange carrier operated by, or owned in whole or part by, a governmental authority,

is engaged in facilities-based entry within the two percent carrier's service area, the Commission shall regulate the two percent carrier as non-dominant and shall not require the tariffing of the interstate service offerings of the two percent carrier.

''(c) PARTICIPATION IN EXCHANGE CARRIER ASSOCIATION TARIFF.—A two percent carrier that meets the requirements of subsection (a) or (b) of this section with respect to one or more study areas shall be permitted to participate in the common line tariff administered and filed by the National Exchange Carrier Association or any successor tariff or administrator, by electing to include one or more of its study areas in such tariff.

''(d) DEFINITIONS.—For purposes of this section:

''(1) FACILITIES-BASED ENTRY.—The term 'facilities-based entry' means, within the service area of a two percent carrier—

''(A) the provision or procurement of local telephone exchange switching or its equivalent; and

''(B) the provision of telephone exchange service to at least one unaffiliated customer.

''(2) CONTRACT-BASED TARIFF.—The term 'contract-based tariff' shall mean a tariff based on a service contract entered into between a two percent carrier and one or more customers of such carrier. Such tariff shall include—

''(A) the term of the contract, including any renewal options;

''(B) a brief description of each of the services provided under the contract;

''(C) minimum volume commitments for each service, if any;

''(D) the contract price for each service or services at the volume levels committed to by the customer or customers;

''(E) a brief description of any volume discounts built into the contract rate structure; and

''(F) a general description of any other classifications, practices, and regulations affecting the contract rate.

''(3) SERVICE AREA.—The term 'service area' has the same meaning as in section 214(e)(5).

''SEC. 287. SAVINGS PROVISIONS.

''(a) COMMISSION AUTHORITY.—Nothing in this part shall be construed to restrict the authority of the Commission under sections 201 through 208.

''(b) RURAL TELEPHONE COMPANY RIGHTS.—Nothing in this part shall be construed to diminish the rights of rural telephone companies otherwise accorded by this Act, or the rules, policies, procedures, guidelines, and standards of the Commission as of the date of enactment of this section.

''(c) STATE AUTHORITY.—Nothing in this Part shall be construed to limit or affect any authority (as of August 1, 2001) of the States over charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier.''.

SEC. 5. LIMITATION ON MERGER REVIEW.

(a) AMENDMENT.—Section 310 of the Communications Act of 1934 (47 U.S.C. 310) is amended by adding at the end the following:

''(f) DEADLINE FOR MAKING PUBLIC INTEREST DETERMINATION.—

''(1) TIME LIMIT.—In connection with any merger between two percent carriers, or the acquisition, directly or indirectly, by a two percent carrier or its affiliate of securities or assets of another carrier or its affiliate, if the merged or acquiring carrier remains a two percent carrier after the merger or acquisition, the Commission shall make any determinations required by this section and section 214, and shall rule on any petition for waiver of the Commission's rules or other request related to such determinations, not later than 60 days after the date an application with respect to such merger or acquisition is submitted to the Commission.

''(2) APPROVAL ABSENT ACTION.—If the Commission does not approve or deny an application as described in paragraph (1) by the end of the period specified, the application shall be deemed approved on the day after the end of such period. Any such application deemed approved under this subsection shall be deemed approved without conditions.

''(3) ELECTION PERMITTED.—The Commission shall permit a two percent carrier to make an election pursuant to section 284 with respect to any local exchange facilities acquired as a result of a merger or acquisition that is subject to the review deadline established in paragraph (1) of this subsection.''.

(b) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any application that is submitted to the Commission on or after the date of enactment of this Act. Applications pending with the Commission on the date of enactment of this Act shall be subject to the requirements of this section as if they had been filed with the Commission on the date of enactment of this Act.

SEC. 6. TIME LIMITS FOR ACTION ON PETITIONS FOR RECONSIDERATION OR WAIVER.

(a) AMENDMENT.—Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by adding to the end the following:

''(c) EXPEDITED ACTION REQUIRED.—

''(1) TIME LIMIT.—Within 90 days after receiving from a two percent carrier a petition for reconsideration or other review filed under this section or a petition for waiver of a rule, policy, or other Commission requirement, the Commission shall issue an order granting or denying such petition. If the Commission fails to act on a petition for waiver subject to the requirements of this section within this 90-day period, the relief sought in such petition shall be deemed granted. If the Commission fails to act on a petition for reconsideration or other review subject to the requirements of this section within such 90-day period, the Commission's enforcement of any rule the reconsideration or other review of which was specifically sought by the petitioning party shall be stayed with respect to that party until the Commission issues an order granting or denying such petition.

''(2) FINALITY OF ACTION.—Any order issued under paragraph (1), or any grant of a petition for waiver that is deemed to occur as a result of the Commission's failure to act under paragraph (1), shall be a final order and may be appealed.''.

(b) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any petition for reconsideration or other review or petition for waiver that is submitted to the Commission on or after the date of enactment of this Act. Petitions for reconsideration or petitions for waiver pending with the Commission on the date of enactment of this Act shall be subject to the requirements of this section as if they had been filed on the date of enactment of this Act.

SEC. 7. NATIONAL SECURITY AND LAW ENFORCEMENT EXCEPTIONS.

Notwithstanding sections 310 and 405 of the Communications Act of 1934 (47 U.S.C. 310 and 405), the 60-day time period under section 310(f)(1) of that Act, as added by section 5 of this Act, and the 90-day time period under section 405(c)(1) of that Act, as added by section 6 of this Act, shall not apply to a petition or application under section 310 or 405 if an Executive Branch agency with cognizance over national security, law enforcement, or public safety matters, including the Department of Defense, Department of Justice, and the Federal Bureau of Investigation, submits a written filing to the Federal Communications Commission advising the Commission that the petition or application may present national security, law enforcement, or public safety concerns that may not be resolved within the 60-day or 90-day time period, respectively.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1360. To reauthorize the Price-Anderson provisions of the Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to reauthorize the Price Anderson Act, which provides the insurance program for our Nation's commercial nuclear reactor fleet. In 1954, Congress passed the Atomic Energy Act which ended the government monopoly over possession, use, and manufacturing of ''special nuclear material''. While the Act allowed the private sector access to the nuclear market, due to concerns over liability, the private sector was extremely hesitant to invest in the new market.

Due to these liability concerns, Congress passed the Price-Anderson Act in 1957, the Act was reauthorized on three occasions, most recently in 1988. The Act is due to be reauthorized in 2002. In 1998 the NRC issued their report to Congress called ''The Price Anderson Act—Crossing the Bridge to the Next Century: A Report to Congress.'' In that report the NRC recommended renewal of the Price Anderson Act because the Act provides a valuable public benefit by establishing a system for prompt and equitable steelement of public liability claims resulting from a nuclear accident.

While the report originally suggested that consideration be given to doubling the maximum annual retrospective premium installment from each power reactor license, the NRC has reconsidered this suggestion and now recommends that original premium level be retained. They expressed this view in a letter to me, as the Chairman of the Nuclear Safety Subcommittee on May 11th of this year.

The reason for the change is that in 1998 the NRC had projected that many of the existing commercial reactors would not file for license renewal. The drop in the number of reactors would cause a corresponding drop in the contributions to the fund. There is now heightened interest in extending the operating license of most of the commercial reactors. Therefore an increase in the premium from each reactor is no longer necessary. This has occurred because of the growing interest in nuclear energy. Nuclear energy is a clean, emissions-free source of electricity which currently provides almost twenty percent of our nation's energy supply.

This legislation will help further the commercial application of nuclear energy for electricity, as well as the growing number of medical applications of nuclear medicine. Nuclear energy is vital to supplying cost-efficient and environmentally sound power to the American consumer. This legislation will continue to ensure the availability of our commercial nuclear reactor program. I am joined in introducing this legislation by the ranking members of the Senate Environment and Public Works Committee, Senator SMITH, and the Nuclear Safety Subcommittee Senator INHOFE, as well as an important member of the Subcommittee Senator CRAPO.

By Mr. BENNETT:

S. 1361. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce legislation that would amend the Central Utah Project Completion Act, CUPCA, as originally enacted in 1992. CUPCA re-authorized and provided funding for the completion of the Central Utah Project, CUP, a project that develops Utah's share of water from the Colorado River for use in ten central Utah counties. The CUP was originally authorized in 1956 as part of the Colorado River Storage Project Act and includes five units. The Bureau of Reclamation began construction of this project in 1964. However, in 1992 CUPCA conferred CUP planning and construction responsibilities to the Central Utah Water Conservancy District, which has cultivated an excellent working relationship with the Office of CUP Completion in the Interior Department.

The legislation I am introducing would amend CUPCA to clarify the relationship between the Department of the Interior and the CUP by ensuring that the Secretary of the Interior continue to retain full responsibility for the CUP after the completion of the project's construction phase. It only makes sense that the decisions regarding future operations and maintenance, contract negotiations, and program oversight functions of the Interior Department are consistent with the cooperative decisions made during the project's planning and construction stages. As such, language is needed to clarify the Secretary's further involvement.

Since 1992, numerous changes in the project have occurred to better reflect contemporary water needs. Certain project features were downsized or eliminated while other water management programs grew in size. The 106th Congress, in an effort to address these changes, approved a CUPCA amendment that allowed unused funding authorization resulting from the redesign of the Bonneville Unit to be used ''to acquire water and water rights for project purposes including in stream flows, to complete project facilities authorized in this title and title III, to implement water conservation measure . . .'' In light of the continuing need to address the redesign replacement projects originally designed in the sixties, my legislation would again extend the unused authorization provision to all CUP units.

Finally, this legislation also extends a CUPCA provision that authorizes the Secretary of the Interior to accept prepayment of parts of the project's Municipal and Industrial repayment debt. The original provision's expiration was to occur in 2002 for reasons relating to the Federal Budget scoring process. This provision has enabled the Central Utah Water Conservancy District to prepay over $138 million to the federal treasury, while also avoiding unnecessary interest charges. The legislation introduced today would remove the 2002 expiration provision and extends the provision to allow the repayment of obligations associated with projects relating to the Uinta Basin.

The water supplied by CUP's many water diversion projects is crucial to the livelihoods of Utah's rural residents and to Utah's burgeoning population. I believe that legislation will serve to better facilitate the timely, economically responsible, and fiscally efficient completion of the Central Utah Project.

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

S. 1362. A bill to amend title XVIII of the Social Security Act and title VII of the Public Health Service Act to expand medical residency training programs in geriatrics, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased today to be joined by my colleague, Senator CRAIG, In introducing the Advancement of Geriatric Education Act of 2001, or AGE Act is comprehensive legislation which seeks to prepare physicians and other health care professionals to care for our Nation's growing aging population.

It is a know fact that children cannot be treated like little adults and prescribed the same medications in the same dosage amounts. For this reason, we have pediatricians. But just as there are differences between children and adults, so are there differences between middle aged adults and seniors. Many people are unaware that aging individuals often exhibit different symptoms than younger adults with the same illness. For example, an older person who has a heart attack may not experience excruciating chest pain, but rather, show signs of dizziness and confusion. Similarly, older people often exhibit different responses to medications than younger people.

The demographic reality is that there is an enormous segment of the population which will soon be age 65 or older, and there is serious doubt that the U.S. health system will be equipped to handle the multiple needs and demand of an aging population. By 2030, it is projected that one in five Americans will be over age 65.

Geriatricians are physicians who are experts in aging-related issues and the

study of the aging process itself. They are specially trained to prevent and manage the unique and often multiple health problems of older adults. Geriatric training can provide health care professionals with the skills and knowledge to recognize special characteristics of older patients and distinguish between disease states and the normal physiological changes associated with aging. Our health care system must increase its focus in this vital area.

Today, there are 9,000 practicing, certified geriatricians in the United States, far short of the 20,000 geriatricians estimated to be necessary to meet the needs of the current aging population. By the year 2030, it is estimated that at least 36,000 geriatricians will be needed to manage the complex health and social needs of the elderly. These figures, as astounding as they sound, say nothing of the geriatrics training needed for all health care professionals who are facing such an increasingly older patient population.

Unfortunately, out of 125 medical schools in our country, only 3 have actual Departments of Geriatrics, including the University of Arkansas for Medical Sciences. Moreover, only 14 schools include geriatrics as a required course, and one-third of medical schools do not even offer geriatrics as a separate course elective.

Congress has taken some positive steps to increase our focus on geriatrics, including the establishment of Geriatric Education Centers and Geriatric Training Programs, which seek to train all health professionals in the area of geriatrics. Congress has also established the Geriatric Academic Career Award program, which promotes the development of academic geriatricians.

It is clear to me, however, that more steps need to be taken, which is why I have introduced the AGE Act today. The AGE Act encourages more physicians to specialize in the area of geriatrics and enhances the current federal programs relating to geriatrics under the Public Health Service Act. The AGE Act is supported by the American Geriatrics Society, the International Longevity Center, and the American Association of Geriatric Psychiatry. I ask unanimous consent that a summary of the AGE Act and the text of the bill be printed in the RECORD.

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

S. 1362

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 ''Advancement of Geriatric Education Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Disregard of certain geriatric residents and fellows against graduate medical education limitations.
Sec. 3. Extension of eligibility periods for geriatric graduate medical education.
Sec. 4. Study and report on improvement of graduate medical education.
Sec. 5. Improved funding for education and training relating to geriatrics.

SEC. 2. DISREGARD OF CERTAIN GERIATRIC RESIDENTS AND FELLOWS AGAINST GRADUATE MEDICAL EDUCATION LIMITATIONS.

(a) DIRECT GME.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

''(iii) INCREASE IN LIMITATION FOR GERIATRIC RESIDENCIES AND FELLOWSHIPS.—For cost reporting periods beginning on or after the date that is 6 months after the date of enactment of the Advancement of Geriatric Education Act of 2001, in applying the limitations regarding the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine under clause (i) for a hospital, the Secretary shall not take into account a maximum of 5 residents enrolled in a geriatric residency or fellowship program approved by the Secretary for purposes of paragraph (5)(A) to the extent that the hospital increases the number of geriatric residents or fellows above the number of such residents or fellows for the hospital's most recent cost reporting period ending before the date that is 6 months after the date of enactment of such Act.''.

(b) INDIRECT GME.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(ix) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

SEC. 3. EXTENSION OF ELIGIBILITY PERIODS FOR GERIATRIC GRADUATE MEDICAL EDUCATION.

(a) DIRECT GME.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended by adding at the end the following new clause:

''(vi) GERIATRIC RESIDENCY AND FELLOWSHIP PROGRAMS.—In the case of an individual enrolled in a geriatric residency or fellowship program approved by the Secretary for purposes of subparagraph (A), the period of board eligibility and the initial residency period shall be the period of board eligibility for the subspecialty involved, plus 1 year.''.

(b) CONFORMING AMENDMENT.—Section 1886(h)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(F)) is amended by striking ''subparagraph (G)(v)'' and inserting ''clauses (v) and (vi) of subparagraph (G)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date that is 6 months after the date of enactment of this Act.

SEC. 4. STUDY AND REPORT ON IMPROVEMENT OF GRADUATE MEDICAL EDUCATION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study to determine how to improve the graduate medical education programs under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) so that such programs prepare the physician workforce to serve the aging population of the United States. Such study shall include a determination of whether the establishment of an initiative to encourage the development of individuals as academic geriatricians would improve such programs.

(b) REPORT.—Not later than the date that is 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Secretary determines appropriate.

SEC. 5. IMPROVED FUNDING FOR EDUCATION AND TRAINING RELATING TO GERIATRICS.

(a) GERIATRIC FACULTY FELLOWSHIPS.—Section of 753(c)(4) of the Public Health Service Act (42 U.S.C. 294c(c)(4)) is amended—

(1) in subparagraph (A), by striking ''$50,000 for fiscal year 1998'' and inserting ''$75,000 for fiscal year 2002''; and

(2) in subparagraph (B), by striking ''shall not exceed 5 years'' and inserting ''shall be 5 years''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 757 of the Public Health Service Act (42 U.S.C. 294g) is amended—

(1) in subsection (a)—

(A) by striking ''IN GENERAL.—There are authorized'' and inserting ''AUTHORIZATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), there are authorized''; and

(B) by adding at the end the following:

''(2) EDUCATION AND TRAINING RELATING TO GERIATRICS.—There are authorized to be appropriated to carry out section 753 such sums as may be necessary for each of fiscal years 2002 through 2006.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) not less than $22,631,000 for awards of grants and contracts under—

''(i) section 753 for fiscal years 1998 through 2001; and

''(ii) sections 754 and 755 for fiscal years 1998 through 2002; and

''(D) for awards of grants and contracts under section 753 after fiscal year 2001—

''(i) in 2002, not less than $20,000,000;

''(ii) in 2003, not less than $24,000,000;

''(iii) in 2004, not less than $28,000,000;

''(iv) in 2005, not less than $32,000,000; and

''(v) in 2006, not less than $36,000,000.'';

(B) in paragraph (2), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (D)''; and

(C) in paragraph (3), by striking ''subparagraphs (A) through (C) of paragraph (2)'' and inserting ''subparagraphs (A) through (D) of paragraph (1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

ADVANCEMENT OF GERIATRIC EDUCATION (AGE) ACT OF 2001—LEGISLATIVE SUMMARY

I. PROVIDES AN EXCEPTION TO THE CAP ON RESIDENTS FOR GERIATRIC RESIDENTS

The AGE Act amends the Medicare graduate medical education (GME) resident cap imposed under BBA 97 to provide exceptions for geriatric residents in approved training programs. The 1997 BBA instituted a per-hospital cap based on the number of GME residency slots in existence on or before December 31, 1996. As geriatrics is a relatively new specialty, the cap has resulted in either the elimination or reduction of geriatric of geriatric training programs. This is because a lower number of geriatric residents existed prior to December 31, 1996. The AGE Act provides for an exception from the cap for up to 5 geriatric residents.

II. REQUIRES MEDICARE GME PAYMENT FOR THE 2ND YEAR OF GERIATRIC FELLOWSHIP TRAINING

Under current law, hospitals receive 100 percent GME reimbursement for an individuals's initial residency period, up to five years. The law also includes a geriatric exception allowing programs training geriatric fellows to receive full funding for an

additional period comprised of the first and second years of fellowship training. Programs training non-geriatric fellows receive 50 percent of GME funding for fellowship training. In 1998, the period of board eligibility for geriatrics was decreased to one year, in an effort to encourage more geriatrics specialists. However, this change was not intended to reduce support for training of teachers and researchers in geriatrics. A two-year fellowship remains the generally accepted standard, and is generally required to become an academic geriatrician. The AGE Act explicitly authorizes Medicare GME payments for the second year of fellowship.

III. DIRECTS THE SECRETARY OF HHS TO REPORT TO CONGRESS ON WAYS TO IMPROVE THE MEDICARE PROGRAMS TO READY THE PHYSICIAN WORKFORCE TO SERVE THE AGING POPULATION, INCLUDING WHETHER AN INITIATIVE SHOULD BE ESTABLISHED TO DEVELOP ACADEMIC GERIATRICIANS

It is estimated that the country currently has one-quarter of the academic geriatricians necessary to train and educate physicians in the area of geriatrics. Out of 125 medical schools in our country, only 3 have actual Departments of Geriatrics. Moreover, only 14 schools include geriatrics as a *requried* course, and one third of medical schools do not even offer geriatrics as a separate course elective. The AGE Act requires the Secretary of HHS to examine ways to prepare the physician workforce to serve the aging population, including initiatives to develop academic geriatricians, and to report to Congress within 6 months after the date of enactment.

IV. ENHANCES AND AUTHORIZES GREATER FUNDING FOR THE GERIATRIC TRAINING SECTIONS OF THE PUBLIC HEALTH SERVICE ACT

Section 735, Title VII of the Public Health Service Act, encompasses Geriatric Education Centers, which provide geriatrics training to all health professionals (Arkansas has a Geriatric Education Center program), a program to provide geriatric training to dentists and behavioral and mental health benefits, and the Geriatrics Academic Development Award program, which creates junior faculty awards to encourage the development of academic geriatricians. The AGE Act increases the amount of the Geriatric Academic Development Award from $50,000 to $75,000, and authorizes greater funding for all three programs in Fiscal Years 2002 through 2006 ($20 million in Fiscal Year 2002, $24 million in Fiscal Year 2003, $28 million in Fiscal Year 2004, $32 million in Fiscal Year 2005, and $36 million in Fiscal Year 2006).

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. LEAHY, and Mr. JEFFORDS):

S. 1363. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce the Upper Connecticut River Partnership Act of 2001. This legislation is a truly locally-led initiative. I believe it will result in great environmental benefits for the Connecticut River.

The Connecticut River forms the border to New Hampshire and Vermont and provides for a great deal of recreational and tourism opportunities for residents of both States. This legislation takes a major step forward in making sure this River continues to thrive as a treasured resource.

To understand just how significant this legislation is, I would like to share with my colleagues some history about the Connecticut River program. In 1987–88, New Hampshire and Vermont each created a commission to address environmental issues facing the Connecticut river valley. The commissions were established to coordinate water quality and various other environmental efforts along the Connecticut river valley. The two commissions came together in 1990 to form the Connecticut River Joint Commission. The Joint Commission has no regulatory authority, but carries out cooperative education and advisory activities.

To further the local influence of the Commission, the Connecticut River Joint Commission established five advisory bi-state local river subcommittees comprised of representatives nominated by the governing body of their municipalities. These advisory groups developed a Connecticut River Corridor Management Plan. A major portion of the plan focuses on channeling federal funds to local communities to implement water quality programs, nonpoint source pollution controls and other environmental projects. Over the last ten years, the Connecticut River Joint Commission has fostered widespread participation and laid a strong foundation of community and citizen involvement.

As a Senator from New Hampshire and the ranking Republican of the Environment and Public Works Committee, as well as someone who enjoys the beauty of the Connecticut River, I am proud to be the principal author and cosponsor of this locally led, voluntary effort that accomplishes real environmental progress. Too often we depend on bureaucratic federal regulatory programs to accomplish environmental success. This bill takes a different approach and one that I bet will achieve greater results on the ground. I hope that other communities and neighboring states will look at this model as an example of how to develop and implement true voluntary, on the ground, locally-led environmental programs.

I want to thank my colleague from New Hampshire, Senator GREGG, and the two distinguished Senators of Vermont, Senators LEAHY and JEFFORDS, for joining me as original cosponsors to this legislation. I look forward to working with them as we move this important legislation through the Senate.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. STEVENS):

S. 1364. A bill to ensure full and expeditious enforcement of the provisions of the Communications Act of 1934 that seek to bring about the competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise to introduce, S. 1364, the Telecommunications competition Enforcement Act of 2001.

I introduce this bill to affirm and enforce the competitive tenants of the Telecommunications Act of 1996. Some want to deregulate the Bell companies and mistakenly assert that deregulation will lead to increased deployment of broadband services. I disagree. The evidence simply does not support such a conclusion. It is only through strengthening and enforcing the competitive provisions of the 1996 Act that local phone markets will become open to competition and the delivery of advanced services will be enhanced.

Congress in conjunction with members of the industry worked to pass the 1996 Act. I should note that at that time, everyone realized the impending innovations in technology and the potential for new and advanced services. These technological changes were expected to allow phone companies to provide high speed data and video services over their facilities, while also allowing cable companies to provide high speed data and phone services over their facilities. It was unquestionably understood by everyone involved that competition would be the driving force for incumbent companies to provide new services. And was this the right way to proceed? Of course it was. A wall street analysis with Montgomery Securities stated that ''RBOCs have finally begun to feel the competitive pressure from both CLECs and cable modem providers and are now planning to . . . accelerate/expand deployment of ADSL in order to counter the threat.'' Another wall street analyst with Prudential Securities noted that with respect to RBOC deployment of broadband service an ''important motivating factor is the threat of competition [and] [o]ther players are taking dead aim at the high-speed Internet access market.''

Let us not forget the context in which the 1996 Act was passed. When Judge Greene in the 1990s broke-up Ma Bell, the agreement limited the service areas that the Regional Bell Operating Companies could enter. Judge Greene understood the significant market power of the Bell companies who had no competitors in their local markets and had complete access to the customer. Clearly, under such conditions, if Bells were allowed to enter new markets, they could quickly decimate their competitors by leveraging their monopolies in their local markets. Consequently, in an effort to protect competition in other areas, Judge Greene restricted their access to other markets. For these reasons, the Bell companies came to Congress for a solution that would eliminate their service restrictions. After many years of hard work, numerous hearings, and tons of analyses, Congress in an agreement

with all the relevant parties including the Bells, long distance service providers, cable companies, and consumer organizations put together a framework that met the needs and requests of all involved parties and one that gave the Bells what they most coveted, entrance into all markets. In doing so, however, Congress also put in place provisions to preserve competition.

Under these conditions, the Bell companies worked with Congress to draft and pass the 1996 Act, and when the Act was finally passed, the Bell companies stated that they would quickly and aggressively open their local markets to competition. On March 5, 1996, Bell South-Alabama President, Neal Travis, stated that ''We are going full speed ahead . . . and within a year or so we can offer [long distance] to our residential and business wireline customers.'' Ameritech's chief executive officer, Richard Notebaert on February 1, 1996, indicated his support of the 1996 Act by stating that, ''[T]his bill will rank as one of the most important and far-reaching pieces of federal legislation passed this decade. . . . It offers a comprehensive communications policy, solidly grounded in the principles of the competitive marketplace. It's truly a framework for the information age.'' On February 8, 1996, US West's President of Long Distance, Richard Coleman, predicted that USWest would meet the 14 point checklist in a majority of its states within 12–18 months. Unfortunately, the Bell companies have not kept their promises. Instead of getting down to the business of competing, the Bell companies chose a strategy of delay. In doing so, they have litigated, they have complained, and they have combined. In other words they have done everything except work to ensure competition in local markets.

When the Bells first filed applications with the Federal Communications Commission, FCC, to enter the long distance market, contrary to their assertions, the FCC and the Department of Justice, DOJ, found that the local markets were not open to competition, and on that basis denied the companies entry into the long distance market. Once the Bells realized that they were not going to get into the long distance market before complying with the 1996 Act, they began a strategy of litigation which had two effects: 1. to delay competition into their local markets and 2. to hold on to their monopoly structure as they entered new markets in order to demolish their competitors. They appealed a series of the FCC's decisions to the courts and challenged the constitutionality of the 1996 Act even taking the case to the Supreme Court.

Having lost in the courts, the Bells have now returned to Congress complaining about the 1996 Act, the very Act that they had previously championed. Many of the Bell companies have been meeting with Senators and Representatives, often accompanied by the same lawyers who helped write the 1996 Act. But this time their message is different. Instead of embracing competition, the once laudable goal they had proclaimed to be seeking, they now want to change the rules of the game and move in the opposite direction. Specifically, they now want to offer lucrative high-speed data services to long distance customers without first opening their local markets to competition, and they want to block their competitors from using their networks to provide high speed data service. As a result of these efforts, the Bells have successfully convinced some members of Congress to introduce bills that in essence allow them to offer such service while protecting the Bells against competition and slowing the delivery of affordable advanced service to consumers by gutting the 1996 Act.

Bell companies claim that because no one contemplated the growth of data services that they should be permitted to continue their hold on the local customer as they provide broadband services. To state it plainly, they are wrong. The technology to provide broadband data services over the Bell network has been around since the early 1980s, but the Bells were slow to deploy service until competition prompted them to do so. Furthermore, recognizing the great potential of broadband services, Richard McCormick, then CEO and Chairman of USWest, in 1994 testifying before the Senate Commerce Committee stated the following:

> I want to touch briefly on USWest's business plan. We have embarked on an aggressive program both within our 14-state region and outside to deploy broadband. We want to be the leader in providing interactive, that is, two-way multimedia services, voice, data, video.

In addition to the Bells realizing the importance of broadband service, Congress recognized the importance of broadband services when it passed the 1996 Act and included section 706 which is dedicated to promoting the development and deployment of advanced services. To quote the Act, ''advanced telecommunications capability'' is defined as ''high-speed switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.'' Also a search of the legislative debate on the 1996 Act reveals that the word ''Internet'' appears 273 times. Even the preamble to the 1996 Act refers to ''advanced telecommunications and information technologies and services.'' With this evidence before it, the FCC also concluded that the competitive provisions of the 1996 Act included high-speed, advanced data and voice services.

Today, all Bell companies are providing DSL service to customers. In fact, in October of 1999, SBC announced it would spend $6 billion over 3 years on ''project Pronto'' which is the company's initiative to become the largest single provider of advanced broadband services in America. And on that point, I certainly commend SBC on its efforts. Through 2000, the four Bell companies invested 3.3. billion in DSL deployment and are expected to spend $10.3 billion through 2003. This investment is expected to payoff as earnings from their DSL investments are expected to be positive by late 2002 as market penetration hits 10 percent. By the end of the first quarter of this year, SBC and BellSouth reached about 50 percent of their customer base while Verizon reached abut 42 percent with DSL service offerings.

Additionally, reports indicate that broadband service is being effectively deployed. In an August 2000 report, the FCC concluded that overall, broadband service is being deployed on a reasonable and timely basis. It also found that there has been ample national deployment of backbone and other fiber facilities that provide backbone functionality. In October of 2000, the FCC issued another report in which it determined that high speed lines connecting homes and small businesses to the Internet increased by 57 percent during the first half of 2000. These developments effectively demonstrate why there is no justification for further deregulation of the Bells at least not until competition in the local markets is acheived.

A major issue in this debate is how to serve rural and underserved ares. However, there it is no demonstrated commitment by the Bells to serve the rural markets. In fact, there behavior would lead you to the opposite conclusion. Qwest/USWest has sold nearly 600 smaller exchanges representing about 500,000 access lines and GTE has sold $1.6 milion access lines. Joe Nacchio, Chief Executive Officer of Qwest stated, ''I would have not qualms selling seeral million access lines if [I] could find the real deal.'' He also noted that ''we have about 17.5 million access line—we really like 11 [million].''

While expending a great deal of resources litigating and complaining, Bell companies also have expended a fair amount of their energies in another area, that is merging and combining. In August of 1997, Verizon acquired NYNEX and in June of 2000 acquired GTE. First, SBC acquired Pac Bell, and in October of 1999, acquired Ameritech. The combined company now controls one-third of all access lines in the United States. In March of 2000, Qwest acquired USWest. At the same time, Bell Atlantic acquired Vodafone. In September of 2000, BellSouth Wireless and SBC Wireless entered into a joint venture, Cingular. Yet the local phone markets remain largely closed to competition.

Even though there are many companies working to build a business in the local market, the Bells have met the 271 checklist in only six States, New York, Texas, Oklahoma, Kansas, Massachusetts, and Connecticut. Undoubtedly, if they cannot obtain real access

to the local phone markets, competitive companies will not be able to make a go of their businesses. My grave concern is that they will not be able to survive the Bell strategy of delay. Today, CLECs are struggling to survive. Of the 300 CLECs that began providing service since 1996, several have declared bankruptcy or are on the verge of failing and several others have scaled back their buildout plans. CLECs are faced with a significant downturn in the marketplace, tremendous difficulty in raising capital, and local markets that remain largely closed to competition. From the standpoint of capital, CLECs are particularly sensitive to the financial market since the vast majority of them are not profitable and rely on the capital markets for funding. Relying on the marketplace, CLECs have raised and spent $56 billion in their attempts to compete in the local market. Of the publicly traded CLECs in 2000, only 4 CLECs made a profit. Additionally, as a result of the market downturn, the market capitalization of CLECs fell from a high of $86.4 billion in 1999 to $32.1 billion in 2000.

In Congress, we hear about the continued problems faced by competitive carriers trying to obtain access to the Bell network. Between December 1999 and April 2001, both the FCC and state regulators have imposed fines on several Bell companies for violations of their market opening and service quality requirements and other rules. For BellSouth, these fines totaled $804,750, for Qwest, $78.6 million, for SBC, $175 million, and for Verizon, $233 million. However, while these fines may be substantial to most businesses, many in the industry believe that they simply represent the cost of doing business for the Bell companies which over the past year had annual revenues in the range of tens of billions of dollars. Specifically, BellSouth's total revenues were $25.6 billion, Qwest, $18.3 billion, SBC, $50.1 billion, and Verizon, $66.4 billion. Chairman Powell has stated that in order to make fines a more effective tool, Congress should increase the FCC's current fine authority against a common carrier for a single continuing violation from $1.2 million to at least $10 million and extend the statute of limitations for violations which currently stands at 1 year.

In order to get local competition going, the Pennsylvania PUC mandated the functional separation of the retail and wholesale functions of Verizon. Petitions have been filed to impose structural separation in, Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, North Carolina, South Carolina, Tennessee, and Virginia. Legislation has also been introduced in the State legislatures of Maryland, Michigan, Minnesota, and New Jersey on the issue of structural separation. In September of last year, Chairpersons of the Commissions in Illinois, Indiana, Michigan, Ohio, and Wisconsin, issued a joint statement asserting that although the Commissions had taken repeated and sustained actions over the past months to address operating deficiencies with respect to SBC-Ameritech, CLEC customers had experienced a marked decline in service quality in purchasing network elements from SBC-Ameritech.

In addition to these actions by regulators, the courts also have taken action. In California in 1997, Caltech International Telecom Corporation sued SBC-Pacific Bell claiming that SBC was violating antitrust laws by acting anticompetitively and blocking competitors from their local phone market. Last year, a Federal district court ruled in favor of Caltech. Covad has sued SBC, Verizon, and BellSouth and already has obtained a $24 million arbitration ruling against SBC. Consumers have filed suit in the Superior Court of D.C. alleging that Verizon signed up over 3,000 new customers per day knowing that the company would be unable to provide high-speed service as promised and that its customers would experience significant disruptions and significant delays in obtaining technical support.

Regrettably, as Bells seek to block their competitors from entering their markets, many consumers are suffering through poor quality of Bell service. In New York, the Communications Workers of America issued a service quality report in which it stated that ''Verizon has systematically misled state regulators and the public by falsifying service quality data submitted to the PSC'' and ''60 percent of workers have been ordered to report troubles as fixed when problems remained.'' 91 percent of field technicians surveyed reported that they were dispatched on repairs of recent installations only to find that dial tone had never been provided. Additionally, consumers with inside wiring maintenance plans were not receiving the services for which they were paying.

Concerned about competition and service quality, the FCC as well as state Commissions have opposed legislative efforts to further deregulate the Bell companies. In response to such measures, former Chairman of the FCC, William Kennard, stated that such legislation would only upset the balance struck by the 1996 Act, . . . [and] would reverse the progress attained by the Act.'' Mr. Kennard went on to state that ''the Telecommunications Act of 1996 is working. Because of years of litigation, competition did not take hold as quickly as some had hoped. The fact that it is now working, however, is undeniable. Local markets are being opened, broadband services are being deployed, and competition, including broadband competition is taking root.'' More recently at a hearing before Congress in March, Chairman Powell of the FCC counseled against reopening the Telecommunications Act of 1996. He stated that ''any wholesale rewrite of the Telecom Act would be ill-advised.'' The Former Assistant Secretary for Communications and Information, Greg Rhode also stated that ''[d]espite the progress being made under the pro-competitive approach of the Telecommunications Act of 1996, some in Congress are talking about changing directions. Under the veil of 'de-regulation for data services' some are talking about stopping the progress of competition . . . competition, structured under the 1996 Act, is the model that will best deliver advanced telecommunications and information services, such as high speed Internet access. Walking away from the Act's pro-competitive provisions at this point would be a serious mistake.'' Recognizing the importance of the 1996 Act, the National Association of Regulatory Utilities Commissioners adopted a resolution opposing federal legislation that would deregulate the Bells and restrict the ability of State public utility commissions from fulfilling their obligations to regulate core telecommunications facilities that are used to provide both voice and data services and to promote deployment of advanced telecommunications capabilities.

Given the lack of competition in the local markets, the intransigent behavior of the Bell companies, and concerns about poor service quality, we are left with no choice but to adopt measures that will ensure Bell compliance with the 1996 Act. This will have to include not only fines, but also the separation of a Bell's retail operations responsible for marketing services to consumers from its wholesale operations responsible for operating and selling capacity on the network. Bell companies continue to have substantial profit margins and revenues in the billions of dollars. In contrast, Bear Stearns has stated that it expects half of the CLECs to disappear because of bankruptcy and consolidation. Unquestionably, I do anticipate that competition will weed out poor competitors. However, it does not serve consumers well for competitors to be weeded out because monopolies are not playing fair.

I strongly believe that the power that the Bell companies have wielded to block their competitors from the local markets must be curbed. That's why I rise to introduce legislation today. Under my bill within one year after passage of the legislation, a Bell company is required to provide retail service through a separate division. If a Bell company has to resell or provide portions of its network to its division on the same terms and conditions that it provides to its competitors, then it will quickly and affordably make its network available to competitors.

Requiring a company to separate functions or divest property is not a novel concept. In 1980, the court decided that the only way to introduced competition into the long distance market was to require Ma Bell to divest the Baby Bells. This has worked well and now the long distance market is competitive. More recently, the Pennsylvania PSC has required Verizon

to separate its retail operations from its wholesale operations. These decisions are all based on concerns about the ability of a company to distort competition because the company has significant market power.

Also, my bill clarifies that a carrier may bring an action against a Bell company to comply with the competition provisions of the 1996 Act at the FCC or at a State commission, and has the option of entering an alternative dispute resolution, ADR, process to enforce an interconnection agreement. The FCC is required to resolve such a complaint in 90 days and issue an interim order to correct the dispute within 30 days upon a proper showing by the carrier bringing the dispute.

My bill requires the FCC to impose a penalty of $10 million for each violation and $2 million for each day of each violation. The FCC can treble the damages if the Bell company repeatedly violates competitive provisions of the 1996 Act. I have chosen to include hefty fines, because the fines at the FCC are too small to have any real effect. I am also struck by the fact that for the Bells, fines seem to be just a cost of doing business and not a punishment that deters or positively affects their behavior. As Chairman Powell has stated, the FCC's ''fines are trivial and the cost of doing business to many of these companies.'' My bill would also require the FCC to establish performance guidelines detailing what Bell companies must do in order to allow CLEC's to interconnect with the Bell network.

Today, our communications network remains the envy of the world and the development of innovative advanced services is accelerating rapidly. Last year in a discussion about the lead America has over Europe with respect to the technology revolution, Thomas Middlehof, chief executive of Bertlemann, which is Europe's largest media conglomerate stated that ''Europe just doesn't get the message . . . [g]overnments are still trying to protect the old industrial structure.'' The article also noted that ''many [European] leaders now acknowledge a basic policy failure of the past decade [was] subsidizing dying industries.'' With that said, it is unfortunate that the rollout of local and broadband services on a competitive basis to all Americans is being thwarted by the failure of Bell companies to open their markets to competition. These same monopolists told us their markets would be open years ago. This legislation seeks to hold them to their word.

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. 1364

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 ''Telecommunications Fair Competition Enforcement Act of 2001''.

SEC. 2. FINDINGS.

The Congress finds:

(1) The Telecommunications Act of 1996 put in place the proper framework to achieve competition in local telecommunications markets.

(2) The Telecommunications Act of 1996 recognized that local exchange facilities are essential facilities and required that all incumbent local exchange carriers open their markets to competition by interconnecting with and providing network access to new entrants, a process to be overseen by Federal and State regulators.

(3) To increase the incentives of the Bell operating companies to open their local networks to competition, the Telecommunications Act of 1996 allows the Bell operating companies to provide interLATA voice and data services in their service region only after opening their local networks to competition.

(4) While some progress has been made in opening local telecommunications markets, the Federal Communications Commission has determined that, 6 years after passage of the Telecommunications Act of 1996, the Bell operating companies have met the market opening requirements of that Act in only 5 States.

(5) It is apparent that the incumbent local exchange carriers do not have adequate incentives to cooperate in this process and that regulators have not exercised their enforcement authority to require compliance.

(6) By improving mandatory penalties on Bell operating companies and their affiliates that have not opened their network to competition, there will be greater assurance that local telecommunications markets will be opened more expeditiously and, as a result, American consumers will obtain the full benefits of competition.

(7) Competitive carriers continue to experience great difficulty in gaining access to the Bell network, and, 5 years after enactment of the Telecommunications Act of 1996, Bell operating companies continue to control over 92 percent of all access lines nationwide.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and strengthen the enforcement of the Telecommunications Act of 1996, in order to ensure that local telecommunications markets are opened more rapidly to full, robust, and sustainable competition; and

(2) to provide an alternative dispute resolution process for expeditious resolution of disputes concerning interconnection agreements.

SEC. 4. ENFORCEMENT OF COMPETITION.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following:

''PART IV—ENFORCEMENT

''SEC. 291. SHARED JURISDICTION OVER CERTAIN DISPUTES.

''(a) VIOLATIONS OF SECTIONS 251, 252, 271, AND 272.—A complaint under section 208 alleging that a specific act or practice or failure to act, of a Bell operating company or its affiliate, constitutes a violation of section 251, 252, 271, or 272 may be filed at the Commission or at a State commission.

''(b) ENFORCEMENT OF INTERCONNECTION AGREEMENTS.—An action to enforce compliance by a Bell operating company or its affiliate with an interconnection agreement entered into under section 252 may be initiated at the Commission or at a State Commission.

''(c) INITIATING PARTY.—A complaint described in subsection (a) or an enforcement action described in subsection (b) may be brought by a telecommunications carrier or by the Commission or a State commission on its own motion.

''SEC. 292. EXPEDITED CONSIDERATION OF INTERCONNECTION, INTERLATA, AND SEPARATE AFFILIATE COMPLAINTS AND ENFORCEMENT ACTIONS.

''(a) IN GENERAL.—The Commission shall make a final determination with respect to any complaint described in section 291(a) or an enforcement action described in section 291(b) within 90 days after the date on which the complaint, or the filing initiating the action, is received by the Commission.

''(b) INTERIM RELIEF.—

''(1) VIOLATIONS OF ACT.—Within 30 days after a complaint described in section 291(a) has been filed with the Commission, the Commission shall issue an order to the Bell operating company or its affiliate named in the complaint directing it to cease the act or practice that constitutes the alleged violation, or initiate an act or practice to correct the alleged violation, pending a final determination by the Commission if—

''(A) the complaint contains a prima facie showing that the alleged violation occurred or is occurring;

''(B) the complaint describes with specificity the act or practice, or failure to act, that constitutes the alleged violation; and

''(C) it appears from specific facts shown by the complaint or an accompanying affidavit that substantial injury, loss, or damage will result to the complainant before the 90-day period in subsection (a) expires if the order is not issued.

''(2) INTERCONNECTION AGREEMENTS.—Within 30 days after an enforcement action described in section 291(b) has been initiated at the Commission by a telecommunications carrier, the Commission shall issue an order to the Bell operating company or its affiliate named in the action directing it to cease the act or practice that constitutes the alleged noncompliance with the interconnection agreement, or initiate an act or practice to correct the alleged noncompliance, pending a final determination by the Commission if—

''(A) the filing initiating the action contains a prima facie showing that the alleged noncompliance occurred or is occurring;

''(B) the filing describes with specificity the act or practice, or failure to act, that constitutes the alleged noncompliance; and

''(C) it appears from specific facts shown by the filing or an accompanying affidavit that substantial injury, loss, or damage will result to the telecommunications carrier before the 90-day period in subsection (a) expires if the order is not issued.

''(c) BURDEN OF PROOF.—In any proceeding under this part with respect to a complaint described in section 291(a), or an enforcement action described in section 291(b), by a telecommunications carrier against a Bell operating company or its affiliate, and upon a prima facie showing by a carrier that there are reasonable grounds to believe that there is a violation or noncompliance, the burden of proof shall be on such Bell operating company or its affiliate to demonstrate its compliance with the section allegedly violated, or with the terms of such agreement, as the case may be.

''SEC. 293. ALTERNATIVE DISPUTE RESOLUTION OF INTERCONNECTION COMPLAINTS.

''(a) INTERCONNECTION AGREEMENTS.—A party to an interconnection agreement entered into under section 252 may submit a dispute under the agreement to the alternative dispute resolution process established by subsection (b). An action brought under

this section may be brought in lieu of an action described in section 291(b) at the Commission or at a State commission.

''(b) ALTERNATIVE DISPUTE RESOLUTION PROCESS.—

''(1) COMMISSION TO PRESCRIBE PROCESS.—Within 180 days after the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001, the Commission shall, after notice and opportunity for public comment, issue a final rule implementing an alternative dispute resolution process for the resolution of disputes under interconnection agreements entered into under section 252. The process shall be available to any party to such an agreement, including agreements entered into prior to the date of enactment of that Act, unless such prior agreement specifically precludes the use of alternative dispute resolution.

''(2) PROCESS REQUIREMENTS.—In carrying out paragraph (1), the Commission shall prescribe a process that—

''(A) provides for binding private commercial arbitration of disputes in an open, nondiscriminatory, and unbiased forum;

''(B) ensures that a dispute submitted to the process can be resolved within 45 days after the date on which the dispute is filed; and

''(C) requires any decision reached under the process to be in writing, available to the public, and posted on the Internet.

''(3) REQUESTS FOR INFORMATION.—Any person or panel conducting an arbitration under this subsection may require any party to the dispute to provide such information as may be necessary to enable that person or panel to reach a decision with respect to the dispute. If the party that receives such a request for information fails to comply with such a request for information within 7 business days after the date on which the request was made, then, unless that party shows that the failure to comply was due to extenuating circumstances, the person or panel conducting the arbitration shall render a decision or award in favor of the other party to the arbitration within 14 business days after the date on which the request was made. The decision or award in favor of a party shall not apply if the party in whose favor a decision or award would be rendered under the preceding sentence is not in compliance with a request for information from the person or panel conducting the arbitration.

''(4) REMEDIES AND AUTHORITY OF ARBITRATOR.—Any person or panel conducting an arbitration under this subsection may grant to the prevailing party any relief available in law or equity, including remedies available under this Act, injunctive relief, specific performance, monetary awards, and direct, consequential, and compensatory damages.

''(5) ARBITRATION AWARD AND ENFORCEMENT.—A final decision or award made by a person or panel conducting an arbitration under this subsection shall be binding upon the parties and is not subject to appeal by the parties or review by the Commission, a State commission, or any Federal or State court. A decision or award under the process may be enforced in any district court of the United States having jurisdiction under sections 9 through 13 of title 9, United States Code.

''SEC. 294. ENFORCEMENT OF PERFORMANCE STANDARDS.

''(a) COMMISSION TO PRESCRIBE PERFORMANCE STANDARDS FOR COMPLIANCE WITH INTERCONNECTION AGREEMENTS.—Not later than 180 days after the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001 the Commission shall, after notice and opportunity for public comment, issue final rules for performance standards, data validation procedures, and audit requirements to ensure prompt and verifiable implementation of interconnection agreements entered into under section 252 and for the purposes of sections 251, 252, 271, and 272. At a minimum, the rules shall include the most rigorous performance standards, data validation procedures, and audit requirements for such agreements adopted by the Commission or any State commission before the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001, as well as any new performance standards, data validation procedures, and audit requirements needed to ensure full compliance with the requirements of this Act for the opening of local telecommunications markets to competition. In establishing performance standards, data validation procedures, and audit requirements under this section, the Commission shall ensure that such standards, procedures, and requirements are quantifiable and sufficient to determine ongoing compliance by incumbent local exchange carriers with the requirements of their interconnection agreements, including the provision of operating support systems, special access, and retail and wholesale customer service standards, and for the purposes of enforcing sections 251, 252, 271, and 272.

''(b) SPECIFIC REQUIREMENT FOR PROVISION OF LOCAL LOOPS.—A Bell operating company or its affiliate which has not been granted an exemption, suspension, or modification under section 251(f) of the requirement to provide access to local loops (including subloop elements to the extent required under section 251(d)(2)) as an unbundled network element under section 251(c)(3) shall provide any such local loop to a requesting telecommunications carrier with which such Bell operating company or affiliate has an interconnection agreement entered into under section 252 within 5 business days after receiving a request for a specific local loop.

''(c) ENFORCEMENT OF PERFORMANCE METRICS.—Any violation of this section, or the rules adopted hereunder, shall be a violation of section 251.

''SEC. 295. FORFEITURES; DAMAGES; ATTORNEYS FEES.

''(a) IN GENERAL.—The forfeitures provided in this section are in addition to any other requirements, forfeitures, and penalties that may be imposed under any other provision of this Act, any other law, or by a State commission or court.

''(b) FORFEITURES FOR VIOLATION OF SECTIONS 251, 252, 271, OR 272.—

''(1) IN GENERAL.—The Commission shall impose a forfeiture of $10,000,000 for each violation by a Bell operating company or any affiliate of such company of section 251, 252, 271, or 272, and a forfeiture of $2,000,000 for each day on which the violation continues.

''(2) FORFEITURE INCREASED THREEFOLD FOR REPEAT VIOLATIONS.—The forfeiture under paragraph (1) shall be increased threefold for a repeated violation of any such section by a Bell operating company or its affiliate.

''(c) COMPENSATORY AND PUNITIVE DAMAGES; COSTS AND ATTORNEY'S FEES.—

''(1) IN GENERAL.—In any civil action brought by a telecommunications carrier against a Bell operating company or any affiliate of such company for damages for a violation of section 251, 252, 271, or 272, or violation of any interconnection agreement entered into under section 252 by a Bell operating company, the carrier may be awarded—

''(A) both compensatory and punitive damages; and

''(B) reasonable attorney fees and costs incurred in bringing the action.

''(2) TREBLE DAMAGES.—In any such action, the telecommunications carrier may be awarded treble damages for a repeated violation of any such section or interconnection agreement by a Bell operating company or its affiliate.

''(d) FORFEITURE FOR FAILURE TO COMPLY WITH ORDER GRANTING INTERIM RELIEF.—If the Bell operating company or its affiliate to which an order is issued under section 292(b) does not comply with the order within 7 days after the date on which the Commission releases the order, and the Commission makes a final determination that the Bell operating company or affiliate is in violation of section 251, 252, 271, or 272, or violation of an interconnection agreement entered into under section 252, then the Commission shall impose a forfeiture of $10,000,000 for each such violation, and a forfeiture of $2,000,000 for each day on which the violation continued after issuance of the order.

''(e) ATTORNEYS FEES.—The Commission, a State commission, a court, or person conducting an arbitration under section 293 may award reasonable attorney fees and costs to the prevailing party in an action commenced by a complaint described in section 291(a), an enforcement action described in section 291(b), or an alternative dispute resolution proceeding under section 293, respectively.

''(f) FORFEITURES DIVIDED BETWEEN COMPLAINANTS AND COMMISSION.—Any forfeiture imposed under subsection (b) or (d) shall be paid to the Commission and divided equally between—

''(1) either—

''(A) the party whose complaint commenced the action that resulted in the determination by the Commission, if the Commission's determination was made in response to a complaint; or

''(B) the party against which the violation was committed, if the action that resulted in the determination by the Commission was commenced by the Commission or a State commission; and

''(2) the Commission for use by its Enforcement Bureau for the purpose of enforcing parts II and III of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq. and 271 et seq.) and carrying out part IV of title II of that Act.

''(g) ADJUSTMENT FOR INFLATION.—The amount of each forfeiture provided for under subsections (b) and (d) shall be increased for violations during each calendar year beginning with 2004 by a percentage amount equal to the percentage increase (if any) in the CPI for the preceding year over the CPI for 2001. For purposes of this subsection, the CPI for any year is the average for the 12 months of the year of the Consumer Price Index for all-urban consumers published by the Department of Labor.

''SEC. 296. SAVINGS CLAUSES.

''(a) OTHER REMEDIES UNDER ACT.—The remedies in this part are in addition to any other requirements or penalties available under this Act or any other law.

''(b) ANTITRUST LAWS.—Nothing in this part modifies, impairs, or supersedes the applicability of any antitrust law, except that a violation by an incumbent local exchange carrier of section 251 or 252 shall also be a violation of the Act of July 2, 1890, commonly known as the Sherman Anti-Trust Act (15 U.S.C. 1 et seq.).''.

SEC. 5. RATEPAYER PROTECTION.

The Commission shall not forbear from, or modify, any cost allocation rules, accounting safeguards, or other requirements in a manner that reduces its ability to enforce the provisions of this Act.

SEC. 6. STATUTE OF LIMITATIONS EXTENDED TO 3 YEARS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6)) is amended by striking ''1 year'' each place it appears and inserting ''5 years''.

SEC. 7. STATE COMMISSIONS MAY USE FEDERAL FORFEITURES.

In any action brought before a State commission to enforce compliance with section 251, 252, 271, or 272 of the Communications Act of 1934 (47 U.S.C. 251, 252, 271, or 272) or an interconnection agreement entered into under section 252, the State commission may apply to the Federal Communications Commission requesting that the Commission impose a forfeiture under section 295 of that Act in addition to any relief granted by the State commission in that action. The Federal Communications Commission may impose a forfeiture under section 295 of that Act upon application by a State commission under this section if it determines that the State commission proceeding was conducted in accordance with the requirements of State law.

SEC. 8. SEPARATION OF RETAIL AND WHOLESALE FUNCTIONS.

(a) IN GENERAL.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 277. FUNCTIONAL SEPARATION OF RETAIL SERVICES.

''(a) IN GENERAL.—A Bell operating company may only provide retail service—

''(1) through a division that is legally separate from the part of the Bell operating company that provides wholesale services; and

''(2) in a manner that is consistent with the Code of Conduct described in subsection (b).

''(b) CODE OF CONDUCT.—The Code of Conduct for the provision of retail service by a Bell operating company is as follows:

''(1) A Bell operating company shall transfer to its retail division all relationships with retail customers, including customer interfaces and retail billing and all development, marketing, and pricing of retail services.

''(2) A Bell operating company shall transfer to its retail division all accounts for retail services and all assets, systems, and personnel used by the Bell operating company to carry out the business functions described in paragraph (1).

''(3) The retail division required by this section—

''(A) shall be operated independently from the wholesale services and functions of the Bell operating company of which it is a division;

''(B) shall maintain books, records, and accounts separate from those maintained by other departments, divisions, sections, affiliates, or units of the Bell operating company of which it is a division;

''(C) shall have separate employees and office space from the wholesale services and functions of the Bell operating company of which it is a division;

''(D) shall tie its management compensation only to the performance of the retail division;

''(E) may not own any telecommunications facilities or equipment jointly with the Bell operating company of which it is a division;

''(F) shall not engage in any joint marketing with the wholesale services department, division, section, affiliate, or unit of the Bell operating company of which it is a division;

''(G) shall conduct all wholesale transactions with the Bell operating company of which it is a division on a fully compensatory, arms-length basis, in accordance with part 32 of the Commission's rules (part 32 of title 47, Code of Federal Regulations);

''(H) shall offer retail telecommunications service solely at rates set by tariff; and

''(I) shall also offer all of its retail telecommunications services to telecommunications carriers for wholesale purchase at the avoided cost discount as established pursuant to sections 251(c)(4) and 252(d)(3).

''(4) A Bell operating company shall provide services, facilities, and network elements to any requesting carrier, including its retail division solely at rates, terms, and conditions set by tariff; shall offer physical and virtual collocation pursuant to tariffs; shall not provide any retail service except through its retail division; and shall not grant its retail division any preferential intellectual property rights. The Bell operating company shall conduct any business with unaffiliated persons in the same manner as it conducts business with its retail division, and shall not prefer, or discriminate in favor of, such retail division in the rates, terms, or conditions offered to the retail division, including—

''(A) fulfilling any requests from unaffiliated persons for ordering, maintenance, and repair of unbundled network elements and services provided for resale, within a period no longer than that in which it fulfills such requests from its retail division;

''(B) utilizing the same operating support systems for dealings with unaffiliated persons providing telecommunications service as it uses with its retail division;

''(C) providing any customer or network information to unaffiliated persons providing retail services on the same terms and conditions as it provides such information to its retail division;

''(D) fulfilling any requests from an unaffiliated person for exchange access within a period no longer than that in which it fulfills requests for exchange access from its retail division; and

''(E) fulfilling any such requests in subparagraph (D) with service of a quality that meets or exceeds the quality of exchange access it provides to its retail division.

''(c) BIENNIAL AUDIT.—

''(1) GENERAL REQUIREMENT.—A Bell operating company shall obtain and pay for a joint Federal/State audit every 2 years which shall be conducted by an independent auditor to determine whether such company has complied with this section and the regulations promulgated to implement this section.

''(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, and the Commission shall make such results available for public inspection. Any party may submit comments on the final audit report.

''(3) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

''(A) the independent auditor, the Commission, and the State commission shall have access to the financial books, records, and accounts of each Bell operating company and its retail division necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

''(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

''(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

''(d) TRANSITION.—

''(1) A Bell operating company shall have one year from the date of enactment of the Telecommunications Fair Competition Enforcement Act of 2001 to comply with subsections (a) and (b).

''(2) Until such time as the Bell operating company complies with the requirements of subsection (a), it shall file quarterly reports demonstrating how it is implementing compliance with the nondiscrimination requirements of subsection (b)(4).

''(e) RATEPAYER PROTECTION.—The Commission shall not relax any cost allocation rules, accounting safeguards, or other requirements in a manner that reduces its ability to enforce the provisions of this section.

''(f) DEFINITIONS.—In this section:

''(1) BELL OPERATING COMPANY.—Notwithstanding section 3(4)(C), the term 'Bell operating company' includes any affiliate of such company other than its retail division.

''(2) RETAIL DEVISION.—The term 'retail division' means the division required by this section.

''(3) RETAIL SERVICE.—The term 'retail service' means any telecommunications or information service offered to a person other than a common carrier or other provider of telecommunications.

''(g) REPORT ON VIOLATIONS.—Until December 31, 2010, the Commission shall report to Congress annually on the amount and nature of any violations of sections 251, 252, 271, and 272 by each Bell Operating Company.

''(h) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this section shall be construed to limit the authority of the Commission under any other section of this Act to prescribe additional safeguards consistent with the public interest, convenience, and necessity.

"SEC. 278. SEPARATE RETAIL AFFILIATE.

''(a) REPEATED VIOLATIONS.—If, beginning 2 years after enactment of the Telecommunications Fair Competition Enforcement Act of 2001, the Commission finds that a Bell operating company willfully or knowingly violated the requirements of sections 251, 252, 271, or 272 of this Act, the Commission may require the Bell Operating Company to implement structural separation under this section.

''(b) IN GENERAL.—If the Commission requires a Bell operating company to implement structural separation under this section, then that Bell operating company may provide retail services only through a separate affiliate. A Bell operating company and a separate affiliate established under this section shall not engage in any joint marketing of retail services, notwithstanding section 272(g).

''(c) STRUCTURAL SEPARATION OF BUSINESS.—A Bell operating company shall comply with subsection (b) by transferring the following business functions to its retail affiliate, at the higher of book value or market value:

''(1) all relationships with retail customers, including customer interfaces and retail billing; and

''(2) all development, marketing, and pricing of retail services.

''(d) STRUCTURAL SEPARATION OF ASSETS.—

''(1) A Bell operating company shall comply with subsection (b) by transferring the following assets to its retail affiliate at the higher of book or market value:

''(A) all accounts for retail services, subject to the requirements of subsection (j); and

''(B) all assets, systems, and personnel used by the Bell operating company to carry out the business functions described in subsection (c).

''(2) The price, terms, and conditions of the transfer of assets required by paragraph (1) shall be made publicly available.

''(e) SEPARATE SUBSIDIARY SAFEGUARDS.—The separate affiliate required by this section—

''(1) shall operate independently from the Bell operating company;

''(2) shall maintain books, records, and accounts separate from those maintained by the Bell operating company of which it is an affiliate;

''(3) shall have separate officers and directors from the Bell operating company of which it is an affiliate;

''(4) shall have separate capital stock, the outstanding shares of which may not be held by the Bell operating company in any amount exceeding four times the amount of shares held by unaffiliated persons;

''(5) shall have separate employees and separate employee benefit plans from the Bell operating company of which it is an affiliate;

''(6) may not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the Bell operating company;

''(7) may not own any telecommunications facilities or equipment;

''(8) shall conduct all transactions with the Bell operating company of which it is an affiliate on an arms' length basis, with any such transactions reduced to writing and available for public inspection;

''(9) shall offer retail telecommunications service solely at rates set by tariff;

''(10) shall offer all of its retail telecommunications services for wholesale purchase at the avoided cost discount as established pursuant to sections 251(c)(4) and 252(d)(3);

''(11) shall have separate office space from the wholesale services and functions of the Bell operating company of which it is an affiliate;

''(12) shall tie its management compensation only to the performance of the retail affiliate; and

''(13) shall conduct all wholesale transactions with the Bell operating company of which it is an affiliate on a fully compensatory basis, in accordance with part 32 of the Commission's rules (part 32 of title 47, Code of Federal Regulations).

''(f) NONDISCRIMINATION SAFEGUARDS.—A Bell operating company—

''(1) shall provide services, facilities and network elements to any requesting carrier, including its retail affiliate, solely at rates set by tariff;

''(2) shall conduct any business with unaffiliated entities in the same manner as it conducts business with its retail affiliate, and shall not prefer, or discriminate in favor of, such retail affiliate in the rates, terms, or conditions offered to the retail affiliate, including—

''(A) fulfilling any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it fulfills requests for exchange access service from its retail affiliate;

''(B) fulfilling any such requests with service of a quality that meets or exceeds the quality of exchange access services it provides to its retail affiliate;

''(C) fulfilling any requests from an unaffiliated entity for ordering, maintenance and repair of unbundled network elements and services provided for resale, within a period no longer than that in which it fulfills such requests from its retail affiliate;

''(D) utilizing the same operating support systems for dealings with unaffiliated entities providing telecommunications service as it uses with its retail affiliate; and

''(E) providing any customer or network information to unaffiliated entities providing telecommunications services on the same terms and conditions as it provides such information to its retail affiliate;

''(3) shall not offer physical and virtual collocation other than pursuant to generally available tariffs;

''(4) shall not grant its retail affiliate any preferential intellectual property rights; and

''(5) shall not provide any retail service for its own use, but shall procure such services from a carrier other than its retail affiliate.

''(g) BIENNIAL AUDIT.—

''(1) GENERAL REQUIREMENT.—A Bell operating company shall obtain and pay for a joint Federal/State audit every 2 years conducted by an independent auditor to determine whether such company has complied with this section and the regulations promulgated under this section.

''(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

''(3) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

''(A) the independent auditor, the Commission, and the State commission shall have access to the financial books, records, and accounts of each Bell operating company and of its affiliates necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

''(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

''(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

''(h) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this section shall be construed to limit the authority of the Commission under any other section of this Act to prescribe safeguards consistent with the public interest, convenience, and necessity.

''(i) PRESUBSCRIPTION.—Concurrent with the establishment of the separate retail affiliate required by this section, in any local calling area served by a Bell operating company, consumers shall have the opportunity to select their provider of telephone exchange service by means of a balloting process established by rule by the Commission.

''(j) RATEPAYER PROTECTION.—The Commission shall not relax any cost allocation rules, accounting safeguards, or other requirements in a manner that reduces its ability to enforce the provisions of this section.

''(k) DEFINITIONS.—In this section:

''(1) BELL OPERATING COMPANY.—Notwithstanding section 3(4)(C), the term 'Bell operating company' includes any affiliate of such company other than its retail affiliate.

''(2) RETAIL AFFILIATE.—The term 'retail affiliate' means the affiliate required by this section.

''(3) RETAIL SERVICE.—The term 'retail service' means any telecommunications or information service offered to a person other than a common carrier or other provider of telecommunications.''.

By Mr. NICKLES:

S. 1366. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

Mr. NICKLES. 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. 1366

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

SECTION 1. PERMANENT RESIDENT STATUS FOR LINDITA IDRIZI HEATH.

(a) IN GENERAL.—Notwithstanding section 101(b)(1) and subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Lindita Idrizi Heath shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Lindita Idrizi Heath enters the United States before the filing deadline specified in subsection (c), Lindita Idrizi Heath shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Lindita Idrizi Heath, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 202(e) of that Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431; relating to the automatic acquisition of citizenship by certain children born outside the United States), Lindita Idrizi Heath shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(b)(1)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

S. 1367. A bill to amend title XVIII of the Social Security Act to provide appropriate reimbursement under the medicare program for ambulance trips originating in rural areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my friend and colleague, Senator RUSS FEINGOLD, in introducing legislation today to provide needed financial relief to rural ambulance providers.

Historically, Medicare payments for ambulance services provided by freestanding ambulance providers have been based on a proportion of their reasonable charges, while payments to hospital-based providers have been

based on their actual costs. The Balanced Budget Act of 1997, however, directed the Secretary of Health and Human Services to establish a fee schedule for the payment of ambulance services using a negotiated rulemaking process. This rulemaking Committee finalized its agreement in February of 2000, and the then-Health Care Financing Administration, HCFA, issued a proposed rule last September. The new fee schedule was originally scheduled to start on January 1, 2001, but its implementation has been delayed while HCFA, now the Centers for Medicare and Medicaid Services, continues to work on publishing a final rule.

Payment under this new fee schedule will preclude hospital providers of ambulance services from recouping their actual costs. For the average, high-volume urban provider, this should not pose a significant problem. Ambulance services in rural areas, however, tend to have higher fixed costs and low volume, which means that they are unable to take advantage of any economies of scale. I am therefore extremely concerned that the proposed rule fails to include a meaningful adjustment for low-volume ambulance providers.

I recently heard about the impact that this change will have on one of Maine's rural hospitals, Franklin Memorial Hospital in Farmington, ME. Logging, tourism, and recreational activities are central to the economic viability of this region, and good emergency transport is essential Franklin Memorial owns and operates five local ambulance services that cover more than 2,000 square miles of rural Maine. They serve some of the most remote areas of the State, and ambulances often have to travel more than 80 miles to reach the hospital. Moreover, these trips frequently involve backwoods and wilderness rescues which require highly trained staff. Since there are only 30,000 people in Franklin Memorial's service area, however, volume is very low.

Under the current Medicare reimbursement system, Franklin Memorial has just managed to break even on its ambulance services. Under the proposed fee schedule, however, these services stand to lose up to $500,000 a year, system-wide. While the small towns served by Franklin Memorial help to subsidize this service, there is no way that they can absorb this loss. The Medicare, Medicaid and S–CHIP Benefits Improvement and Protection Act, BIPA, did increase the mileage adjustment for rural ambulance providers driving between 17 and 50 miles by $1.25. While this is helpful, it will not begin to compensate low-volume ambulance services like Franklin Memorial Hospital adequately.

Congress has required the General Accounting Office to conduct a study of costs in low-volume areas, but any GAO-recommended adjustments in the ambulance fee schedule would not be effective until 2004. The Rural Ambulance Relief Act that I am introducing today with Senator FEINGOLD will therefore establish a hold harmless provision allowing rural ambulance providers to elect to be paid on a reasonable cost basis until the Centers for Medicare and Medicaid Services is able to identify and adjust payments under the new ambulance fee schedule for services provided in low-volume rural areas.

By Mr. ALLARD (for himself and Mr. SMITH of New Hampshire):

S. 1368. A bill to amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, today I rise to introduce, along with Senator BOB SMITH, a bill to improve the organization and management of the Department of Defense with respect to space programs and activities. To my very good friend, I would like to extend my congratulations for being the driving force in establishing the ''Commission to Assess United States National Security Space Management and Organization'' or better known as the Space Commission which led to this legislation.

The Commission looked at the role of organization and management in the development and implementation of national-level guidance and in establishing requirements, acquiring and operating systems, and planning, programming and budgeting for national security space capabilities. What the Commission found is that the United States dependence on space is creating vulnerabilities and demands on our space systems which requires space to be recognized as a top national security priority. This priority must begin at the top with the President and must be embraced by the country's leaders.

Senator SMITH and I agree that space must be a top priority and that is why we are introducing this legislation. We want this to be a statement to everyone, that space is a priority and must be treated as such.

The Commission also concluded that these new vulnerabilities and demands are not adequately addressed by the current management structure at the Department. The Commission found that a number of space activities should be merged, chains of command adjusted, lines of communications opened and policies modified to achieve greater responsibility and accountability.

I understand the Department is making some of these changes today. However, we believe Congress should show its support to our military men and women involved in space that Congress wants them to succeed and that we will provide the tools for them to achieve that goal.

This legislation will provide the Secretary of Defense the tools he needs for more effective management and organization of space program and activities. Specifically the legislation:

Provides permissive authority for the Secretary of Defense to establish an Under Secretary of Defense for Space, Intelligence and Information—This permissive authority will provide the Secretary of Defense flexibility.

Designates the duties of the Under Secretary of Defense for Space, Intelligence and Information, provides for an additional Assistant Secretary of Defense (conditional on creation of the new Under Secretary of Defense position). This provision follows the recommendations of the Commission.

Requires the Secretary of Defense to issue a report 30 days prior to exercise of the authority to establish the new Under Secretary position on the proposed organization; and requires a report one year after enactment if the new position has not been created to describe how the intent of the Space Commission is being implemented.

Establishes the Secretary of the Air Force as the Executive Agent for DOD space programs for DOD functions designated by the Secretary of Defense; and assigns to acquisition executive function to the Under Secretary of the Air Force. The Secretary of Defense has flexibility in assigning and defining functions of the Executive Agent;

Assigns the Under Secretary of the Air Force as the director of the NRO; and directs the Under Secretary of the Air Force to coordinate the space activities of DOD and the NRO;

Directs the Under Secretary of the Air Force to establish a space career field and directs the Secretary of the Air Force to assign the Commander of Air Force Space Command to manage the space career field. Establishment of career field is an important commission recommendation and key indicator concerning AF implementation.

Requires that, to the maximum extent practicable, space programs be jointly managed. I believe this will encourage the Army and Navy to develop space personnel.

Creates a major force program for space which will provide visibility into space program funding.

Requires a GAO assessment of the progress made by DOD in implementing the recommendations of the Space Commission.

Requires the commander of Air Force Space Command to be a four star general; and prohibits the commander of Air Force Space Command from serving concurrently as CINCSPACE or and commander of the U.S. element of NORAD—Elevates space component commander to level of all other major Air Force component commanders

Finally, it expresses the sense of Congress that CINCSPACE should be the best qualified four-star officer from the Army, Navy, Marines, or Air Force—Rotation of CINCSPACE will encourage Army, Navy, and Marines to develop space expertise

These measures provide the authority which, if exercised by the Secretary, can provide the focus and attention that space programs and activities deserve. This is imperative in a world where some technology's life span can be less than 24 months. DOD must be able to respond to these changing environments.

Mr. President, I want to thank my colleague for joining with me in this effort to provide the Department the tools it needs to make space a top national security priority. We look forward to seeing this bill becoming law and welcome all Senators to join us on this important legislation.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to send to the desk a bill that will make improvements in our current national security space management and organization.

I am delighted to stand here today and state that the Department of Defense is moving forward to implement the recommendations of the Commission to Assess United States National Security Space Management and Organization, more commonly known as the Space Commission. I pushed my colleagues to charter this group of 13 senior military-space experts in the Fiscal Year 1999 Defense Authorization Act to assess the management of military space matters today and make recommendations to strengthen the national security space organization in the future.

It is a wonderful coincidence that the chairman of the bipartisan Space Commission, the Honorable Donald Rumsfeld, was appointed by President Bush and confirmed by the Senate for the position of Secretary of Defense. As a result, Secretary Rumsfeld brings to his position a keen appreciation of the importance of space to the future national security of the United States.

The Space Commission, the efforts of the Secretary of Defense, and this proposed legislation will set this nation on a bold new course. More than fifty years ago, this nation took a similar bold step in establishing military air power with the creation of the U.S. Air Force. This decision, under the National Security Act of 1947, was signed into law by President Truman and dramatically restructured our institutional approach to military air power. This restructuring resulted from years of air-power management problems under the Army, insufficient reforms under the Army Air Corps established in 1926, and assessments of numerous committees like the recent Space Commission.

The military management and organizational reforms of fifty years ago were a great success, and today, quite a bit has changed for the better. As a result of the formation of a separate service focused on air power, we soon developed, and have had, right up to today, the best equipped and best trained Air Force in the world. The U.S. Air Force is capable of surpassing any enemy.

However, we have come to see that there are structural limitations inherent in the Air Force today with respect to space power just as there were in the Army fifty years ago with respect to air power. The Army has been structured to meet ground requirements. Its training, doctrine, leaders, and culture are all focused on fighting ground battles. For systemic reasons, the Army was not able to develop a strong, viable military air power. Therefore, the Air Force was created by the 1947 National Security Act which called for the creation of a separate organization designed to deal specifically with air power.

There are many parallels between the early struggle for air power that led to the creation of the Air Force and the issues we face today in seeking space power. The similarities between these two issues are truly astounding.

Today, space is used only in support of air, land, and sea warfare in much the same manner that air power was at first seen as only a way to support ground forces. Space today is used to provide ''information superiority'' in support of other missions, but there is the potential for so much more. We, as a Nation, need to stop talking and dreaming of a dominant space presence and start doing. We must recognize the importance of space as a permanent frontier for the military, so that America may proceed into space with the same confidence, assurance, and authority that marked our entrance into the skies.

Currently, space programs are raided for funds ten times more often than other Air Force programs because space programs are either not aggressively defended and/or not aggressively executed consistent with the intent of Congress. Other space opportunities like the military space plane, an air and space vehicle promising future power projection from the U.S. to anywhere in the world in 45 minutes or less, are extremely important to the cost-effective transformation of the military especially during this period of shrinking American military presence around the globe. Yet the space plane and most of the space programs continue to be underfunded. We need a better leader in space.

The reason for this is simple: the top priority of the Air Force is and will remain air power, not space power. The top jobs do and will continue to elude space officers in an Air Force run by pilots unless we can create an organization whose job it would be to defend space programs, to make sure that funding for space opportunities goes where it is supposed to go, and does not get rerouted back to other non-space programs.

Space is too important a frontier and too vital a resource to be allowed to remain untapped and unexplored, undefended and unmanned. America's future security and prosperity depends on our constant vigilance. We cannot afford to ignore space because our enemies will not. While we are ahead of any potential rival in exploiting space, we are not unchallenged. Our future superiority is by no means assured. To ensure superiority, we must combine expansive thinking with a sustained and substantial commitment of resources and vest them in a dedicated, politically powerful, independent advocate for space.

The way it is organized today, the Air Force is not building the material, cultural, or organizational foundations of a service dedicated to space power. Where are the space science and technology investments? Where is the funding for key space-power programs? Where are the personnel investments? What concrete steps are being taken to build a dedicated cadre of young space-warfare officers?

Before closing, let me assure my colleagues of what this legislation is and what it is not. This legislation is about streamlined management, efficient operations, and the elimination of redundancy. It is about establishing an advocate for space who can evaluate space opportunities and bring those proposals forward to the President and Congress for disposition. It is about maximizing the national-security capability for every tax dollar spent. I have seen press stories that twisted Secretary Rumsfeld's support of the Space Commission recommendations as an intent to weaponize space. Let me assure my colleagues that this bill does not weaponize space. This is about management and organization. It is about good government. Enacting this legislation merely ensures that the concrete management reforms recommended by the Space Commission are implemented quickly.

The Secretary of Defense, the Services, and the Intelligence Community all support the unanimous bipartisan recommendations from the Space Commission. I urge my Colleagues to support this bill which implements those recommendations. Space is critical to the future of this nation. It is important for Congress to provide leadership so that these recommendations are implemented quickly and not watered-down. While the Secretary does have broad management authority to run the Department of Defense, space is too important to be managed in-the-margin or through loopholes in statute. Just as Congress established the Army Air Corps in 1926 and the Air Force in 1947, it is right that Congress legislate these space management reforms.

Space dominance is too important to the success of future warfare to allow any bureaucracy, military department, or parochial concern to stand in the way. To protect America's interests we need to move forward consistent with the spirit of the Space Commission. This legislation is a good first step.

By Mr. WARNER:

S. 1369. A bill to provide that Federal employees may retain for personal use

promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, today I am introducing legislation that will allow Federal employees to keep frequent flyer miles they receive while on official government travel. This will level the playing field between Federal employees and their counterparts in the private sector where companies traditionally allow employees to retain frequent flyer miles and similar benefits earned while on business travel.

In 1994, a law was passed that requires Federal employees to surrender their frequent flyer miles back to their agencies. The frequent flyer miles would then be used to defray the costs of future travel costs by agency personnel.

A recent review conducted by the Government Accounting Office reports that these miles usually become lost, however, in an administrative shuffle. Airlines do not keep separate business and personal accounts for the same individual. While the law had good intentions, it is impractical, if not impossible, for an agency to apply the miles or travel benefits elsewhere.

While travel may be inherent with certain jobs, business related travel often impedes on an individual's personal time, time that person could be spending with family and at home. Allowing Federal employees to keep their frequent flyer miles will also help to support the government's ongoing efforts to recruit and retain a skilled, qualified workforce. Furthermore, I believe it will boost morale in the federal workforce.

I encourage my colleagues to cosponsor this legislation and show their support for the dedicated employees of the Federal workforce.

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. 1369

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

SECTION 1. RETENTION OF TRAVEL PROMOTIONAL ITEMS.

(a) IN GENERAL.—Section 5702 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (d) (as redesignated by paragraph (1)), by striking ''This section does'' and inserting ''Subsections (a) and (b) do''; and

(3) by inserting after subsection (b) the following:

''(c) Promotional items (including frequent flyer miles, upgrades, and access to carrier clubs or facilities) an employee receives as a result of using travel or transportation services procured by the United States or accepted pursuant to section 1353 of title 31 may be retained by the employee for personal use if such promotional items are obtained under the same terms as those offered to the general public and at no additional cost to the Government.''.

(b) REPEAL OF SUPERCEDED LAW.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note; Public Law 103–355) is repealed.

(c) APPLICABILITY.—The amendments made by this Act shall apply with respect to promotional items received before, on, or after the date of the enactment of this Act.

By Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. NELSON of Florida, Mr. KYL, and Mr. DEWINE):

S. 1371. A bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing, along with my colleagues Senator GRASSLEY, Senator SARBANES, Senator BILL NELSON, Senator MIKE DEWINE, and Senator JON KYL, the Money Laundering Abatement Act, a bill to modernize and strengthen U.S. laws to detect, stop and prosecute money laundering through U.S. banks.

The safety and soundness of our banking system, the stability of the U.S. dollar, the services our banks perform, and the returns our banks earn for depositors make the U.S. banking system an attractive location for money launderers. And money launderers who are able to use U.S. banks can take advantage of the prestige of these banks to lend credibility to their operations, reassure victims, and send wire transfers that may attract less scrutiny from law enforcement. So whether it is to protect their funds or further their crimes, money launderers want access to U.S. banks, and they are devising one scheme after another to infiltrate the U.S. banking system.

The funds they want to move through our banks are enormous. Estimates are that at least $1 trillion in criminal proceeds are laundered each year, with about half of that amount, $500 billion, going through U.S. banks.

Stopping this flood of dirty money is a top priority for U.S. law enforcement which spent about $650 million in taxpayer dollars last year on anti-money laundering efforts. That's because money laundering damages U.S. interests in so many ways, rewarding criminals and financing crime, undermining the integrity of international financial systems, weakening emerging democracies and distorting their economies, and impeding the international fight against corruption, drug trafficking and organized crime.

The bill we are introducing today would provide new and improved tools to stop money laundering. Because it includes provisions that would outlaw the proceeds of foreign corruption, cut off the access of offshore shell banks to U.S. banks, and end foreign bank immunity to forfeiture of laundered funds, this bill would close some of the worst gaps and remedy some of the most glaring weaknesses in existing anti-money laundering laws. For example, the bill would: 1. add foreign corruption offenses, such as bribery and theft of government funds, to the list of foreign crimes that can trigger a U.S. money laundering prosecution; 2. bar U.S. banks from providing banking services to foreign shell banks, which are banks that have no physical presence in any country and carry high money laundering risks; 3. require U.S. banks to conduct enhanced due diligence reviews to guard against money laundering when opening (a) a private bank account with $1 million or more for a foreign person, or (b) a correspondent account for an offshore bank or foreign bank in a country posing high money laundering risks; and 4. make a depositor's funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors' funds in other U.S. bank accounts.

These provisions are the product of almost three years of work by my staff at the Senate Permanent Subcommittee on Investigations examining money laundering problems in the private and correspondent banking fields. Countless interviews with money laundering experts, bankers, regulators, law enforcement personnel, criminals and victims, and the careful review of literally tens of thousands of pages of documents led to the issuance of two staff reports in 1999 and 2001, and several days of Subcommittee hearings, setting out the problems uncovered and recommendations for strengthening U.S. enforcement efforts.

The first Subcommittee investigation examined private banking, a growing and lucrative banking sector which offers financial services to wealthy individuals, who usually must deposit $1 million or more to open a private bank account. In return, the client is assigned a ''private banker'' who provides the client with sophisticated financial services, such as offshore accounts, shell corporations, and high dollar wire transfers, which raise money laundering concerns.

A key issue to emerge from this investigation is the role that private banks play in opening accounts and accepting hundreds of millions of dollars in deposits from senior foreign officials or their relatives, even amid allegations or suspicions that the deposits may be the product of government corruption or other criminal conduct. The 1999 staff report described four case histories of senior government officials or their relatives depositing hundreds of millions of suspect dollars into private bank accounts at Citibank, the largest bank in the United States. These case histories showed how Citibank Private Bank had become the banker for a rogues' gallery of senior government officials or their relatives. One infamous example is Raul Salinas, the brother of the former President of Mexico, who is imprisoned in Mexico for murder and is under indictment in

Switzerland for money laundering associated with drug trafficking. He deposited almost $100 million into his Citibank Private Bank accounts. Another example involves the three sons of General Sani Abacha, who was the former military leader of Nigeria and was notorious for misappropriating and extorting billions of dollars from his country. His sons deposited more than $110 million into Citibank Private Bank accounts.

The investigation determined that Citibank's private bankers asked few questions before opening the accounts and accepting the funds. It also found that, because foreign corruption offenses are not currently on the list of crimes that can trigger a U.S. money laundering prosecution, corrupt foreign leaders may be targeting U.S. banks as a safe haven for their funds.

Another striking aspect of the investigation was how a culture of secrecy pervaded most private banking transactions. Citibank private bankers, for example, routinely helped clients set up offshore shell companies and open bank accounts in the name of these companies or under other fictional names such as ''Bonaparte'' or ''Gelsobella.'' After opening these accounts, secrecy remained such a priority that Citibank private bankers were often told by their superiors not to keep any record in the United States disclosing the true owner of the offshore accounts or corporations they manage. One private banker told of stashing with his secretary a ''cheat sheet'' that identified which client owned which shell company in order to hide it from Citibank managers who did not allow such ownership information to be kept in the United States.

On some occasions, Citibank Private Bank even hid ownership information from its own staff. For example, one Citibank private banker in London worked for years on a Salinas account without knowing Salinas was the beneficial owner. Salinas was instead referred to by the name of his offshore corporation, Trocca, Ltd., or by a code, ''CC–2,'' which stood for ''Confidential Client Number 2.'' Citibank even went so far as to allow Mr. Salinas to deposit millions of dollars into his private bank accounts without putting his name on the wire transfers moving the funds, instead allowing his future wife, using an assumed name, to wire the funds through Citibank's own administrative accounts. Later, when Mr. Salinas' wife was arrested, Citibank discussed transferring all of his funds to Switzerland to minimize disclosure, abandoning that suggestion only after noting that the wire transfer documentation would disclose the funds' final destination.

That's how far one major U.S. private bank went on client secrecy.

The Subcommittee's second money laundering investigation focused on U.S. correspondent accounts opened for high risk foreign banks. Correspondent banking occurs when one bank provides services to another bank to move funds or carry out other financial transactions. It is an essential feature of international banking, allowing the rapid movement of funds across borders and enabling banks and their clients to conduct business worldwide, including in jurisdictions where the banks do not maintain offices.

The problem uncovered by the Subcommittee's year-long investigation is that too many U.S. banks, through the correspondent accounts they provide to foreign banks that carry high risks of money laundering, have become conduits for illicit funds associated with drug trafficking, financial fraud, Internet gambling and other crimes. The investigation identified three categories of foreign banks with high risks of money laundering: shell banks, offshore banks, and banks in jurisdictions with weak anti-money laundering controls. Because many U.S. banks have routinely failed to screen and monitor these high risk foreign banks as clients, they have been exposed to poorly regulated, poorly managed, sometimes corrupt, foreign banks with weak or no anti-money laundering controls. The U.S. correspondent accounts have been used by these foreign banks, their owners and criminal clients to gain direct access to the U.S. financial system, to benefit from the safety and soundness of the U.S. banking system, and to launder dirty money through U.S. bank accounts.

In February of this year, my staff released a 450 page report detailing the money laundering problems uncovered in correspondent banking. The report indicated that virtually every U.S. bank examined, from Chase Manhattan, to Bank of America, to First Union, to Citibank, had opened correspondent accounts for offshore banks. Citibank also admitted opening correspondent accounts for offshore shell banks with no physical presence in any jurisdiction.

The report presents ten detailed case histories showing how high risk foreign banks managed to move billions of dollars through U.S. banks, including hundreds of millions of dollars in illicit funds associated with drug trafficking, financial fraud or Internet gambling. In some cases, the foreign banks were engaged in criminal behavior; in others, the foreign banks had such poor anti-money laundering controls that they did not know or appeared not to care whether their clients were engaged in criminal behavior. Several of the foreign banks operated well outside the parameters of normal banking practices, without basic fiscal or administrative controls, account opening procedures or anti-money laundering safeguards. All had limited resources and staff and relied heavily upon their U.S. correspondent accounts to conduct operations, provide client services, and move funds. Most completed virtually all of their transactions through their correspondent accounts, making correspondent banking integral to their operations. The result was that their U.S. correspondent accounts served as a significant gateway into the U.S. financial system for criminals and money launderers.

In March 2001, the Subcommittee held hearings on the problem of international correspondent banking and money laundering. One witness was a former owner of an offshore bank in the Cayman Islands, John Mathewson, who pleaded guilty in the United States to conspiracy to commit money laundering and tax evasion and has spent the past 5 years helping to prosecute his former clients for tax evasion and other crimes. Mr. Mathewson testified that he had charged his bank clients about $5,000 to set up an offshore shell corporation and another $3,000 for an annual corporate management fee, before opening a bank account for them in the name of the shell corporation. He noted that no one would pay $8,000 for a bank account in the Cayman Islands when they could have the same account for free in the United States, unless they were willing to pay a premium for secrecy. He testified that 95 percent of his 2,000 clients were U.S. citizens, and he believed that 100 percent of his bank clients were engaged in tax evasion. He characterized his offshore bank as a ''run-of-the-mill'' operation. He also said that the Achilles' heel of the offshore banking community is its dependence upon correspondent banks to do business and that was how jurisdictions like the United States could take control of the situation and stop abuses, if we had the political will to do so.

I think we do have that political will, and that's why we are introducing this bill today. Let me describe some of its key provisions.

The Money Laundering Abatement Act would add foreign corruption offenses such as bribery and theft of government funds to the list of crimes that can trigger a U.S. money laundering prosecution. This provision would make it clear that corrupt funds are not welcome here, and that corrupt leaders can expect criminal prosecutions if they try to stash dirty money in our banks. After all, America can't have it both ways. We can't condemn corruption abroad, be it officials taking bribes or looting their treasuries, and then tolerate American banks profiting off that corruption.

Second, the bill would require U.S. banks and U.S. branches of foreign banks to exercise enhanced due diligence before opening a private bank account of $1 million or more for a foreign person, and to take particular care before opening accounts for foreign government officials, their close relatives or associates to make sure the funds are not tainted by corruption. This due diligence provision targets the greatest money laundering risks that the Subcommittee investigation identified in the private banking field. While some U.S. banks are already performing enhanced due diligence reviews, this provision would put

that requirement into law and bring U.S. law into alignment with most other countries engaged in the fight against money laundering.

The Money Laundering Abatement Act would also put an end to some of the extreme secrecy practices at private banks. For example, if a U.S. bank or a U.S. branch of a foreign bank opened or managed an account in the United States for a foreign accountholder, the bill would require the bank to keep a record in the United States identifying that foreign accountholder. After all, U.S. banks already keep records of accounts held by U.S. citizens, and there is no reason to allow U.S. banks to administer offshore accounts for foreign accountholders with less openness than other U.S. bank accounts. The bill would also put an end to the type of secret fund transfers that went on in the Salinas matter by prohibiting bank clients from independently directing funds to be deposited into a bank's ''concentration account,'' an administrative account which merges and processes funds from multiple accounts and transactions, and by requiring banks to link client names to all client funds passing through the bank's concentration accounts.

Our bill would also take a number of steps to close the door on money laundering through U.S. correspondent accounts. First and most importantly, our bill would bar any U.S. bank or U.S. branch of a foreign bank from opening a U.S. correspondent account for a foreign offshore shell bank, which the Subcommittee investigation found to pose the highest money laundering risks of all foreign banks. Shell banks are banks that have no physical presence anywhere—no office where customers can go to conduct banking transactions or where regulators can go to inspect records and observe bank operations. They also have no affiliation with any other bank and are not regulated through any affiliated bank.

The Subcommittee investigation examined four shell banks in detail. All four were found to be operating far outside the parameters of normal banking practice, often without paid staff, basic fiscal and administrative controls, or anti-money laundering safeguards. All four also largely escaped regulatory oversight. All four used U.S. bank accounts to transact business and move millions of dollars in suspect funds associated with drug trafficking, financial fraud, bribe money or other misconduct.

Let me describe one example from the Subcommittee's investigation. M.A. Bank was an offshore bank that was licensed in the Cayman Islands, but had no physical office of its own in any country. In 10 years of operation, M.A. Bank never underwent an examination by any bank regulator. Its owners have since admitted that the bank opened accounts in fictitious names, accepted deposits for unknown persons, allowed clients to authorize third parties to make large withdrawals, and manufactured withdrawal slips or receipts on request.

Nevertheless, M.A. Bank was able to open a U.S. correspondent account at Citibank in New York. M.A. Bank used that account to move hundreds of millions of dollars for clients in Argentina, including $7.7 million in illegal drug money. After the Subcommittee staff began investigating the account, Citibank closed it. After the staff report came out, the Cayman Islands decided to close the bank, but since the bank had no office, Cayman regulators at first didn't know where to go. They eventually sent teams to Uruguay and Argentina to locate bank documents and take control of bank operations. The Cayman Islands finally closed the bank a few months ago.

The four shell banks investigated by the Subcommittee are only the tip of the iceberg. There are hundreds in existence, operating through correspondent accounts in the United States and around the world.

By nature, shell banks operate in extreme secrecy and are resistant to regulatory oversight. No one really knows what they are up to other than their owners. Some jurisdictions known for offshore businesses, such as Jersey and Guernsey, refuse to license shell banks. Others, such as the Cayman Islands and the Bahamas, stopped issuing shell bank licenses several years ago. In addition, both the Cayman Islands and Bahamas announced that by the end of this year, 2001, all of their existing shell banks, which together number about 120, must establish a physical office within their respective jurisdictions, or lose their license. But other offshore jurisdictions, such as Nauru, Vanuatu and Montenegro, are continuing to license shell banks. Nauru alone has licensed about 400.

Here at home, many U.S. banks, such as Bank of America and Chase Manhattan, will not open correspondent bank accounts for offshore shell banks as a matter of policy. But other banks, such as Citibank, continue to do business with offshore shell banks and continue to expose the U.S. banking system to the money laundering risks they bring. Our bill would close the door to these money laundering risks. Foreign shell banks occupy the bottom rung of the banking world, and they don't deserve a place in the U.S. banking system. It is time to shut the door to these rogue operators.

In addition to barring offshore shell banks, the bill would require U.S. banks to exercise enhanced due diligence before opening a correspondent account for an offshore bank or a bank licensed by a jurisdiction known for poor anti-money laundering controls. These foreign banks also expose U.S. banks to high money laundering risks. Requiring U.S. banks to exercise enhanced due diligence prior to opening an account for one of these banks would not only help protect the U.S. banking system from the money laundering risks posed by these foreign banks, but would also help bring U.S. law into parity with the anti-money laundering laws of other countries.

Another provision in the bill would address a key weakness in existing U.S. forfeiture law as applied to correspondent banking, by making a depositor's funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors' funds in all other U.S. bank accounts. Right now, due to a quirk in the law, U.S. law enforcement faces a significant and unusual legal barrier to seizing funds from a correspondent account. Unlike a regular U.S. bank account, it is not enough for U.S. law enforcement to show that criminal proceeds were deposited into the correspondent account; the government must also show that the foreign bank holding the deposits was somehow part of the wrongdoing.

That's not only a tough job, that can be an impossible job. In many cases, the foreign bank will not have been part of the wrongdoing, but that's a strange reason for letting the foreign depositor who was engaged in the wrongdoing escape forfeiture. And in those cases where the foreign bank may have been involved, no prosecutor will be able to allege it in a complaint without first getting the resources needed to chase the foreign bank abroad.

Take the example of a financial fraud committed by a Nigerian national against a U.S. victim, a fraud pattern which the U.S. State Department has identified as affecting many U.S. citizens and businesses and which consumes U.S. law enforcement resources across the country. If the Nigerian fraudster deposits the fraud victim's funds in a personal account at a U.S. bank, U.S. law enforcement can freeze the funds and litigate the case in court. But if the fraudster instead deposits the victim's funds in a U.S. correspondent account belonging to a Nigerian bank at which the Nigerian fraudster does business, U.S. law enforcement cannot freeze the funds unless it is prepared to show that the Nigerian bank was involved in the fraud. And what prosecutor has the resources to travel to Nigeria to investigate a Nigerian bank? Even when the victim is sitting in the prosecutor's office, and his funds are still in the United States in a U.S. bank, the prosecutor's hands are tied unless he or she is willing to take on the Nigerian bank as well as the Nigerian fraudster. That is one reason so many Nigerian fraud cases are no longer being prosecuted in this country, because Nigerian criminals are taking advantage of that quirk in U.S. forfeiture law to prevent law enforcement from seizing a victim's money before it is transferred out of the country.

Our bill would eliminate that quirk by placing civil forfeitures of funds in correspondent accounts on the same footing as forfeitures of funds in all

other U.S. accounts. There is just no reason foreign banks should be shielded from forfeitures when U.S. banks would not be.

The Levin-Grassley bill has a number of other provisions that would help U.S. law enforcement in the battle against money laundering. They include giving U.S. courts ''long-arm'' jurisdiction over foreign banks with U.S. correspondent accounts; expanding the definition of money laundering to include laundering funds through a foreign bank; authorizing U.S. prosecutors to use a Federal receiver to find a criminal defendant's assets, wherever located; and requiring foreign banks to designate a U.S. resident for service of subpoenas.

These are realistic, practical provisions that could make a real difference in the fight against money laundering. One state Attorney General who has reviewed the bill has written that ''there is a serious need for modernizing and refining the federal money laundering statutes to thwart the efforts of the criminal element and close the loopholes they use to their advantage.'' He expresses ''strong support'' for the bill, explaining that it ''will greatly aid law enforcement'' and ''provide new tools that will assist law enforcement in keeping pace with the modern money laundering schemes.'' Another state Attorney General has written that the bill ''would provide much needed relief from some of the most pressing problems in money laundering enforcement in the international arena.'' She predicts that the bill's ''effects on money laundering affecting victims of crime and illegal drug trafficking would be dramatic.'' She also writes that the ''burdens it places on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved.''

This country passed its first major anti-money laundering law in 1970, when Congress made clear its desire to not allow U.S. banks to function as conduits for dirty money. Since then, the world has experienced an enormous growth in the accumulation of wealth by individuals around the world, and in the activities of private banks servicing these clients. At the same time there has been a rapid increase in offshore activities, with the number of offshore jurisdictions doubling from about 30 to about 60, and the number of offshore banks skyrocketing to an estimated worldwide total of 4,000, including more than 500 shell banks.

At the same time, the Subcommittee investigations have shown that private and correspondent accounts have become gateways for criminals to carry on money laundering and other criminal activity in the United States and to benefit from the safety and soundness of the U.S. banking industry. U.S. law enforcement needs stronger tools to detect, stop and prosecute money launderers attempting to use these gateways into the U.S. banking system. Enacting this legislation would help provide the tools needed to close those money laundering gateways and curb the dirty funds seeking entry into the U.S. banking industry.

I ask unanimous consent that letters in support for the bill from the two State Attorneys General of the States of Massachusetts and Arizona, as well as a short summary of the bill, and the text of the bill be printed in the RECORD.

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

S. 1371

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 ''Money Laundering Abatement Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) money laundering, the process by which proceeds from criminal activity are disguised as legitimate money, is contrary to the national interest of the United States, because it finances crime, undermines the integrity of international financial systems, impedes the international fight against corruption and drug trafficking, distorts economies, and weakens emerging democracies and international stability;

(2) United States banks are frequently used to launder dirty money, and private banking, which provides services to individuals with large deposits, and correspondent banking, which occurs when 1 bank provides financial services to another bank, are specific banking sectors which are particularly vulnerable to money laundering;

(3) private banking is particularly vulnerable to money laundering by corrupt foreign government officials because the services provided (offshore accounts, secrecy, and large international wire transfers) are also key tools used to launder money;

(4) correspondent banking is vulnerable to money laundering because United States banks—

(A) often fail to screen and monitor the transactions of their high-risk foreign bank clients; and

(B) enable the owners and clients of the foreign bank to get indirect access to the United States banking system when they would be unlikely to get access directly;

(5) the high-risk foreign bank that currently poses the greatest money laundering risks in the United States correspondent banking field is a shell bank, which has no physical presence in any country, is not affiliated with any other bank, and is able to evade day-to-day bank regulation; and

(6) United States anti-money laundering efforts are currently impeded by outmoded and inadequate statutory provisions that make United States investigations, prosecutions and forfeitures more difficult when money laundering involves foreign persons, foreign banks, or foreign countries.

(b) PURPOSE.—The purpose of this Act is to modernize and strengthen existing Federal laws to combat money laundering, particularly in the private banking and correspondent banking fields when money laundering offenses involve foreign persons, foreign banks, or foreign countries.

SEC. 3. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or destruction of property by means of explosive or fire'' and inserting ''destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)'';

(2) in clause (iii), by striking ''1978'' and inserting ''1978)''; and

(3) by adding at the end the following:

''(iv) fraud, or any scheme or attempt to defraud, against that foreign nation or an entity of that foreign nation;

''(v) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

''(vi) smuggling or export control violations involving—

''(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

''(II) technologies with military applications controlled on any control list established under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) or any successor statute;

''(vii) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

''(viii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution;''.

SEC. 4. ANTI-MONEY LAUNDERING MEASURES FOR UNITED STATES BANK ACCOUNTS INVOLVING FOREIGN PERSONS.

(a) REQUIREMENTS RELATING TO UNITED STATES BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following:

''§ 5318A. Requirements relating to United States bank accounts involving foreign persons

''(a) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions shall apply:

''(A) ACCOUNT.—The term 'account'—

''(i) means a formal banking or business relationship established to provide regular services, dealings, or financial transactions; and

''(ii) includes a demand deposit, savings deposit, or other transaction or asset account, and a credit account or other extension of credit.

''(B) BRANCH OR AGENCY OF A FOREIGN BANK.—The term 'branch or agency of a foreign bank' has the meanings given those terms in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).

''(C) CORRESPONDENT ACCOUNT.—The term 'correspondent account' means an account established for a depository institution, credit union, or foreign bank.

''(D) CORRESPONDENT BANK.—The term 'correspondent bank' means a depository institution, credit union, or foreign bank that establishes a correspondent account for and provides banking services to a depository institution, credit union, or foreign bank.

''(E) COVERED FINANCIAL INSTITUTION.—The term 'covered financial institution' means—

''(i) a depository institution;

''(ii) a credit union; and

''(iii) a branch or agency of a foreign bank.

''(F) CREDIT UNION.—The term 'credit union' means any insured credit union, as

defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), or any credit union that is eligible to make application to become an insured credit union pursuant to section 201 of the Federal Credit Union Act (12 U.S.C. 1781).

''(G) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(H) FOREIGN BANK.—The term 'foreign bank' has the same meaning as in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).

''(I) FOREIGN COUNTRY.—The term 'foreign country' has the same meaning as in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).

''(J) FOREIGN PERSON.—The term 'foreign person' means any foreign organization or any individual resident in a foreign country or any organization or individual owned or controlled by such an organization or individual.

''(K) OFFSHORE BANKING LICENSE.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the foreign country which issued the license.

''(L) PRIVATE BANK ACCOUNT.—The term 'private bank account' means an account (or combination of accounts) that—

''(i) requires a minimum aggregate deposit of funds or assets in an amount equal to not less than $1,000,000;

''(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

''(iii) is assigned to, administered, or managed in whole or in part by an employee of a financial institution acting as a liaison between the institution and the direct or beneficial owner of the account.

''(2) OTHER TERMS.—After consultation with the Board of Governors of the Federal Reserve System, the Secretary may, by regulation, order, or otherwise as permitted by law, define any term that is used in this section and that is not otherwise defined in this section or section 5312, as the Secretary deems appropriate.

''(b) UNITED STATES BANK ACCOUNTS WITH UNIDENTIFIED FOREIGN OWNERS.—

''(1) RECORDS.—

''(A) IN GENERAL.—A covered financial institution shall not establish, maintain, administer, or manage an account in the United States for a foreign person or a representative of a foreign person, unless the covered financial institution maintains in the United States, for each such account, a record identifying, by a verifiable name and account number, each individual or entity having a direct or beneficial ownership interest in the account.

''(B) PUBLICLY TRADED CORPORATIONS.—A record required under subparagraph (A) that identifies an entity, the shares of which are publicly traded on a stock exchange regulated by an organization or agency that is a member of and endorses the principles of the International Organization of Securities Commissions (in this section referred to as 'publicly traded'), is not required to identify individual shareholders of the entity.

''(C) FOREIGN BANKS.—In the case of a correspondent account that is established for a foreign bank, the shares of which are not publicly traded, the record required under subparagraph (A) shall identify each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner.

''(2) COMPLEX OWNERSHIP INTERESTS.—The Secretary may, by regulation, order, or otherwise as permitted by law, further delineate the information to be maintained in the United States under paragraph (1)(A), including information for accounts with multiple, complex, or changing ownership interests.

''(c) PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.—

''(1) IN GENERAL.—A covered financial institution shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

''(2) PREVENTION OF INDIRECT SERVICE TO FOREIGN SHELL BANKS.—A covered financial institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country.

''(3) EXCEPTION.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

''(A) is an affiliate of a depository institution, credit union, or other foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

''(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank, described in subparagraph (A), as applicable.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

''(B) the term 'physical presence' means a place of business that—

''(i) is maintained by a foreign bank;

''(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

''(I) employs 1 or more individuals on a full-time basis; and

''(II) maintains operating records related to its banking activities; and

''(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.

''(d) DUE DILIGENCE FOR UNITED STATES PRIVATE BANK AND CORRESPONDENT BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—

''(1) IN GENERAL.—Each covered financial institution that establishes, maintains, administers, or manages a private bank account or a correspondent account in the United States for a foreign person or a representative of a foreign person shall establish enhanced due diligence policies, procedures, and controls to prevent, detect, and report possible instances of money laundering through those accounts.

''(2) MINIMUM STANDARDS.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) of this subsection, shall, at a minimum, ensure that the covered financial institution—

''(A) ascertains the identity of each individual or entity having a direct or beneficial ownership interest in the account, and obtains sufficient information about the background of the individual or entity and the source of funds deposited into the account as is needed to guard against money laundering;

''(B) monitors such accounts on an ongoing basis to prevent, detect, and report possible instances of money laundering;

''(C) conducts enhanced scrutiny of any private bank account requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption;

''(D) conducts enhanced scrutiny of any correspondent account requested or maintained by, or on behalf of, a foreign bank operating—

''(i) under an offshore banking license; or

''(ii) under a banking license issued by a foreign country that has been designated—

''(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member; or

''(II) by the Secretary as warranting special measures due to money laundering concerns; and

''(E) ascertains, as part of the enhanced scrutiny under subparagraph (D), whether the foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate, under paragraph (1).''.

(b) REGULATORY AUTHORITY.—After consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury may, by regulation, order, or otherwise as permitted by law, take measures that the Secretary deems appropriate to carry out section 5318A of title 31, United States Code (as added by this section).

(c) CONFORMING AMENDMENTS.—Section 5312(a) of title 31, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) 'Secretary' means the Secretary of the Treasury, except as otherwise provided in this subchapter.''.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item related to section 5318 the following:

''5318A. Requirements relating to United States bank accounts involving foreign persons.''.

(e) EFFECTIVE DATE.—Section 5318A of title 31, United States Code, as added by this section, shall take effect beginning 180 days after the date of enactment of this Act with respect to accounts covered by that section that are opened before, on, or after the date of enactment of this Act.

SEC. 5. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended by—

(1) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) inserting ''(1)'' after ''(b)'';

(3) inserting '', or section 1957'' after ''or (a)(3)''; and

(4) adding at the end the following:

''(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

''(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

''(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

''(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

''(3) A court, described in paragraph (2), may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

''(4) A court, described in paragraph (2), may appoint a Federal Receiver, in accordance with paragraph (5), to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a judgment under this section or section 981, 982, or 1957, including an order of restitution to any victim of a specified unlawful activity.

''(5) A Federal Receiver, described in paragraph (4)—

''(A) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

''(B) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

''(C) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

''(i) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

''(ii) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.''.

SEC. 6. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) the term 'financial institution' includes—

''(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

''(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).''.

SEC. 7. PROHIBITION ON FALSE STATEMENTS TO FINANCIAL INSTITUTIONS CONCERNING THE IDENTITY OF A CUSTOMER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1007 the following:

''§ 1008. False statements concerning the identity of customers of financial institutions

''(a) IN GENERAL.—Whoever knowingly in any manner—

''(1) falsifies, conceals, or covers up, or attempts to falsify, conceal, or cover up, the identity of any person in connection with any transaction with a financial institution;

''(2) makes, or attempts to make, any materially false, fraudulent, or fictitious statement or representation of the identity of any person in connection with a transaction with a financial institution;

''(3) makes or uses, or attempts to make or use, any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry concerning the identity of any person in connection with a transaction with a financial institution; or

''(4) uses or presents, or attempts to use or present, in connection with a transaction with a financial institution, an identification document or means of identification the possession of which is a violation of section 1028;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) FINANCIAL INSTITUTION.—The term 'financial institution'—

''(A) has the same meaning as in section 20; and

''(B) in addition, has the same meaning as in section 5312(a)(2) of title 31, United States Code.

''(2) IDENTIFICATION DOCUMENT.—The term 'identification document' has the same meaning as in section 1028(d).

''(3) MEANS OF IDENTIFICATION.—The term 'means of identification' has the same meaning as in section 1028(d).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking ''1014 (relating to fraudulent loan'' and inserting ''section 1008 (relating to false statements concerning the identity of customers of financial institutions), section 1014 (relating to fraudulent loan''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

''1008. False statements concerning the identity of customers of financial institutions.''.

SEC. 8. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, is amended by adding at the end the following:

''(3) CONCENTRATION ACCOUNTS.—The Secretary shall issue regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

''(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

''(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

''(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.''.

SEC. 9. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended by —

(1) inserting ''(1)'' before ''Any person''; and

(2) adding at the end the following:

''(2) Any person who commits multiple violations of this section or section 1957 that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.''.

SEC. 10. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) The provisions of this section may be invoked only if the action for forfeiture was commenced by the seizure or restraint of the property, or by the filing of a complaint, within 2 years of the offense that is the basis for the forfeiture.''.

(b) APPLICATION.—The amendment made by this section shall apply to any offense committed on or after the date which is 2 years before the date of enactment of this Act.

SEC. 11. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

''(k) INTERBANK ACCOUNTS.—

''(1) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318A of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

''(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

''(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

''(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INTERBANK ACCOUNT.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

''(B) OWNER.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'owner'—

''(I) has the same meaning as in section 983(d)(6); and

''(II) does not include any foreign bank or other financial institution acting as an intermediary in the transfer of funds into the interbank account and having no ownership interest in the funds sought to be forfeited.

''(ii) EXCEPTION.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

''(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

''(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its

obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.''.

(b) BANK RECORDS.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

''(i) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(B) INCORPORATED TERMS.—The terms 'correspondent account', 'covered financial institution', and 'foreign bank' have the same meanings as in section 5318A.

''(2) 48-HOUR RULE.—Not later than 48 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

''(3) FOREIGN BANK RECORDS.—

''(A) SUMMONS OR SUBPOENA OF RECORDS.—

''(i) IN GENERAL.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account.

''(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

''(B) ACCEPTANCE OF SERVICE.—

''(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

''(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

''(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

''(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 days after receipt of written notice from the Secretary or the Attorney General that the foreign bank has failed—

''(I) to comply with a summons or subpoena issued under subparagraph (A); or

''(II) to initiate proceedings in a United States court contesting such summons or subpoena.

''(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

''(iii) FAILURE TO TERMINATE RELATIONSHIP.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.''.

(c) AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.—

(1) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by striking subsection (p) and inserting the following:

''(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

''(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

''(A) cannot be located upon the exercise of due diligence;

''(B) has been transferred or sold to, or deposited with, a third party;

''(C) has been placed beyond the jurisdiction of the court;

''(D) has been substantially diminished in value; or

''(E) has been commingled with other property which cannot be divided without difficulty.

''(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

''(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.''.

(2) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

''(4) ORDER TO REPATRIATE AND DEPOSIT.—

''(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

''(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.''.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

SUMMARY OF MONEY LAUNDERING ABATEMENT ACT

Foreign Corruption. Expands the list of foreign crimes triggering a U.S. money laundering offense to include foreign corruption offenses such as bribery and misappropriation of government funds.

Unidentified Foreign Accountholders. Requires U.S. banks and U.S. branches of foreign banks opening or managing a bank account in the United States for a foreign person to keep a record in the United States identifying the account owner.

Foreign Shell Banks. Bars U.S. banks and U.S. branches of foreign banks from providing direct or indirect banking services to foreign shell banks that have no physical presence in any country and no bank affiliation.

Foreign Private Bank and Correspondent Accounts. Requires U.S. banks and U.S. branches of foreign banks that open a private bank account with $1 million or more for a foreign person, or a correspondent account for an offshore bank or foreign bank in a country posing high money laundering risks, to conduct enhanced due diligence reviews of those accounts to guard against money laundering.

Foreign Bank Forfeitures. Modifies forfeiture rules for foreign banks' correspondent accounts by making a depositor's funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors' funds in other U.S. bank accounts.

Additional Measures Targeting Foreign Money Laundering.

Gives U.S. courts ''long-arm'' jurisdiction over foreign persons committing money laundering offenses in the United States, over foreign banks opening U.S. bank accounts, and over foreign persons seizing assets ordered forfeited by a U.S. court.

Expands the definition of money laundering to include laundering funds through a foreign bank.

Authorizes U.S. courts to order a convicted criminal to return property located abroad and, in civil forfeiture proceedings, to order a defendant to return such property pending a civil trial on the merits. Authorizes U.S. prosecutors to use a court-appointed Federal Receiver to find a criminal defendant's assets, wherever located.

Authorizes Federal law enforcement to subpoena a foreign bank with a U.S. correspondent account for account records, and ask the U.S. correspondent bank to identify a U.S. resident who can accept the subpoena. Requires the U.S. correspondent bank, if it receives government notice that the foreign bank refuses to comply or contest the subpoena in court, to close the foreign bank's account.

Other measures would make it a Federal crime to knowingly falsify a bank customer's true identity; bar bank clients from anonymously directing funds through a bank's general administrative or ''concentration'' accounts; extend the statute of limitations for civil forfeiture proceedings; simplify pleading requirements for money laundering indictments; and require banks to provide prompt responses to regulatory requests for anti-money laundering information.

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,

Boston, MA, August 1, 2001.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This letter is to express my strong support for the Money Laundering Abatement Act. As I am sure you are aware, money laundering has become increasingly prevalent in recent years. As law enforcement has worked to curb the illegal laundering of funds, the criminal element has become more sophisticated and focused in its efforts to evade the grasp of the law. Specifically, money launderers are taking advantage of foreign shell banks, and banks in jurisdictions with weak money laundering controls to hide their ill-gotten gains.

At this juncture, there is a serious need for modernizing and redefining the Federal money laundering statutes to thwart the efforts of the criminal element and close the loopholes they use to their advantage. The money laundering business has taken advantage of its ability under current law to use foreign banks, largely without negative consequences. This is an issue that must be addressed on the Federal level because of its international element. Moreover, in the Commonwealth of Massachusetts, there is no state level money laundering legislation. As a result, we rely on Federal/State law enforcement partnership to eradicate money laundering. The only hope for eliminating international money laundering ties within our State lies with the United States Congress. I encourage the Congress to take the necessary steps to assist State and Federal law enforcement in their continuing efforts to control the illegal laundering of funds.

The Money Laundering Abatement Act is an important step in that process. Among many useful provisions, the Act prohibits United States banks from providing services to foreign shell banks that have no physical presence in any country, and as a result, are easily used in the laundering of illegal funds. In addition, the legislation provides for enhanced due diligence procedures by United States banks which will at the very least detect money laundering, and will also undoubtedly deter it in the first place. Further, the Act makes it a federal crime to knowingly falsify a bank customer's true identity, which will make tracing of funds immeasurably easier. In addition to these few provisions that I have mentioned, the Act contains many other measures that will greatly aid law enforcement in its mission.

I strongly support your efforts to assist state and federal law enforcement in their money laundering control efforts through the Money Laundering Abatement Act. The legislation strengthens the existing anti-money laundering structure and provides new tools that will assist law enforcement in keeping pace with the modern money laundering schemes. Good luck in your efforts to pass this vital legislation.

Sincerely,

THOMAS F. REILLY.

STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Phoenix, AZ, August 2, 2001.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.
Hon. CHUCK GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATORS LEVIN AND GRASSLEY: I write to express my views on the Money Laundering Abatement Act you are planning to introduce soon. This bill would provide much needed relief from some of the most pressing problems in money laundering enforcement in the internation arena. The burdens it places on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved.

The bill focuses on the structural arrangements that allow major money launderers to operate. These include the use of shell banks and foreign accounts, abuse of private banking, evasion of law enforcement efforts to acquire necessary records, and of safe foreign havens for criminal proceeds. The approach is very encouraging, because efforts to limit the abuse of these international money laundering tools and techniques must come from Congress rather than the state legislatures, and because such measures attack money laundering at a deeper and more lasting level than simpler measures.

The focus on structural matters means that this bill's effects on cases actually prosecuted by state attorneys general are a relatively small part of the substantial effects its passage would have on money laundering as a whole. Nevertheless, its effects on money laundering affecting victims of crime and illegal drug trafficking would be dramatic. I will use two exmples from my Office's present money lauderning efforts

My Office initiated a program to combat so-called ''prime bank fraud'' in 1996, and continued to focus on these cases. Some years ago, the International Chamber of Commerce estimated that over $10 million per day is invested in this wholly fraudulent investment scam. The ''PBI'' business has grown substantially since then. To date, my Office has recovered over $46 million in these cases, directly and in concert with U.S. Attorneys and SEC. Prime bank fraudsters rely heavily on the money movement and concealment techniques that this bill would address, particularly foreign bank accounts, shell banks, accounts in false identities, movement of funds through ''concentration'' accounts, and impunity from efforts to repatriate stolen funds. One of our targets was sentenced recently in federal court to over eight years in prison and ordered to make restitution of over $9 million, but without the tools provided in this bill, there is little hope that the victims will ever see anything that was not seized for forfeiture in the early stages of the investigation.

My Office is now engaged in a program to control the laundering of funds through the money transmitters in Arizona, as part of the much larger problem of illegal money movement to and through the Southwest border region. This mechanism is a major facilitator of the drug smuggling operations. Foreign bank accounts and correspondence accounts, immunity from U.S. forfeitures, and false ownership are significant barriers to successful control of money laundering in the Southwest.

Your bill is an example of the immense value of institutions like the Permanent Subcommittee of Investigations, because this type of bill requires a deeper understanding of the issues that come from long term inquiries by professional staff. We who are involved in state level money laundering control efforts should be particularly supportive of such long term strategies because they are most important to the quality of life of our citizens.

I commend your efforts for introducing this important legislation and will assist you in anyway I can to gain its passage.

Yours very truly,

JANET NAPOLITANO,
Attorney General.

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

S. 1374. A bill to provide for a study of the effects of hydraulic fracturing on underground drinking water sources; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, today I introduce, along with the senior Senator from Nevada, very important legislation to remedy an unnecessary impediment to natural gas production.

In 1997, the Eleventh Circuit ruled that hydraulic fracturing, a process for stimulating development in certain types of gas wells, constituted as ''underground injection'' under the Safe Drinking Water Act. As such, the State of Alabama was required to establish standards by which all hydraulic fracturing operations associated with natural gas development would be required to obtain a permit under the Safe Drinking Water Act. This is an expensive and time consuming process, and one that appears unnecessary for protection of underground sources of drinking water.

The Environmental Protection Agency argued before the Eleventh Circuit that hydraulic fracturing did not pose a threat to underground sources of drinking water, and should not be subject to regulation under the Safe Drinking Water Act. The Eleventh Circuit did not find that hydraulic fracturing in fact threatened underground sources of drinking water. Instead, the Court found only that, as written, the definition of ''underground injection'' under the Safe Drinking Water Act included the process of hydraulic fracturing.

Natural gas, including gas from coalbed methane and other unconventional source, is becoming an increasingly important energy source for the United States. It is a clean burning, domestically produced resource, the increased production of which will both enhance our energy security and help us address the problem of global warming.

Protection of drinking water is also an issue of the highest priority. However, it appears that the situation created by the Eleventh Circuit's decision is not one that addresses protection of underground sources of drinking water, because the Court did not find any harm to drinking water associated with groundwater production. Instead, this appears to be a situation where a technical reading of a statute creates expensive permitting requirements not associated with a real on-the-ground need.

The legislation introduced by myself and Senator REID will require the EPA, in consultation with the Secretary of the Interior, the Secretary of Energy, the Groundwater Protection Council, affected States, and other entities, as appropriate, to conduct a study on any impacts from hydraulic fracturing on underground sources of drinking water.

If the Administration determines that hydraulic fracturing endangers underground sources of drinking water, the Administrator shall regulate it under the Safe Drinking Water Act.

If, however, the Administrator determines that hydraulic fracturing will not endangered underground sources of drinking water, the Administrator shall not regulate it under the Safe Drinking Water Act. In that case, States, including the State of Alabama, shall likewise not be required to regulate hydraulic fracturing as an underground injection under the Safe Drinking Water Act.

Our bill addresses regulation under section 1421 of the Safe Drinking Water Act, 42 U.S.C. 300h. Under current law, States are entitled to make a showing under section 1425 of the Safe Drinking Water Act, 42 U.S.C. 300H–4, that for certain oil and gas operations, the State regulations satisfy the statutory

requirements of the Safe Drinking Water Act and the State will therefore not be required to promulgate regulations under section 1422 of the Safe Drinking Water Act.

It is our intention that the provisions of Section 1425 apply to hydraulic fracturing operations, and it is our understanding that this is the status of current law. This issue is currently being litigated before the Eleventh Circuit. Should the Eleventh Circuit decide otherwise, we will address the issue as appropriate at that time.

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. 1374

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 ''Hydraulic Fracturing Act''.

SEC. 2. HYDRAULIC FRACTURING.

Section 1421 of the Safe Drinking Water Act (42 U.S.C. §300h) is amended by adding at the end the following:

''(e) HYDRAULIC FRACTURING FOR OIL AND GAS PRODUCTION.—

''(1) STUDY OF THE EFFECTS OF HYDRAULIC FRACTURING.—

''(A) IN GENERAL.—Not later than 24 months after the date of enactment of this subsection, the Administrator shall complete a study of the known and potential effects on underground drinking water sources of hydraulic fracturing, including the effects of hydraulic fracturing on underground drinking water sources on a nationwide basis, and within specific regions, states, or portions of states.

''(B) CONSULTATION.—In planning and conducting the study, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Ground Water Protection Council, affected States, and, as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations. Such study may be accomplished in conjunction with other ongoing studies related to the effects of oil and gas production on groundwater resources.

''(C) STUDY ELEMENTS.—The study conducted under subparagraph (A) shall, at a minimum, examine and make findings as to whether—

''(i) such hydraulic fracturing has, or will, endanger (as defined under subsection (d)(2)) underground drinking water sources, including those sources within specific regions, states or portions of states;

''(ii) there are specific methods, practices, or hydrogeologic circumstances in which hydraulic fracturing has, or will, endanger underground drinking water sources; and

''(iii) whether there are any precautionary actions that may reduce or eliminate any such endangerment.

''(2) INDEPENDENT SCIENTIFIC REVIEW.—

''(A) IN GENERAL.—Not later than 2 months after the study under paragraph (1) is completed, the Administrator shall enter into an appropriate agreement with the National Academy of Sciences to have the Academy review the conclusions of the study.

''(B) REPORT.—Not later than 9 months after entering into an appropriate agreement with the Administrator, the National Academy of Sciences shall report to the Administrator, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate, on the—

''(i) findings related to the study conducted by the Administrator under paragraph (1); and

''(ii) recommendations, if any, for modifying the findings of the study.

''(3) REGULATORY DETERMINATION.—

''(A) IN GENERAL.—Not later than 6 months after receiving the National Academy of Sciences report under paragraph (2), the Administrator shall determine, after informal public hearings and public notice and opportunity for comment, and based on information developed or accumulated in connection with the study required under paragraph (1) and the National Academy of Sciences report under paragraph (2), either:

''(i) that regulation of hydraulic fracturing under this part is necessary to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, state or portions of a state; or

''(ii) that regulation described under clause (i) is unnecessary.

''(B) PUBLICATION OF DETERMINATION.—The Administrator shall publish the determination in the Federal Register, accompanied by an explanation and the reasons for it.

''(4) PROMULGATION OF REGULATIONS.

''(A) REGULATION NECESSARY.—If the Administrator determines under paragraph (3) that regulation of hydraulic fracturing under this part is necessary to ensure that hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within a specific region, State or portions of a State, the Administrator shall, within 6 months after issuance of that determination, and after public notice and opportunity for comment, promulgate regulations under section 1421 (42 U.S.C. §300h) to ensure that hydraulic fracturing will not endanger such underground sources of drinking water.

''(B) REGULATION UNNECESSARY.—The Administrator shall not promulgate regulations for hydraulic fracturing under this part unless the Administrator determines under paragraph (3) that such regulations are necessary.

''(C) EXISTING REGULATIONS.—A determination by the Administrator under paragraph (3) that regulation is unnecessary will relieve states from any further obligation to regulate hydraulic fracturing as an underground injection under this part.

''(5) DEFINITION OF HYDRAULIC FRACTURING.—For purposes of this subsection, the term ''hydraulic fracturing'' means the process of creating a fracture in a reservoir rock, and injecting fluids and propping agents, for the purposes of reservoir stimulation related to oil and gas production activities.

''(6) SAVINGS.—Nothing in this subsection shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. 300i).''.

By Mr. NELSON of Florida:

S. 1376. A bill to amend part C of title XVIII of the Social Security Act to ensure that Medicare + Choice eligible individuals have sufficient time to consider information and to make an informed choice regarding enrollment in a Medicare + Choice plan; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Medicare Beneficiary Information Act. It is vital that Medicare + Choice participants receive plan information in a timely, appropriate manner.

Under the Social Security Act, HMOs participating in the Medicare + Choice program are required to submit all of their plan information, including the type, cost and scope of benefits they intend to offer, by July 1st of each year. Upon receiving this information, the Secretary of HHS is required to prepare a booklet that compares the benefits and costs of each plan, and disseminate the information to seniors prior to the open enrollment season. The enrollment season is November 1st through November 30th.

The July 1st deadline was imposed so that seniors would have ample opportunity to read the materials and to make an informed decision before selecting a health plan.

Last month, at the request of the HMO industry, Secretary Thompson extended the deadline until September 15th. As a result, Medicare beneficiaries will have little time to review the comparative information before the enrollment period. In response to these concerns, the Secretary indicated that the information would be posted on the Internet by October 15th.

Senior citizens in many cases do not have access to the Internet. If information is not sent in a timely manner, it will be extremely difficult for seniors, especially low income seniors, to make informed choices about their health plan. As a result, they will have little time to find new health care coverage if their HMO sharply raises premiums and fees, reduces benefits or pulls out of Medicare. Consequently, seniors may be forced to accept whatever changes the HMOs impose or run the risk of having gaps in their coverage should they choose to switch plans.

This bill states that, effective 2002, HMO's are required to submit, complete binding information to the Secretary of Health and Human Services. It also requires that the information be sent to beneficiaries at least 45 days before the beginning of the open enrollment period. It further requires all comparative information to be sent in mail, rather than only being posted on the Internet. This will ensure that seniors are receiving the information necessary to make educated informed decisions about their health plan.

By Mr. SMITH of Oregon:

S. 1377. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

Mr. SMITH of Oregon. Mr. President, almost everyday we hear about new Palestinian violence in Israel and all too often, American citizens are among the victims. Earlier this year, Mrs. Sarah Blaustein, of Long Island, New York, was murdered in a drive-by shooting by Palestinian terrorists south of Jerusalem. A few weeks before

that, a 13-year old boy from Maryland, Jacob ''Koby'' Mandell, was savagely beaten and tortured to death by Palestinian terrorists. Eighteen American citizens have been killed by Palestinian terrorists since the signing of the Oslo accords in September 1993, and six of them were killed during the current wave of violence that began last autumn.

Of course, Americans are occasionally the victims of terrorism all over the world, not just in Israel. But what makes the American victims in Israel unique is that while our government does everything it can to capture the terrorists who harm Americans elsewhere around the world, it takes a completely different approach when it comes to Palestinian terrorists.

Our State Department offers multimillion dollar rewards for information leading to the capture of terrorists who have killed Americans around the world—but it has never offered such a reward to help catch terrorists who are being sheltered by Arafat. The State Department maintains a web site *www.dssrewards.net* for its ''Heroes'' program, where it posts the rewards to help capture terrorists.

The time has come to take this vital issue out of the State Department's hands and put it back where it belongs, in the Department of Justice. This should not be a political issue. When a matter of justice is at stake, the decision should be made by the legal authorities whose responsibility it is to pursue justice, not politics.

This is why today I rise to introduce the Koby Mandell Justice for American Victims of Terrorism Act of 2000.'' This bill will establish a special office, within the Department of Justice, the sole purpose of which will be to facilitate the capture of Palestinian terrorists involved in attacks in which American Citizens were harmed. The bill will: Collect evidence against suspected terrorists; offer rewards for information leading to the capture of these terrorists and maintain contact with families of victims to update them on the progress of efforts to capture the terrorists.

In short, this legislation will help ensure that the killers of Americans will have a sanctuary in the Palestinian Authority territories. This legislation will advance the cause of justice and it will put terrorists and their supporters on notice that the United States government will not stand idly by when our citizens are harmed.

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. 1377

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 ''Koby Mandell Justice for American Victims of Terrorism Act of 2001''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1948, many United States citizens have been injured or killed in terrorist attacks committed by Palestinian individuals and organizations in and outside of the Middle East.

(2) Under United States law, individuals who commit acts of international terrorism outside of the United States against nationals of the United States may be prosecuted for such acts in the United States.

(3) The United States has taken a special interest and active role in resolving the Israeli-Palestinian conflict, including numerous diplomatic efforts to facilitate a resolution of the conflict and the provision of financial assistance to Palestinian organizations.

(4) However, despite these diplomatic efforts and financial assistance, little has been done to apprehend, indict, prosecute, and convict Palestinian individuals who have committed terrorist attacks against nationals of the United States.

SEC. 3. ESTABLISHMENT OF OFFICE IN THE DEPARTMENT OF JUSTICE TO MONITOR TERRORIST ACTS BY PALESTINIAN INDIVIDUALS AND ORGANIZATIONS AND CARRY OUT RELATED ACTIVITIES.

(a) IN GENERAL.—The Attorney General shall establish within the Department of Justice an office to carry out the following activities:

(1) Monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations.

(2) Collect information against individuals alleged to have committed acts of international terrorism described in paragraph (1).

(3) Offer rewards for information on individuals alleged to have committed acts of international terrorism described in paragraph (1), including the dissemination of information relating to such rewards in the Arabic-language media.

(4) Negotiate with the Palestinian Authority or related entities to obtain financial compensation for nationals of the United States, or their families, injured or killed by acts of terrorism described in paragraph (1).

(5) In conjunction with other appropriate Federal departments and agencies, establish and implement alternative methods to apprehend, indict, prosecute, and convict individuals who commit acts of terrorism described in paragraph (1).

(6) Contact the families of victims of acts of terrorism described in paragraph (1) and provide updates on the progress to apprehend, indict, prosecute, and convict the individuals who commit such acts.

(7) In order to effectively carry out paragraphs (1) through (6), provide for the permanent stationing of an appropriate number of United States officials in Israel, in territory administered by Israel, in territory administered by the Palestinian Authority, and elsewhere, to the extent practicable.

(b) DEFINITION.—In this section, the term ''international terrorism'' has the meaning given such term in section 2331(b) of title 18, United States Code.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2002 and each subsequent fiscal year such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

By Mr. DASCHLE (for himself, Mr. HARKIN Mr. HATCH, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):

S. 1378. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners under strict guidelines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, today I am introducing the Access to Medical Treatment Act. I am pleased to be joined by Senators HARKIN, HATCH, INOUYE, JOHNSON, and REID in this effort to increase individuals' freedom of choice in health care.

Patient choice is a value often articulated in health care debates. Yet patients often do not have the right to choose potentially life-saving alternative treatments. I want to thank Berkley Bedell, who formerly represented the 6th District of Iowa, for making me aware of the importance of this issue and for assisting in the development of this bill. This has been a multi-year effort, and he has worked tirelessly on it. Berkley has experienced first-hand the life-saving potential of alternative treatments. His story convinced me that our health care system discourages the use of alternative medicine treatment and thereby restricts the right of patients to choose.

American consumers have already voted for expanded access to alternative treatments with their feet and their wallets. A 1997 study published in the Journal of the American Medical Association, JAMA, shows that 42 percent of Americans used some kind of alternative therapy, spending more than $27 billion that year. Americans made more visits to alternative practitioners than to primary care providers. According to a 1999 JAMA study, people sought complementary and alternative medicine not only because they were dissatisfied with conventional medicine but also because these therapies mirrored their own values, beliefs and philosophical orientation toward health and life.

Alternative therapies are rapidly being incorporated into mainstream medical programs, practice and research. Indeed, at least 75 out of 117 U.S. medical schools offer elective courses in alternative medicine or include alternative medicine topics in required courses. A 1994 study in the Journal of Family Practice revealed that more than 60 percent of doctors from a wide range of specialties recommended alternative therapies to their patients at least once. The National Institutes of Health now has a Center for Complementary and Alternative Medicine where research is underway to expand our knowledge of alternative therapies and their safe and effective use.

Despite the growing demand for many types of alternative medicine, some therapies remain unavailable because they have not yet been approved

by the FDA. My bill would increase access to treatments that would normally be regulated by the FDA, but have not yet undergone the expansive and lengthy process currently required to gain FDA approval. Given the popularity of alternative medicine among the American public and its growing acceptance among traditional medical practitioners, it would seem logical to remove some of the access barriers that consumers face when seeking certain alternative therapies.

The Access to Medical Treatment Act supports patient choice while maintaining important patient safeguards. It asserts that individuals, especially those who face life-threatening afflictions for which conventional treatments have proven ineffective, should have the option of trying an alternative treatment. This is a choice rightly made by the consumer, and not dictated by the Federal Government.

All treatments sanctioned by this Act must be prescribed by an authorized health care practitioner who has personally examined the patient. The practitioner must fully disclose all available information about the safety and effectiveness of any medical treatment, including questions that remain unanswered because the necessary research has not been conducted.

The bill carefully restricts the ability of practitioners to advertise or market unapproved drugs or devices or to profit financially from prescribing alternative treatment. This provision was included to ensure that practitioners keep the best interests of patients in mind and to retain incentives for seeking FDA approval. If an individual or a company wants to earn a profit from a product, they would be wise to go through the standard FDA process.

I want to be absolutely clear that this legislation will not dismantle the FDA, undermine its authority, or appreciably change current medical practices. It is not meant to attack the FDA or its approval process. It is meant to complement it. The FDA should, and would under this legislation, remain solely responsible for protecting the health of the Nation from unsafe and impure drugs. The heavy demands and requirements placed upon treatments before they gain FDA approval are important, and I firmly believe that treatments receiving the Federal Government's stamp of approval should be proven safe and effective.

The bill protects patients by requiring practitioners to report any adverse reaction that could potentially have been caused by an unapproved drug or medical device. If an adverse reaction is reported, manufacture and distribution of the drug must cease pending an investigation. If it is determined that the adverse reaction was caused by the drug or medical device, as part of a total recall, the Secretary of the Department of Health and Human Services and the manufacturer have the duty to inform all health care practitioners to whom the drug or medical device has been provided.

This legislation will help build a knowledge base regarding alternative medicine treatments by requiring practitioners to report on effectiveness. This is critical because current information available about the effectiveness of many promising treatments is inadequate. The information generated through this Act will begin to reverse this information gap, as data are collected and analyzed by the Center for Complementary and Alternative Medicine at the National Institutes of Health.

The Access to Medical Treatment Act represents an honest attempt to focus serious attention on the value of alternative treatments and overcome current obstacles to their safe development and utilization. In essence, this legislation addresses the fundamental balance between two seemingly irreconcilable interests: the protection of patients from dangerous and ineffective treatments and the preservation of consumers' freedom to choose alternative therapies. The complexity of this policy challenge should not discourage us from seeking to solve it. I am convinced that the public good will be served by a serious attempt to reconcile these contradictory interests, and I am hopeful the discussion generated by this legislation will help point the way to its resolution.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1379. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to introduce the Rare Diseases Act of 2001.

This legislation, in conjunction with companion legislation introduced by Senator HATCH to amend the orphan drug tax credit, promises to greatly enhance the prospects for developing new treatments and diagnostics, and even cures for literally thousands of rare diseases and disorders.

The Rare Diseases Act provides a statutory authorization for the existing Office of Rare Diseases at the National Institutes of Health, NIH, and authorizes regional centers of excellence for rare disease research and training. The Act also increases the funding for the Food and Drug Administration's, FDA, Orphan Product Research Grant program, which has provided vital support for clinical research on new treatments for rare diseases and disorders.

I am encouraged that, consistent with our legislation, the President has proposed in fiscal year 2002 to create a network of centers of excellence for rare diseases. This proposal originated with the NIH, in recommendations of a Special Emphasis Panel convened to examine the state of rare disease research. Because the Panel itself was convened in response to a request of the Senate Appropriations Committee in 1966, it is appropriate that we are today introducing legislation which represents the fruition of a long, deliberative process involving both the Congress and the NIH.

It is important to note that Congress has had a longstanding interest in rare diseases. In 1983, Congress enacted the Orphan Drug Act to promote the development of treatments for rare diseases and disorders. Such diseases affect small patient populations, typically smaller than 200,000 individuals in the United States, and include Huntington's disease, myoclonus, ALS, Lou Gehrig's disease, Tourette syndrome, and muscular dystrophy. Although each disease may be rare, there are, in sum, 25 million Americans today who suffer from the six thousand known rare diseases and disorders.

As an original sponsor of the Orphan Drug Act, I am pleased it has been a great success, leading to the development of over 220 treatments for rare diseases and disorders. But the greatest share of credit is due to the original author of the Act, Congressman HENRY WAXMAN of California, and to a woman named Abbey Meyers.

During the 1970s, an organization called the National Organization for Rare Disorders, NORD, was founded by Abbey to provide services and to lobby on behalf of patients with rare diseases and disorders. It was Abbey and her organization which were instrumental in pressing Congress for enactment of legislation to encourage the development of orphan drugs.

In light of this important history, I am very pleased that the Rare Diseases Act of 2001 is supported by NORD. And I am also pleased to join my colleague, Senator HATCH, a champion of research into rare diseases, in introducing this legislation.

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

S. 1380. A bill to coordinate and expand United States and international programs for the conservation and protection of North Atlantic Whales; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to introduce the North Atlantic Right Whale Recovery Act of 2001. I am pleased to be joined by our Commerce Committee Chairman, Senator HOLLINGS in this effort. This bill is designed to improve the management and research activities for right whales and increase the focus on reducing mortality caused by ship collisions, entanglement in fishing gear, and other causes. The most endangered of the great whales, the northern Atlantic right whale has shown no evidence of recovery since the whaling days of the

1900s despite full protection from hunting by a League of Nations agreement since 1935. Today the population of North Atlantic Right Whales remains at less than 350 animals, although 2001 was a banner year for reproduction as over 30 calves were born.

The entire Nation has watched with great interest as a team of experts from a number of organizations including the National Marine Fisheries Service, the New England Aquarium and the Center for Coastal Studies has sought to remove the nylon rope that is imbedded in the jaw of a North Atlantic Right Whale, dubbed ''Churchill''. By all accounts, unless the rope is removed the whale is likely to die from infections that are already discoloring the whale's skin. I would like to offer my sincere appreciation for all of these efforts to date and I hope that by offering this legislation today that we can refocus our attention on how to protect these magnificent mammals.

Right whales are at risk of extinction from a number of sources. These include, ship strikes, the number one source of known right whale fatalities, entanglement in fishing gear, coastal pollution, habitat degradation, ocean noise and climate change. This legislation requires the Secretary of Commerce to institute a North Atlantic Right Whale Recovery Program, in coordination with the Department of Transportation and other appropriate Federal agencies, States, the Southeast and Northeast Northern Atlantic Right Whale Recovery Plan Implementation Team and the Atlantic Large Whale Take Reduction Team, pursuant to the authority provided under the Endangered Species Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

This legislation would require the Secretary of Commerce within 6 months of enactment, to initiate demonstration projects designed to result in the immediate reductions in North Atlantic right whale deaths. There are 4 distinct areas that I believe we should be focusing our attention on. First, we should develop acoustic detection and tracking technologies to monitor the migration of right whales so that ships at sea can avoid right whales. Second, we need to continue work on individual satellite tags for right whales. This is yet another way that we can track whale migration and alert ships at sea of the presence of whales and avoid ship strikes. Third, this legislation would speed up the development of neutrally buoyant line and ''weak link'' fishing gear, so that we can either avoid having whales become entangled in the first place or when they do the ''weak links'' break and they can more easily become disentangled. Finally this legislation supports research and testing into developing innovative ways to increase the success of disentanglement efforts.

This legislation allows for the government to provide fishermen ''whale safe'' fishing gear in high use or critical habitat areas. This is crucial, because once we have developed this ''whale safe'' gear we need to get it in the water as soon as possible. I believe an assistance program that is fair to fishermen will be needed and we are asking the agencies to tell us the potential costs so we can ensure that the gear can be deployed where needed.

This legislation requires the Secretary of Transportation and Commerce to develop and implement a comprehensive ship strike avoidance plan for Right Whales. I am pleased that a draft plan has been issued this week, but I want to make it clear that a plan must be implemented by January of 2003. I would like to stress to my colleagues, that by far the number one source of know right whale mortalities is ship strikes, and in my opinion we have not done nearly enough to prevent these lethal ship strikes from happening.

This legislation establishes a right whale research grant program. This program will establish a peer review process of all innovative biological and technical projects designed to protect right whales. In addition to the scientific community, this peer review team will also be comprised of representatives of the fishing industry and the maritime transportation industry. It is important that from the very beginning we have the input of the people who are on the water every day. Their knowledge and experience is absolutely necessary to developing innovative practices and techniques to save right whales.

Congress has appropriated over $8 million dollars in the last two years to protect right whales. I believe that now is the time to develop a comprehensive plan that spells out what we can do immediately to better protect these whales and focus our research efforts on innovative ideas and technologies that can identify whale migrations.

By Mrs. FEINSTEIN:

S. 1381. A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office Building''; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to honor the late Julian Dixon, an esteemed Member of the House of Representatives from California for more than 20 years.

Julian Dixon lived a full life; highlighted by almost thirty years of public service. He served in the Army from 1957 to 1960 and in the California Assembly from 1972 until 1978. Julian was first elected to the House of Representatives in 1978.

As the representative for the Thirty-Second District of California, Julian consistently fought to maintain our Nation's commitment to civil rights and to increase the economic upward mobility of his constituents. Julian was also chair of the Congressional Black Caucus and worked tirelessly to establish a memorial to Dr. Martin Luther King, Jr. here in our Nation's capital.

Julian's legislative work covered myriad issues from intelligence to defense to congressional ethics. He was the ranking member of the House Intelligence Committee and a member of the committee that determines defense appropriations. He used his position on the appropriations committee to provide Federal aid for communities that were devastated by base closings and other defense cuts. He also helped secure emergency funding for damaged businesses after the Northridge earthquake and the Los Angeles riots.

Julian was not only a great legislator, but also a great human being. He was a gentleman in every sense of the word who was willing to work across partisan lines to improve the lives of his constituents and so many Americans. I was privileged as a member of the Senate Appropriations committee to work with Mr. Dixon. In this role, Julian always put California's needs first.

Julian served with passion and distinction. He was a man of the highest integrity and credibility. I am sure his constituents will be proud to have a Post Office named in his honor.

Julian Dixon was a man of principle and fairness whose grace and humility will be sorely missed. I am pleased to honor his memory by introducing a bill to designate the Post Office at 5472 Crenshaw Boulevard in Los Angeles as the ''Congressman Julian C. Dixon Post Office Building.''

By Mr. DEWINE (for himself and Ms. LANDRIEU):

S. 1382. A bill to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes; to the Committee on Governmental Affairs.

Mr. DEWINE. Mr. President, I rise today to introduce legislation, along with my friends and colleagues Senator LANDRIEU and Senator LEVIN, that will have a vital impact on children and families in the District of Columbia. Our bill, the ''District of Columbia Family Court Act of 2001'' is aimed at guiding the District, as the Superior Court strives to reform its role in the child welfare system through its creation of a Family Court.

This legislation takes a very important step forward in helping to ensure that the best interest of children in contact with the DC child welfare system are always paramount. In making

sure that is the case, judges in the system play a key role. I learned this first-hand nearly thirty years ago when I was serving as an assistant county prosecutor in Greene County, OH. One of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody.

I witnessed then that too many of these cases drag on endlessly, leaving children trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home, for years and years and years. Such multiple placements and lack of permanency for these kids is abuse in it's own right.

Since being appointed to the District of Columbia Appropriations Committee, I have made it my personal mission to find financial solutions for the problems facing DC's foster children. In March, Representative DELAY and I laid the groundwork for a DC Family Court Bill that would be bipartisan and effective. In drafting this bill, we have held numerous hearings, met with child welfare advocates from across the District, and had countless meetings with the DC Superior Court Judges.

In particular, I want to thank Chief Judge Rufus King for making himself available to members of Congress and their staffs and for appearing before the DC Subcommittee on Appropriations. Judge King has made reforming the Family Division of the DC Court his number one priority, and I look forward to working with him in the future to implement the reforms established by our DC Family Court Bill.

Our legislation includes a number of important reforms that would ensure that the judicial system protects the children of the District. First, it would increase the length of judicial terms for judges from one year for judges already presiding over the Superior Court to three years. New judges appointed to the Superior Court and then assigned to the Family Court would have five-year terms. This change would enable judges to develop an expertise in Family Law.

Second, the bill would create magistrates so that the current backlog of 4500 permanency cases can be properly and adequately addressed. These magistrates would be distributed among the judges according to a transition plan, which must be submitted to Congress within 90 days of passage of this bill. We want to make sure the court has the flexibility to deal with these important child welfare issues.

Third, the bill provides the resources for an Integrated Judicial Information System, IJIS. This would enable the court to track and properly monitor family cases and would allow all judges and magistrates to have access to the information necessary to make the best decisions about placement and child safety.

Fourth, a reform in the bill that I find extremely important is the One-Judge/One Family provision. This policy would ensure that the same judge, a judge who knows the history of a family and the child, would be making the important permanency decisions. This provision is essential for those hard cases involving abuse and neglect. It ensures consistency. It ensures safety. And, it just makes sense.

Ultimately, our bill would provide consistency through the One-Judge/One-Family provision, it would provide safety and security, and it would provide stability for the children of the District. We need to give the children in the District's welfare system all of these things. It is the right thing to do.

I urge my colleagues to join in support of this bill. We must never, ever lose sight of our responsibility to the children involved. Their needs and their best interests must always come first. And today, I believe we are putting children first and taking a step forward on their behalf.

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. 1382

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 ''District of Columbia Family Court Act of 2001''.

SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11–902, District of Columbia Code, is amended to read as follows:

''§ 11–902. Organization of the court.

''(a) IN GENERAL.—The Superior Court shall consist of the following:

''(1) The Civil Division.

''(2) The Criminal Division.

''(3) The Family Court.

''(4) The Probate Division.

''(5) The Tax Division.

''(b) BRANCHES.—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

''(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.—The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

''(d) JURISDICTION DESCRIBED.—The Family Court shall have original jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11–1101.''.

(b) CONFORMING AMENDMENT TO CHAPTER 9.—Section 11–906(b), District of Columbia Code, is amended by inserting ''the Family Court and'' before ''the various divisions''.

(c) CONFORMING AMENDMENTS TO CHAPTER 11.—(1) The heading for chapter 11 of title 11, District of Columbia, is amended by striking ''FAMILY DIVISION'' and inserting ''FAMILY COURT''.

(2) The item relating to chapter 11 in the table of chapters for title 11, District of Columbia, is amended by striking ''FAMILY DIVISION'' and inserting ''FAMILY COURT''.

(d) CONFORMING AMENDMENTS TO TITLE 16.—

(1) CALCULATION OF CHILD SUPPORT.—Section 16–916.1(o)(6), District of Columbia Code, is amended by striking ''Family Division'' and inserting ''Family Court of the Superior Court''.

(2) EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.—Section 16–924, District of Columbia Code, is amended by striking ''Family Division'' each place it appears in subsections (a) and (f) and inserting ''Family Court''.

(3) GENERAL REFERENCES TO PROCEEDINGS.—Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16–2301 the following new section:

''§ 16–2301.1. References deemed to refer to Family Court of the Superior Court.

''Any reference in this chapter or any other Federal or District of Columbia law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to the Family Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 23 of title 16, District of Columbia, is amended by inserting after the item relating to section 16–2301 the following new item:

''16–2301.1. References deemed to refer to Family Court of the Superior Court.''.

SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUMBER AND QUALIFICATIONS.

(a) NUMBER OF JUDGES FOR FAMILY COURT; QUALIFICATIONS AND TERMS OF SERVICE.—Chapter 9 of title 11, District of Columbia Code, is amended by inserting after section 11–908 the following new section:

''§ 11–908A. Special rules regarding assignment and service of judges of Family Court.

''(a) NUMBER OF JUDGES.—

''(1) IN GENERAL.—The number of judges serving on the Family Court of the Superior Court at any time may not be less than 12 or more than 15.

''(2) REPORT.—The total number of judges on the Superior Court may exceed the limit on such judges to the extent necessary to maintain the requirements of this subsection if the chief judge of the Superior Court—

''(A) obtains the approval of the Joint Committee on Judicial Administration; and

''(B) reports to Congress regarding the circumstances that gave rise to the necessity to exceed the cap.

''(b) QUALIFICATIONS.—The chief judge may not assign an individual to serve on the Family Court of the Superior Court unless—

''(1) the individual has training or expertise in family law;

''(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under section 11–1504 and individuals serving as temporary judges under section 11–908;

''(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11–1104(c); and

''(4) the individual meets the requirements of section 11–1732A(b).

''(c) TERM OF SERVICE.—

''(1) IN GENERAL.—

''(A) SERVING JUDGES.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge in the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years as determined by the chief judge of the Superior Court (including any consecutive period of service on

the Family Division of the Superior Court immediately preceding the date of the enactment of such Act).

''(B) NEW JUDGES.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is not serving as a judge in the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of 5 years.

''(2) ASSIGNMENT FOR ADDITIONAL SERVICE.—After the term of service of a judge of the Family Court (as described in paragraph (1)) expires, at the judge's request the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge may provide.

''(3) PERMITTING SERVICE ON FAMILY COURT FOR ENTIRE TERM.—At the request of the judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

''(d) REASSIGNMENT TO OTHER DIVISIONS.—The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that the judge is unable, for cause, to continue serving in the Family Court.''.

(b) PLAN FOR FAMILY COURT TRANSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) The chief judge's determination of the role and function of the presiding judge of the Family Court.

(B) The chief judge's determination of the number of judges needed to serve on the Family Court.

(C) The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11–1732, District of Columbia Code.

(D) The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) A plan for case flow, case management, and staffing needs (including the needs for both judicial and nonjudicial personnel) for the Family Court.

(F) A plan for space, equipment, and other physical plant needs and requirements during the transition, as determined in consultation with the Administrator of General Services.

(G) An analysis of the success of the use of magistrate judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11–902(d), District of Columbia, as amended by subsection (a)).

(H) Consistent with the requirements of paragraph (2), a proposal for the disposition or transfer to the Family Court of actions and proceedings within the jurisdiction of the Family Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11–1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date) in a manner consistent with applicable Federal and District of Columbia law and best practices, including best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(2) IMPLEMENTATION OF THE PROPOSAL FOR TRANSFER OR DISPOSITION OF ACTIONS AND PROCEEDINGS TO FAMILY COURT.—

(A) IN GENERAL.—The chief judge of the Superior Court and the presiding judge of the Family Court shall take such steps as may be required as provided in the proposal for disposition of actions and proceedings under paragraph (1)(H) to ensure that each action or proceeding within the jurisdiction of the Family Court of the Superior Court (as described in section 11–902(d), District of Columbia Code, as amended by subsection (a)) is transferred to the Family Court or otherwise disposed of as provided in subparagraph (B). The requirement of this subparagraph shall not apply to an action or proceeding pending before a senior judge as defined in section 11–1504, District of Columbia Code.

(B) DEADLINE.—Notwithstanding any other provision of this Act or any amendment made by this Act, no action or proceeding which is within the jurisdiction of the Family Court (as described in section 11–902(d), District of Columbia Code, as amended by subsection (a)) shall remain pending with a judge not serving on the Family Court upon the expiration of 18 months after the date of enactment of this Act.

(C) PROGRESS REPORTS.—The chief judge of the Superior Court shall report to the Committee on Appropriations of each House, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives 6 months and 12 months after the date of enactment of this Act on the progress made towards disposing of actions or proceedings described in subparagraph (B).

(3) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge of the Superior Court may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(c) TRANSITION TO REQUIRED NUMBER OF JUDGES.—

(1) ANALYSIS BY CHIEF JUDGE OF SUPERIOR COURT.—The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)—

(A) the chief judge's determination of the number of individuals serving as judges of the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court under section 11–908A, District of Columbia Code (as added by subsection (a)); and

(B) if the chief judge determines that the number of individuals described in subparagraph (A) is less than 15, a request that the Judicial Nomination Commission recruit and the President nominate (in accordance with section 433 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under such section as may be required to enable the chief judge to make the required number of assignments.

(2) ROLE OF DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION.—For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of judge of the Superior Court equal to the number of additional appointments so requested by the chief judge, except that the deadline for the submission by the District of Columbia Judicial Nomination Commission of nominees to fill such vacancies shall be 90 days after the creation of such vacancies. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(d) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the transition plan under subsection (b)), and shall include in the report the following:

(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 6(d)) on the workload of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(e) CONFORMING AMENDMENT.—The first sentence of section 11–908(a), District of Columbia Code, is amended by striking ''The chief judge'' and inserting ''Subject to section 11–908A, the chief judge''.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11–908 the following new item:

''11–908A. Special rules regarding assignment and service of judges of Family Court.''.

SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by striking section 1101 and inserting the following:

''§ 11–1101. Jurisdiction of the Family Court.

''(a) IN GENERAL.—The Family Court of the District of Columbia shall be assigned and have original jurisdiction over—

''(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

''(2) applications for revocation of divorce from bed and board;

''(3) actions to enforce support of any person as required by law;

''(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

''(5) actions to declare marriages void;

''(6) actions to declare marriages valid;

''(7) actions for annulments of marriage;

''(8) determinations and adjudications of property rights, both real and personal, in any action referred to in this section, irrespective of any jurisdictional limitation imposed on the Superior Court;

''(9) proceedings in adoption;

''(10) proceedings under the Act of July 10, 1957 (D.C. Code, secs. 30–301 to 30–324);

''(11) proceedings to determine paternity of any child born out of wedlock;

''(12) civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16;

''(13) proceedings in which a child, as defined in section 16–2301, is alleged to be delinquent, neglected, or in need of supervision;

''(14) proceedings under chapter 5 of title 21 relating to the commitment of the mentally ill;

''(15) proceedings under chapter 11 of title 21 relating to the commitment of the substantially retarded; and

''(16) proceedings under Interstate Compact on Juveniles (described in title IV of the District of Columbia Court Reform and Criminal Procedure Act of 1970).

''(b) DEFINITION.—In this chapter, the term 'action or proceeding' with respect to the Family Court refers to cause of action described in paragraphs (1) through (16) of subsection (a).

''§ 11–1102. Use of alternative dispute resolution.

''To the greatest extent practicable and safe, cases and proceedings in the Family Court of the Superior Court shall be resolved through alternative dispute resolution procedures, in accordance with such rules as the Superior Court may promulgate.

''§ 11–1103. Standards of practice for appointed counsel.

''The Superior Court shall establish standards of practice for attorneys appointed as counsel in the Family Court of the Superior Court.

''§ 11–1104. Administration.

''(a) 'ONE FAMILY, ONE JUDGE' REQUIREMENT FOR CASES AND PROCEEDINGS.—To the greatest extent practicable and feasible, if an individual who is a party to an action or proceeding assigned to the Family Court has an immediate family or household member who is a party to another action or proceeding assigned to the Family Court, the individual's action or proceeding shall be assigned to the same judge or magistrate judge to whom the immediate family member's action or proceeding is assigned.

''(b) RETENTION OF JURISDICTION OVER CASES.—

''(1) IN GENERAL.—In addition to the requirement of subsection (a), any action or proceeding assigned to the Family Court of the Superior Court shall remain under the jurisdiction of the Family Court until the action or proceeding is finally disposed.

''(2) ONE FAMILY, ONE JUDGE.—

''(A) FOR THE DURATION.—An action or proceeding assigned pursuant to this subsection shall remain with the judge or magistrate judge to whom the action or proceeding is assigned for the duration of the action or proceeding to the greatest extent practicable, feasible, and lawful.

''(B) ALL CASES INVOLVING AN INDIVIDUAL.—If an individual who is a party to an action or proceeding assigned to the Family Court becomes a party to another action or proceeding assigned to the Family Court, the individual's subsequent action or proceeding shall be assigned to the same judge or magistrate judge to whom the individual's initial action or proceeding is assigned to the greatest extent practicable, feasible, and lawful.

''(C) REASSIGNMENT.—If the judge to whom the action or proceeding is assigned ceases to serve on the Family Court prior to the final disposition of the action or proceeding, the presiding judge of the Family Court shall ensure that the matter or proceeding is reassigned to a judge serving on the Family Court, except that a judge who ceases to serve in Family Court but remains in Superior Court may retain the case or proceeding for not more than 6 months after ceasing to serve if such retention is in the best interests of the parties.

''(3) STANDARDS OF JUDICIAL ETHICS.—The actions of a judge or magistrate judge in retaining an action or proceeding under this paragraph shall be subject to applicable standards of judicial ethics.

''(c) TRAINING PROGRAM.—

''(1) IN GENERAL.—The presiding judge of the Family Court shall carry out an ongoing program to provide training in family law and related matters for judges of the Family Court, including magistrate judges, attorneys who practice in the Family Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

''(A) Child development.

''(B) Family dynamics, including domestic violence.

''(C) Relevant Federal and District of Columbia laws.

''(D) Permanency planning principles and practices.

''(E) Recognizing the risk factors for child abuse.

''(F) Any other matters the presiding judge considers appropriate.

''(2) USE OF CROSS-TRAINING.—The program carried out under this section shall use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields.

''(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEEDINGS; PROMOTION OF 'FAMILY-FRIENDLY' ENVIRONMENT.—

''(1) IN GENERAL.—To the greatest extent practicable, the presiding judge of the Family Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individuals and families served by the Court, and that the Court carries out its duties in a manner which reflects the special needs of families with children.

''(2) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practicable, cases and proceedings in the Family Court shall be conducted at locations readily accessible to the parties involved.

''(e) INTEGRATED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.—The Executive Officer of the District of Columbia courts under section 11–1703 shall work with the chief judge of the Superior Court—

''(1) to ensure that all records and materials of cases and proceedings in the Family Court are stored and maintained in electronic format accessible by computers for the use of judges, magistrate judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the Mayor of the District of Columbia under section 4(b) of the District of Columbia Family Court Act of 2001;

''(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court for the use of judges and nonjudicial personnel of the Family Court, using the records and materials stored and maintained pursuant to paragraph (1); and

''(3) to expand such system to cover all divisions of the Superior Court as soon as practicable.

''§ 11–1105. Social services and other related services.

''(a) ON-SITE COORDINATION OF SERVICES AND INFORMATION.—

''(1) IN GENERAL.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

''(2) DUTIES OF HEADS OF OFFICES.—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraph.

''(b) APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services provided by the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Court regarding the services available from the District government to the individuals and families served by the Court. The Mayor shall provide on an ongoing basis information to the chief judge of the Superior Court and the presiding judge of the Family Court regarding the services of the District government which are available for the individuals and families served by the Family Court.

''§ 11–1106. Reports to Congress.

''Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

''(1) The chief judge's assessment of the productivity and success of the use of alternative dispute resolution pursuant to section 11–1102.

''(2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court's performance in the following year.

''(3) Information on the extent to which the Court met deadlines and standards applicable under Federal and District of Columbia law to the review and disposition of actions and proceedings under the Court's jurisdiction during the year.

''(4) Information on the progress made in establishing locations and appropriate space for the Family Court that are consistent with the mission of the Family Court until such time as the locations and space are established.

''(5) Information on any factors which are not under the control of the Family Court which interfere with or prevent the Court from carrying out its responsibilities in the most effective manner possible.

''(6) Based on outcome measures derived through the use of the information stored in electronic format under section 11–1104(d), an analysis of the Court's efficiency and effectiveness in managing its case load during the

year, including an analysis of the time required to dispose of actions and proceedings among the various categories of the Court's jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

''(7) If the Court failed to meet the deadlines, standards, and outcome measures described in the previous paragraphs, a proposed remedial action plan to address the failure.''.

(b) EXPEDITED APPEALS FOR CERTAIN FAMILY COURT ACTIONS AND PROCEEDINGS.—Section 11–721, District of Columbia Code, is amended by adding at the end the following new subsection:

''(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals and shall be certified by the appellant. An oral hearing on appeal shall be deemed to be waived unless specifically requested by a party to the appeal.''.

(c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the computer systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraph (1).

(d) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, District of Columbia Code, is amended by adding at the end the following new items:

''11–1102. Use of alternative dispute resolution.
''11–1103. Standards of practice for appointed counsel.
''11–1104. Administration.
''11–1105. Social services and other related services.
''11–1106. Reports to Congress.''.

SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.

(a) IN GENERAL.—

(1) REDESIGNATION OF TITLE.—Section 11–1732, District of Columbia Code, is amended—

(A) by striking ''hearing commissioners'' each place it appears in subsection (a), subsection (b), subsection (d), subsection (i), subsection (l), and subsection (n) and inserting ''magistrate judges'';

(B) by striking ''hearing commissioner'' each place it appears in subsection (b), subsection (c), subsection (e), subsection (f), subsection (g), subsection (h), and subsection (j) and inserting ''magistrate judge'';

(C) by striking ''hearing commissioner's'' each place it appears in subsection (e) and subsection (k) and inserting ''magistrate judge's'';

(D) by striking ''Hearing commissioners'' each place it appears in subsections (b), (d), and (i) and inserting ''Magistrate judges''; and

(E) in the heading, by striking ''**Hearing commissioners**'' and inserting ''**Magistrate Judges**''.

(2) CONFORMING AMENDMENTS.—(A) Section 11–1732(c)(3), District of Columbia Code, is amended by striking '', except that'' and all that follows and inserting a period.

(B) Section 16–924, District of Columbia Code, is amended—

(i) by striking ''hearing commissioner'' each place it appears and inserting ''magistrate judge''; and

(ii) in subsection (f), by striking ''hearing commissioner's'' and inserting ''magistrate judge's''.

(3) CLERICAL AMENDMENT.—The item relating to section 11–1732 of the table of sections of chapter 17 of title 11, D.C. Code, is amended to read as follows:

''11–1732. Magistrate judges.''.

(b) TRANSITION PROVISION REGARDING HEARING COMMISSIONERS.—Any individual serving as a hearing commissioner under section 11–1732 of the District of Columbia Code as of the date of the enactment of this Act shall serve the remainder of such individual's term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11–1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11–1732 of the District of Columbia Code shall not be required to be a resident of the District of Columbia to be eligible to be reappointed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.

(a) IN GENERAL.—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1732 the following new section:

''§ 11–1732A. Special rules for magistrate judges of the Family Court of the Superior Court.

''(a) USE OF SOCIAL WORKERS IN ADVISORY MERIT SELECTION PANEL.—The advisory selection merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11–1732(b) shall include certified social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia Courts.

''(b) SPECIAL QUALIFICATIONS.—Notwithstanding section 11–1732(c), no individual shall be appointed as a magistrate judge for the Family Court of the Superior Court unless that individual—

''(1) is a citizen of the United States;

''(2) is an active member of the unified District of Columbia Bar;

''(3) for the 5 years immediately preceding the appointment has been engaged in the active practice of law in the District, has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or District government, or any combination thereof;

''(4) has not fewer than 3 years of training or experience in the practice of family law; and

''(5)(A) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment, and retains such residency during service as a magistrate judge; or

''(B) is a bona fide resident of the areas consisting of Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties, and the City of Alexandria in Virginia, has maintained an actual place of abode in such area for at least 5 years prior to appointment, and certifies that the individual will become a bona fide resident of the District of Columbia not later than 90 days after appointment.

''(c) SERVICE OF CURRENT HEARING COMMISSIONERS.—Those individuals serving as hearing commissioners under section 11–1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

''(d) FUNCTIONS.—A magistrate judge, when specifically designated by the presiding judge of the Family Court of the Superior Court, and subject to the rules of the Superior Court and the right of review under section 11–1732(k), may perform the following functions:

''(1) Administer oaths and affirmations and take acknowledgements.

''(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested or contested proceedings within the jurisdiction of the Family Court of the Superior Court (as described in section 11–1101), excluding jury trials and trials of felony cases, as assigned by the presiding judge of the Family Court.

''(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained pursuant to the authority of this paragraph for longer than 180 days.

''(e) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practicable, magistrate judges of the Family Court of the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

''(f) TRAINING.—The Family Court of the Superior Court shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.''.

(b) CONFORMING AMENDMENTS.—(1) Section 11–1732(a), District of Columbia Code, is amended by inserting after ''the duties enumerated in subsection (j) of this section'' the following: ''(or, in the case of magistrate judges for the Family Court of the Superior Court, the duties enumerated in section 11–1732A(d))''.

(2) Section 11–1732(c), District of Columbia Code, is amended by striking ''No individual'' and inserting ''Except as provided in section 11–1732A(b), no individual''.

(3) Section 11–1732(k), District of Columbia Code, is amended—

(A) by striking ''subsection (j),'' and inserting the following: ''subsection (j) (or proceedings and hearings under section 11–1732A(d), in the case of magistrate judges for the Family Court of the Superior Court),''; and

(B) by inserting after ''appropriate division'' the following: ''(or, in the case of an order or judgment of a magistrate judge of the Family Court of the Superior Court, by a judge of the Family Court)''.

(4) Section 11–1732(l), District of Columbia Code, is amended by inserting after ''responsibilities'' the following: ''(subject to the requirements of section 11–1732A(f) in the case of magistrate judges of the Family Court of the Superior Court)''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia, is amended by inserting after the item relating to section 11–1732 the following new item:

''11–1732A. Special rules for magistrate judges of Family Court of the Superior Court.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXPEDITED INITIAL APPOINTMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall appoint not more than 5 individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11–1732 and 11–1732A, District of Columbia Code (as added by subsection (a)).

(B) APPOINTMENTS MADE WITHOUT REGARD TO SELECTION PANEL.—Sections 11–1732(b) and 11–1732A(a), District of Columbia Code (as added by subsection (a)) shall not apply with respect to any magistrate judge appointed under this paragraph.

(C) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign and transfer to the magistrate judges appointed under this paragraph actions and proceedings described as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The judge to whom the action or proceeding is assigned as of the date of the enactment of this Act is not assigned to the Family Division.

(iii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of the enactment of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREEMENT WITH MARYLAND AND VIRGINIA.

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of Columbia should promptly enter into a border agreement to facilitate the timely and safe placement of children in the District of Columbia's welfare system in foster and kinship homes and other facilities in Maryland and Virginia.

SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF COURT APPOINTED SPECIAL ADVOCATES.

It is the sense of the Senate that the Chief Judge of the Superior Court and the Presiding Judge of the Family Division should take all steps necessary to encourage and support the use of Court Appointed Special Advocates (CASA) in family court actions or proceedings.

SEC. 9. INTERIM REPORTS.

Not later than 12 months after the date of enactment of this Act, the chief judge of the Superior Court and the presiding judge of the Family Court—

(1) in consultation with the General Services Administration, shall submit to Congress a feasibility study for the construction of appropriate permanent courts and facilities for the Family Court; and

(2) shall submit to Congress an analysis of the success of the use of magistrate judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11–902(d), District of Columbia).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Courts of the District of Columbia and the District of Columbia such sums as may be necessary to carry out the amendments made by this Act.

SEC. 11. EFFECTIVE DATE.

The amendments made by section 4 shall take effect upon the expiration of the 18 month period which begins on the date of the enactment of this Act.

By Mrs. CLINTON (for herself and Mr. ROBERTS):

S. 1383. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I am pleased to introduce today a bill to support the efforts of the many companies in New York and elsewhere who grant stock options to their employees. Over the past three decades, companies have increasingly used stock options to attract and motivate employees. These companies give their workers the right to purchase company stock, at a small discount from the listed price, through Employee Stock Purchase Plans, ESPP and Incentive Stock Options, ISO. Employees stock ownership has been shown to motivate workers and enhance relationship between management and workers. Indeed, for many workers, these plans are the only way to amass any assets.

For nearly thirty years, the Internal Revenue Service, IRS has taken the position that income from these stock options is not subject to employment taxes. However, recent audits and rulings on individual companies have raised the troubling prospect that the IRS may now reverse its policy.

ESPPs and ISOs were created by Congress to provide tools to build strong companies through increased employee ownership of company stock. The purpose of the bipartisan bill I am introducing today, with Senator ROBERTS, is to clarify that it was not the intent of Congress to dilute these incentives by requiring employment tax withholding when the stock is purchased. While the IRS has in place a moratorium until January 1, 2003 on assessing employment taxes on stock options, we must take action to eliminate any uncertainty for companies and workers as to whether options are subject to withholding taxes.

Again, the legislation I am introducing would clarify that the difference between the exercise price and the fair market value of stock offered by the ISO and ESPP is excluded from employment taxes. In addition, wage withholding is not required on disqualifying dispositions of ISO stock or on the fifteen percent discount offered to employees by ESPPs.

I urge my colleagues to join me in cosponsoring this legislation.

By Mr. SMITH of Oregon:

S. 1384. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to expand the definition of the term ''Major disaster'' to include an application of the Endangered Species Act of 1973 that souses severe economic hardship; to the Committee on Environment and Public Works.

Mr. SMITH of Oregon. Mr. President, earlier this month I went to the Santiam Canyon community of Detroit. Along with my visit to Klamath Falls in May, it was probably one of the most emotional days I have had as a Senator.

This beautiful community, located on one of Oregon's most popular recreational lakes, has been devastated by a combination of natural and man-made disasters. I stood next to one of the Detroit Lake marinas, which in past years had been the busiest spot on the lake, provided services to hundreds of boaters. I was amazed to see this marina was high and dry. Now there are only tree stumps and mud flats in the reservoir. Again, a result of both natural and man-made disasters. I hosted a town hall where 350 community residents, nearly the entire population of the City of Detroit, came to share their desperate concerns.

I need to tell you what brought the community of Detroit, OR, to this point.

Over 50 years ago, the town was forced by the Federal Government to move from its original location so that Detroit Dam & Reservoir could be built. The original city site was buried under several feet of water. Detroit was a hearty community of strong-willed men and women. Instead of giving up, they moved their community to higher ground, and they survived. Years later, the Federal Government again came to Detroit. Like a number of other timber dependent communities in Santiam Canyon, the timber supply from the surrounding Federal land was cut off and the mills were forced to close. Again, the residents of Detroit refused to be broken, and instead retooled their economy from timber to tourism.

Now, the Federal Government is visiting Detroit, Oregon again. This time, as a result of drought and the government's decision to drain Detroit Reservoir, upon which that new economy was based, the community is once again facing extinction. Even with economic losses estimated at $1.75 million, the Small Business Administration and the Federal Emergency Management Agency tell me that according to their regulations, there is no disaster in Detroit, OR, today.

I am here to tell you that there is a disaster in Detroit, it was caused by the Federal Government, and it should be made right by the Federal Government.

The Corps of Engineers drained Detroit Lake this summer before it ever had a chance to fill. The Corps tells me that under a negotiated agreement with the Oregon Department of Fish and Wildlife, NMFS and other State and Federal agencies, it devised an operating plan to drain the reservoir in order to meet far downstream needs for water quality under the Clean Water Act and the Endangered Species Act, and even to meet the power needs of California. Once again, the needs of rural communities were left out of the equation.

I hope that the Senate will work with me to find more effective ways of addressing drought. Detroit Lake is the prime example of how Federal programs fail to prepare and assist non-agricultural communities through drought disasters. This must change. The Federal Government must engage the States in preparing comprehensive drought contingency plans that address all those who are affected, agricultural and non-agricultural communities alike.

Areas like Detroit Lake and the Klamath Basin also portray in bold proportion the Federal Government's failure to take responsibility for its own actions, actions it deems necessary to meet environmental goals. I do not believe, however, that commitment to shared environmental values means leaving dustbowls, wastelands, and paralyzed communities in the wake of Federal actions. There must be a better way.

Therefore, I am introducing legislation today that would qualify government-induced disasters for Disaster relief under the same guidelines as natural disasters. It seems only fitting that if the Government causes the disaster, it should provide the same relief as when nature causes the problem.

I understand our environmental ethic, and I believe in our environmental stewardship obligations. But I know that I am not alone when I say this Government of the people and by the people, must also be for the people. Including those people hurting in Detroit, OR, today.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1385. A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce important legislation to improving the capacity and reliability of wastewater systems in the State of Washington.

I thank my friend, Washington state's senior Senator, PATTY MURRAY, who worked on this legislation in the last Congress and who has been a champion of clean water as a member of this body. I look forward to working with her as we build on those efforts in the years to come.

The United States economy, the strongest economy in the world, is built on our human infrastructure and our physical infrastructure. We have among the most comprehensive air traffic, public transit, highway, and navigable waterway transportation systems; perhaps the most sophisticated energy transmission grids and communication networks; and the most effective drinking water and wastewater systems in the world.

However, in the face of the natural aging and deterioration of these resources, combined with significant population growth, our Nation has a massive need for investment in the maintenance and improvement of our resources. Our Nation's economic health, and literally the physical health of our constituents, depends on that investment.

In March, the American Society of Civil Engineers released a ''Report Card for America's Infrastructure.'' After an extensive survey of the Nation's infrastructure, the group of professionals perhaps most familiar with the technical capabilities of the roads, bridges, dams, runways, and water treatment plants, gave our Nation a cumulative grade of D+. The group estimated that our Nation needs to invest $1.3 trillion over the next five years to bring our infrastructure up to the standards that keep our overall economy out of the gridlock that has gripped many of our metropolitan areas, that will keep our families safe, and that simply befits the nature of this great Nation in striving to be the best in the world.

The legislation that my colleague and I are introducing today addresses only a small piece of this infrastructure, but it is nonetheless important in addressing the growth of our region and the impacts of that growth on the water systems of one part of Washington. This legislation will authorize one project, in one area of our state, but it is essential to maintaining water quality in the Puget Sound region for fish habitat, for wetland restoration, and for meeting the growing demands for water in the many communities served by the Lakehaven Utility District.

Since 1972 the Federal Government has spent about $73 billion on wastewater treatment programs. That's certainly no minor contribution, and we have made progress, the elimination of nearly 85 percent of wastewater. Unfortunately, with aging water collection and treatment systems across the Nation, it is still estimated that between 35 percent and 45 percent of U.S. surface waters do not meet current water-quality standards. Our Nation's 16,000 wastewater systems still face enormous infrastructure funding needs.

While last year Congress appropriated $1.35 billion for wastewater infrastructure, and another $1.35 billion in the legislation for fiscal year 2002 that this body passed yesterday, EPA has estimated that we will need to spend $126 billion by 2016 to fully achieve secondary treatment improvements of existing facilities. So we still have a long way to go, and I intend to keep working on increasing that Federal commitment with my colleagues.

Again, the legislation that we are introducing today will take steps toward solving some of these infrastructure needs in the Puget Sound area and I will take a moment to explain the legislation.

The Lakehaven Utility District is one of Washington State's largest water and sewer utilities providing 10.5 million gallons of water a day to over 100,000 residents and numerous corporate facilities in south King county and parts of Pierce county. The demand for water from these sources has increased to a point that the district may soon exceed safe water production limits and has resulted in reduction of water levels in all local aquifers.

The District has two secondary wastewater treatment plants that currently discharge more than 6 million gallons of water a day to Puget Sound and the district is certain that techniques successfully used in many parts of this Nation to utilize reclaimed water to manage groundwater levels could be used in this region. The district has prepared a plan to construct additional treatment systems at the two wastewater treatment plants in the district, to improve pipeline distribution systems for transporting water to the reuse areas, and systems to direct water back to the aquifer system. if we make these improvements, the district will be able to better maintain stream levels during droughts and recharge the aquifers without using additional surface water.

The legislation authorizes the Bureau of Reclamation to assist in the planning, land acquisition and construction of this important water reclamation project. The bill limits the Federal contribution to 25 percent and would comply with other limitations and obligations of the Reclamation Wastewater and Groundwater Study and Facilities Act.

This project would begin to meet the needs of improving the wastewater systems serving a large segment of the Northwest population, and will provide additional protection for vital natural resources, using economically feasible and proven technologies. The Federal Government has a role in maintaining these systems and assisting in building additional infrastructure to handle our nation's massive needs.

Thus I urge my colleagues to join with us in support of this critical legislation for the state of Washington and our Nation, I look forward to working with my colleagues to expeditiously take up and pass this bill.

By Mr. SANTORUM:

S. 1386. A bill to amen the Internal Revenue Code of 1986 to provide for the equitable operation of welfare benefit plans for employees, and for other purposes; to the Committee on Finance.

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

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

S. 1386

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; AMENDMENT TO 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Employee Welfare Benefit Equity Act of 2001''.

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

Sec. 1. Short title; table of contents; amendment to 1986 Code.

TITLE I—CERTAIN WELFARE BENEFIT PLANS

Sec. 101. Modification of definition of ten-or-more employer plans.
Sec. 102. Clarification of deduction limits for certain collectively bargained plans.
Sec. 103. Clarification of standards for section 501(c)(9) approval.
Sec. 104. Tax shelter provisions not to apply.
Sec. 105. Effective dates.

TITLE II—ENFORCEMENT PROVISIONS

Sec. 201. Clarification of section 4976.
Sec. 202. Effective date.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly 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 Internal Revenue Code of 1986.

TITLE I—CERTAIN WELFARE BENEFIT PLANS

SEC. 101. MODIFICATION OF DEFINITION OF TEN-OR-MORE EMPLOYER PLANS.

(a) ADDITIONAL REQUIREMENTS.—Paragraph (6)(B) of section 419A(f) (relating to the exception for 10 or more employer plans) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

''(iii) which meets the requirements of section 505(b)(1) with respect to all benefits provided by the plan,

''(iv) which has obtained a favorable determination from the Secretary that such plan (or a predecessor plan) is an organization described in section 501(c)(9), and

''(v) under which no severance pay benefit is provided.''

(b) CLARIFICATION OF EXPERIENCE RATING.—

(1) IN GENERAL.—Paragraph (6)(A) of section 419A(f) (relating to the exception for 10 or more employer plans) is amended by striking the second sentence and inserting the following: ''The preceding sentence shall not apply to any plan which is an experience-rated plan.''

(2) EXPERIENCE-RATED PLAN.—Section 419A(f)(6) is amended by adding at the end the following new subparagraph:

''(C) EXPERIENCE-RATED PLAN.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'experience-rated plan' means a plan which determines contributions by individual employers on the basis of actual gain or loss experience.

''(ii) EXCEPTION FOR GUARANTEED BENEFIT PLAN.—

''(I) IN GENERAL.—The term 'experience-rated plan' shall not include a guaranteed benefit plan.

''(II) GUARANTEED BENEFIT PLAN.—The term 'guaranteed benefit plan' means a plan the benefits of which are funded with insurance contracts or are otherwise determinable and payable to a participant without reference to, or limitation by, the amount of contributions to the plan attributable to any contributing employer. A plan shall not fail to be treated as a guaranteed benefit plan solely because benefits may be limited or denied in the event a contributing employer fails to pay premiums or assessments required by the plan as a condition of continued participation.''

(c) SINGLE PLAN REQUIREMENT.—Section 419A(f)(6), as amended by subsections (a) and (b), is amended—

(1) by striking ''means a plan'' in subparagraph (B) and inserting ''means a single plan'', and

(2) by adding at the end the following:

''(D) SINGLE PLAN.—For purposes of this paragraph, the term 'single plan' means a written plan or series of related written plans the terms of which provide that—

''(i) all assets of the plan or plans, whether maintained under 1 or more trusts, accounts, or other arrangements and without regard to the method of accounting of the plan or plans, are available to pay benefits of all participants without regard to the participant's contributing employer, and

''(ii) the method of accounting of the plan or plans may not operate to limit or reduce the benefits payable to a participant at any time before the withdrawal of the participant's employer from the plan or the termination of any benefit arrangement under the plan.''

SEC. 102. CLARIFICATION OF DEDUCTION LIMITS FOR CERTAIN COLLECTIVELY BARGAINED PLANS.

Paragraph (5) of section 419A(f) (relating to the deductions limits for certain collectively bargained plans) is amended by adding at the end the following flush sentences:

''Subparagraph (B) shall not apply to any plan maintained pursuant to an agreement between employee representatives and 1 or more employers unless the taxpayer applies for, and the Secretary issues, a determination that such agreement is a bona fide collective bargaining agreement and that the welfare benefits provided under the agreement were the subject of good faith bargaining between employee representatives and such employer or employers. The Secretary may issue regulations to carry out the purposes of the preceding sentence.''

SEC. 103. CLARIFICATION OF STANDARDS FOR SECTION 501(c)(9) APPROVAL.

Section 505 is amended by adding at the end the following new subsection:

''(d) CLARIFICATION OF STANDARDS FOR EXEMPTION.—

''(1) MEMBERSHIP.—An organization shall not fail to be treated as an organization described in paragraph (9) of section 501(c) solely because its membership includes employees or other allowable participants who—

''(A) reside or work in different geographic locales, or

''(B) do not work in the same industrial or employment classification.

''(2) FUNDING.—An organization described in paragraph (9) or (20) of section 501(c) shall not be treated as discriminatory solely because life insurance or other benefits provided by the organization are funded with different types of products, contracts, investments, or other funding methods of varying costs, but only if the plan under which such benefits are provided meets the requirements of subsection (b).''

SEC. 104. TAX SHELTER PROVISIONS NOT TO APPLY.

Section 419 (relating to treatment of funded welfare benefit plans) is amended by adding at the end the following:

''(h) TAX SHELTER RULES NOT TO APPLY.—For purposes of this title, a welfare benefit fund meeting all applicable requirements of this title shall not be treated as a tax shelter or corporate tax shelter.''

SEC. 105. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this title shall apply to contributions to a welfare benefit fund made after the date of the enactment of this Act.

(b) TAX SHELTER RULES.—The amendment made by section 104 shall take effect as if included in the amendments made by section 1028 of the Taxpayer Relief Act of 1997.

TITLE II—ENFORCEMENT PROVISIONS

SEC. 201. CLARIFICATION OF SECTION 4976.

Section 4976 (relating to excise taxes with respect to funded welfare benefit plans) is amended to read as follows:

''SEC. 4976. TAXES WITH RESPECT TO FUNDED WELFARE BENEFIT PLANS.

''(a) IMPOSITION OF TAX.—

''(1) GENERAL RULE.—If—

''(A) an employer maintains a welfare benefit fund, and

''(B) there is—

''(i) a disqualified benefit provided or funded during any taxable year, or

''(ii) a premature termination of such plan,

there is hereby imposed on such employer a tax in the amount determined under paragraph (2).

''(2) AMOUNT OF TAX.—The amount of the tax imposed by paragraph (1) shall be equal to—

''(A) in the case of a taxable event under paragraph (1)(B)(i), 100 percent of—

''(i) the amount of the disqualified benefit provided, or

''(ii) the amount of the funding of the disqualified benefit, and

''(B) in the case of a taxable event under paragraph (1)(B)(ii), 100 percent of all contributions to the fund before the termination.

''(b) DISQUALIFIED BENEFIT.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'disqualified benefit' means—

''(A) any post-retirement medical benefit or life insurance benefit provided with respect to a key employee if a separate account is required to be established for such employee under section 419A(d) and such payment is not from such account,

''(B) any post-retirement medical benefit or life insurance benefit provided or funded with respect to an individual in whose favor discrimination is prohibited unless the plan meets the requirements of section 505(b) with respect to such benefit (whether or not such requirements apply to such plan), and

''(C) any portion of a welfare benefit fund reverting to the benefit of the employer.

''(2) EXCEPTION FOR COLLECTIVE BARGAINING PLANS.—Paragraph (1)(B) shall not apply to any plan maintained pursuant to an agreement between employee representatives and 1 or more employers if the Secretary finds that such agreement is a collective bargaining agreement and that the benefits referred to in paragraph (1)(B) were the subject of good faith bargaining between such employee representatives and such employer or employers.

''(3) EXCEPTION FOR NONDEDUCTIBLE CONTRIBUTIONS.—Paragraph (1)(C) shall not apply to any amount attributable to a contribution to the fund which is not allowable as a deduction under section 419 for the taxable year or any prior taxable year (and such contribution shall not be included in any carryover under section 419(d)).

''(4) EXCEPTION FOR CERTAIN AMOUNTS CHARGED AGAINST EXISTING RESERVE.—Subparagraphs (A) and (B) of paragraph (1) shall not apply to post-retirement benefits charged against an existing reserve for post-retirement medical or life insurance benefits (as defined in section 512(a)(3)(E)) or charged against the income on such reserve.

''(c) PREMATURE TERMINATION.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'premature termination' means a termination event which occurs on or before the date which is 6 years after the first contribution to a welfare benefit fund which benefits any highly compensated employee.

''(2) EXCEPTION FOR INSOLVENCY, ETC.—Paragraph (1) shall not apply to any termination event which occurs by reason of the insolvency of the employer or for such other reasons as the Secretary may by regulation determine are not likely to result in abuse.

''(3) TERMINATION EVENT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'termination event' means—

''(i) the termination of a welfare benefit fund,

''(ii) the withdrawal of an employer from a welfare benefit fund to which more than 1 employer contributes, or

''(iii) any other action which is designed to cause, directly or indirectly, a distribution of any asset from a welfare benefit fund to a highly compensated employee.

''(B) EXCEPTION FOR BONA FIDE BENEFITS.—Subparagraph (A) shall not apply to any bona fide benefit (other than a severance benefit) paid from a welfare benefit fund which is available to all employees on a nondiscriminatory basis and payable pursuant to the terms of a written plan.

''(d) DEFINITIONS.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided, the terms used in this section shall have the same respective meanings as when used in subpart D of part I of subchapter D of chapter 1.

''(2) POST-RETIREMENT BENEFIT.—

''(A) IN GENERAL.—The term 'post-retirement benefit' means any benefit or distribution which is reasonably determined to be paid, provided, or made available to a participant on or after normal retirement age.

''(B) NORMAL RETIREMENT AGE.—The term 'normal retirement age' shall have the same meaning given the term in section 3(24) of the Employee Retirement Income Security Act of 1974, but in no event shall such date be later than the latest normal retirement age defined in any qualified retirement plan of the employer maintaining the welfare benefit fund which benefits such individual.

''(C) PRESUMPTION IN THE CASE OF PERMANENT LIFE INSURANCE.—In the case of a welfare benefit fund which provides a life insurance benefit for an employee, any contributions to the fund for life insurance benefits in excess of the cumulative projected cost of providing the employee permanent whole life insurance, calculated on the basis level premiums for each for each year before a normal retirement age, shall be treated as funding a post-retirement benefit.''

SEC. 202. EFFECTIVE DATE.

The amendments made by this title shall apply to benefits provided, and terminations occurring, after the date of the enactment of this Act.

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

S. 1387. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural States by developing comprehensive program that will result in statewide physician population growth, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation, the ''Rural States Physician Recruitment and Retention Demonstration Act of 2001,'' with Senators DOMENICI and ROCKEFELLER. This Act would create a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in demonstration States by developing a training program and loan repayment program that will result in statewide physician population growth.

The problem of recruiting and retaining physicians, particularly in some specialties, has reached crisis proportions in my State. There are very few small town residents who don't have a story to tell about losing a cherished doctor or traveling vast distances to see a specialist. And even in New Mexico's most populous city, Albuquerque, the number of practicing neurosurgeons can be counted on one hand. Not so long ago there were 11 of them practicing there. We know that the surgeons in Santa Fe are struggling to recruit a new general surgeon, as are many other communities throughout the State. We know that the thought of having an additional psychiatrist in Las Cruces would be considered by many to be an unrealistic fantasy. I am certain that many Senators from States that are demographically more similar to New Mexico than they are to Washington, D.C. can truly understand the discrepancy in physician recruitment and retention.

Anyone representing a rural State knows that a certain amount of physician turn over is inevitable and understandable. It is very important, however, to anticipate how we can ensure an adequate supply of physicians in the future. Payment for Graduate Medical Education slots has been frozen at the number of physicians who were being trained in 1996. Within the past six months we have been told that the funding for training family physicians, general internists, pediatricians, dentists, nurse practitioners, physician assistants, and other health professionals should be drastically cut because ''today a physician shortage no longer exists''. Although aggregate data appears to support the notion that we need not be concerned about a physician shortage, this does not reflect what is happening at home.

Health professional shortages continue to exist in geographically isolated and economically disadvantaged areas. This maldistribution problem is exacerbated by market forces that often entice physicians to urban or suburban areas where higher income levels can be achieved. The Medicare payment formula further contributes to the problem by assessing a lower cost of living adjustment in rural areas and, accordingly, decreasing the Medicare payment rate in the very area where the physician shortage exists in the first place. Fortunately we know that economics is only one of the many factors that physicians consider when they are choosing a place to practice. Family considerations and lifestyle issues also play a vital role in this important decision. One of the best predictors of where a physician will practice is directly related to the location of their post-graduate medical education—they are likely to stay within a sixty-mile radius of where they did their residency training. This fact, provides us with a focus for this demonstration project.

This particular piece of legislation creates a demonstration program in nine States that will correct the flaws in the system in two ways, and then will track health professionals in each demonstration State through a state-specific health professions database. Demonstration States would be identified using three criteria including an uninsured rate above the U.S. average, lack of primary care access above the U.S. average, and a combined Medicare and Medicaid population above 20 percent.

The first flaw in the system is the capitation limit placed on all residency graduate medical education positions in 1996. Whereas this action may have been appropriate for some States, maybe even most States, it has been extremely damaging to rural States where we know physicians are in short supply. This bill allows a sponsoring institution to increase the number of residency and fellowship positions by up to 50 percent if the sponsoring institution agrees to require that each resident or fellow in the affected training programs would spend an aggregate of 10 percent of their time during training providing supervised specialty services to underserved and rural community populations outside of their training institution. A waiver from this rural outreach requirement can be granted by the Secretary for certain hospital-based subspecialists, like neurosurgeons, if the demonstration State can demonstrate a shortage of physicians in that specialty statewide.

The second flaw in the system revolves around the debt load carried by many physicians when they finish their training program. Currently there are several Federal and State programs that will help repay education loans. The problem lies in the fact that only primary care specialties currently qualify for these loan repayment programs. This legislation creates a similar loan repayment program for underserved specialists who agree to practice for one year in the demonstration State for each year of education loans that are repaid.

Thus, this demonstration project does two critical things for recruitment and retention in rural States. It exposes to underserved areas that they may never have otherwise been exposed to, which increases the possibility that they will stay and practice there. It also relieves some of their economic burden from loans which may help to moderate the effect of lower Medicare reimbursement rates in rural areas.

I request 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. 1387

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 ''Rural States Physician Recruitment and Retention Demonstration Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rural States Physician Recruitment and Retention Demonstration Program.
Sec. 4. Establishment of the Health Professions Database.
Sec. 5. Evaluation and reports.
Sec. 6. Contracting flexibility.

SEC. 2. DEFINITIONS.

In this Act:

(1) COGME.—The term ''COGME'' means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).

(2) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 3(a).

(3) DEMONSTRATION STATES.—The term ''demonstration States'' means each State identified by the Secretary, based upon data from the most recent year for which data are available—

(A) that has an uninsured population above 16 percent (as determined by the Bureau of the Census);

(B) for which the sum of the number of individuals who are entitled to benefits under the medicare program and the number of individuals who are eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) equals or exceeds 20 percent of the total population of the State (as determined by the Centers for Medicare & Medicaid Services); and

(C) that has an estimated number of individuals in the State without access to a primary care provider of at least 17 percent (as published in ''HRSA's Bureau of Primary Health Care: BPHC State Profiles'').

(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term ''eligible residency or fellowship graduate'' means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.

(5) HEALTH PROFESSIONS DATABASE.—The term ''Health Professions Database'' means the database established under section 4(a).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDPAC.—The term ''MedPAC'' means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTY.—The term ''shortage physician specialty'' means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of national data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 3. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural States in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 2(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Centers for Medicare & Medicaid Services) shall—

(i) notwithstanding section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) increase, by up to 50 percent of the total number of residency and fellowship positions approved at each medical residency training program in each demonstration State, the number of residency and fellowship positions in each shortage physician specialty; and

(ii) subject to subparagraph (C), provide funding under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) for each position added under clause (i).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH SPONSORING INSTITUTIONS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing such provisions as the Secretary determines are appropriate, including the provision described in clause (ii) by each sponsoring institution.

(ii) PROVISION DESCRIBED.—

(I) IN GENERAL.—Except as provided in subclause (II), the provision described in this clause is a provision that provides that, during the residency or fellowship, the resident or fellow shall spend not less than 10 percent of the training time providing specialty services to underserved and rural community populations other than an underserved population of the sponsoring institution.

(II) EXCEPTIONS.—The Secretary, in consultation with COGME, shall identify shortage physician specialties and subspecialties for which the application of the provision described in subclause (I) would be inappropriate and the Secretary may waive the requirement under clause (i) that such provision be included in the contract of a resident or fellow with such a specialty or subspecialty.

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency or fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) REASSESSMENT OF NEED.—The Secretary shall reassess the status of the shortage physician specialty in the demonstration State prior to entering into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for whom the Secretary has approved an application submitted under subparagraph (D); and

(ii) with whom the Secretary has entered into a contract under subparagraph (C).

(B) QUALIFIED LOAN AMOUNT.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall repay the lesser of—

(I) 25 percent of the loan obligation of a graduate on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C); or

(II) $25,000 per graduate per year of such obligation during such period.

(ii) LIMITATION.—The aggregate amount under this subparagraph may not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) PROVISIONS.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate—

(I) to practice in a health professional shortage area of a demonstration State during the period in which a loan is being repaid or forgiven under this section; and

(II) to provide health services relating to the shortage physician specialty of the graduate that was funded with the loan being repaid or forgiven under this section during such period.

(D) APPLICATION.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) REASSESSMENT OF NEED.—The Secretary shall reassess the shortage physician specialty in the demonstration State prior to accepting an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) CONSTRUCTION.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) APPROPRIATIONS.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 4. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, and training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 3(c).

(2) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the AMA Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) AVAILABILITY.—

(1) DURING THE PROGRAM.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline with respect to a State's health professions workforce and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) FOLLOWING THE PROGRAM.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 5. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—Not later than 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date, COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress.

(2) MEDPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 6. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

By Ms. LANDRIEU:

S. 1388. A bill to make election day a Federal holiday; to the Committee on the Judiciary

Ms. LANDRIEU. 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. 1388

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

SECTION 1. FINDINGS.

Congress finds that—

(1) democracy is an invaluable birthright of American citizens and each generation must sustain and improve the democratic process for its successors;

(2) the Federal Government must actively create and enforce laws that protect the voting rights of all Americans, and further create an equal opportunity for all Americans to participate in the voting process;

(3) the Federal Government should encourage the value of the right to vote;

(4) 22.6 percent of Americans who do not vote in elections give the reasoning that they are too busy and have a conflicting work or school schedule;

(5) the creation of a legal public holiday on election day will increase the availability of poll workers and suitable polling places; and

(6) the creation of a legal public holiday on election day might make voting easier for some workers and increase voter participation by the American public.

SEC. 2. ESTABLISHMENT OF ELECTION DAY IN FEDERAL ELECTION YEARS AS A LEGAL PUBLIC HOLIDAY.

Section 6103(a) of title 5, United States Code, is amended by inserting immediately below the item relating to Veterans Day the following:

''Election Day, the Tuesday next after the first Monday in November in each even-numbered year.''.

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

S. 1389. A bill to provide for the conveyance of certain real property in south Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today Senator JOHNSON and I are introducing the Homestake Mine Conveyance Act of 2001 to enable the construction of a new, world-renowned science laboratory in the Black Hills of South Dakota.

Last Year, the Homestake Mining Company announced it is closing its gold mine in Lead, SD after 125 years of operation. This mine has been an important part of the economy in the Black Hills, and its closure presented South Dakota with a serious challenge.

New opportunities for Lead became possible, however, when we learned that a group of prominent scientists had identified the mine as a potential site to establish a national underground science laboratory. Composed of some of the foremost researchers in the country, the National Underground Science Laboratory Committee found that Homestake's unique combination of depth, geologic stability and outstanding infrastructure made it an ideal location for an underground laboratory that could support groundbreaking new scientific research. In just the last few months, a $281 million proposal to construct the laboratory has been submitted to the National Science Foundation.

As I learned, tiny particles known as neutrinos hold the answer to fundamental questions about the nature of the universe. These particles cannot be detected on the surface of the Earth due to the immense amount of interference coming in from outer space. However, research laboratories located deep underground, where detectors are shielded by thousand of feet of rock, have been able to detect these particles and provide important new information to scientists. Because the Homestake mine in Lead is over 8,000 feet deep, it offers outstanding opportunities for such research. In fact one neutrino experiment has been operating there since the 1960s.

I have never seen such excitement in Lead as I have seen in relation to this proposal. Banners welcoming visiting scientists to Lead have been hung over the streets. The local chamber of commerce held a ''Neutrino Day'' in February and reported the highest attendance for any even in recent memory. Students, teachers, miners, business

owners, people from every walk of life, have contacted me to express their excitement about the possibility of building a laboratory. The support for this proposal is overwhelming.

In order to make the mine available for research, it is necessary for the facility to be transferred to the State of South Dakota and for the United States to assume a portion of the liability currently associated with the property. The purpose of the legislation Senator JOHNSON and I are introducing today is to ensure that this transfer takes places in a way that is fair to taxpayers, that protects the environment, and that ensures this facility can ultimately become available for research.

This legislation establishes a number of steps that must be taken to meet these goals. First it requires that an independent inspection of the property take place to identify any condition that could pose a threat to human health or the environment. The Environmental Protection Agency must review the report accompanying this inspection and ensure that any problematic conditions are mitigated before transfer may be allowed to take place. Second, it requires that the State of South Dakota purchase environmental insurance to protect the taxpayers against any issue that may arise as a result of acquiring the mine. Third, it establishes a trust fund to provide a permanent source of revenue to finance any clean-up that may be necessary. Finally, this bill would take effect only if the National Science Foundation approves the construction of the laboratory.

To be clear, only a portion of Homestake's existing facilities that are required for the laboratory are being considered for transfer. These include the underground portion of the mine and a small ''footprint'' on the surface. The legislation specifically prohibits any tailings storage sites, waste rock dumps or other areas from being transferred, as these sites must be reclaimed by Homestake Mining Company.

The final point I want to make is that this legislation is time-sensitive. Homestake's current plan to reclaim the underground mine is to let it slowly flood with water once the mine closes in January of 2001. If that happens, we will forever lose the opportunity to create this laboratory.

This legislation has been developed over a period of months in close consultation with Homestake Mining Company, the environmental community, the scientific community, the State of South Dakota and the South Dakota School of Mines and Technology. I want to thank all the individuals involved with this effort for their help. In particular, I'd like to thank Governor Bill Janklow, whose help and support is this process have been invaluable.

I believe the resulting legislation is fair to all involved, and that it will ensure the success of the laboratory while protecting the environment. Moreover, by enabling the construction of this laboratory, it ultimately will bring significant benefits to the United States and make an important contribution to human knowledge. I look forward to working with all interested parties to make additional improvements to this legislation when we return in September, and I am personally committed to passing this legislation in a timely manner this fall.

I urge my colleagues to give this legislation their support. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1389

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 ''Homestake Mine Conveyance Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States is among the leading nations in the world in conducting basic scientific research;

(2) that leadership position strengthens the economy and national defense of the United States and provides other important benefits;

(3) the Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research;

(4) the Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of a national underground laboratory;

(5) such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States;

(6) the establishment of the laboratory is in the national interest, and would substantially improve the capability of the United States to conduct important scientific research;

(7) for economic reasons, Homestake intends to cease operations and close the Mine in 2001;

(8) on cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine;

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of carrying out those reclamation actions, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the underground science laboratory;

(10) use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars;

(11) if the National Science Foundation selects the Mine as the site for the laboratory, it is essential that Homestake not complete certain reclamation activities that would preclude the location of the laboratory at the Mine;

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property; and

(13) to secure the use of the Mine as the location for the laboratory, and to realize the benefits of the proposed laboratory, it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term ''affiliate'' means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term ''affiliate'' includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term ''conveyance'' means the conveyance of the Mine to the State under section 4(a).

(4) FUND.—The term ''Fund'' means the Environment and Project Trust Fund established under section 7.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term ''Homestake'' means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term ''Homestake'' includes—

(i) a director, officer, or employee of Homestake; and

(ii) an affiliate of Homestake.

(6) LABORATORY.—

(A) IN GENERAL.—The term ''laboratory'' means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term ''laboratory'' includes operating and support facilities of the laboratory.

(7) MINE.—

(A) IN GENERAL.—The term ''Mine'' means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term ''Mine'' includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, in-Mine backfill, in-Mine broken rock, fixtures, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake, the State, and the Director of the laboratory; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term ''Mine'' does not include—

(i) the feature known as the ''Open Cut'';

(ii) any tailings or tailings storage facility (other than in-Mine backfill); or

(iii) any waste rock or any site used for the dumping of waste rock (other than in-Mine broken rock).

(8) PERSON.—The term ''person'' means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity; and

(E) any department, agency, or instrumentality of the United States.

(9) PROJECT SPONSOR.—The term ''project sponsor'' means an entity that manages or

pays the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(10) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of South Dakota.

(B) INCLUSIONS.—The term ''State'' includes an institution, agency, officer, or employee of the State.

SEC. 4. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the conditions of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this Act, the Administrator shall accept the final report or certification of the independent entity under subparagraphs (A) through (E) of paragraph (3).

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this Act, Homestake shall permit an independent entity that is selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine poses a substantial risk to human health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, the Administrator, and the independent entity shall consult and agree upon the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(3) REPORT TO ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that poses a substantial risk to human health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report only if the Administrator identifies 1 or more conditions of the Mine that—

(i) pose a substantial risk to human health or the environment, as determined by the Administrator; and

(ii) require response action to correct each condition causing the substantial risk to human health or the environment identified in clause (i) before conveyance and assumption by the Federal Government of liability concerning the Mine under this Act.

(C) REMEDIAL MEASURES AND CERTIFICATION.—

(i) REMEDIATION.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out, or permit the State to carry out, such measures as are necessary to remove or remediate any condition identified by the Administrator under subparagraph (B)(i) as posing a substantial risk to human health or the environment.

(II) LONG-TERM REMEDIATION.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing remediation, or remediation that can only be completed as part of the final closure of the Mine, it shall be a condition of conveyance that Homestake or the National Science Foundation shall deposit into the Fund such funds as are necessary to pay the costs of that remediation.

(bb) SOURCE OF FUNDS.—Any funds deposited by the National Science Foundation under this paragraph shall be made available from grant funding provided for the construction of the Laboratory.

(ii) CERTIFICATION.—After the remedial measures described in clause (i)(I) are carried out and funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(iii) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under clause (ii), the Administrator shall accept or reject the certification.

SEC. 5. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(1) damages;

(2) reclamation;

(3) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(4) closure of the Mine and laboratory.

(b) LIABILITY PROTECTION.—On completion of the conveyance, neither Homestake nor the State shall be—

(1) liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered; or

(2) subject to any claim brought by or on behalf of the United States under section 3730 of title 31, United States Code, relating to negligence on the part of Homestake in carrying out activities for the conveyance of, and in conveying, the Mine.

(c) INDEMNIFICATION.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against any and all liabilities and claims described in subsections (a) and (b).

(d) WAIVER OF SOVEREIGN IMMUNITY.—For the purposes of this Act, the United States waives any claim to sovereign immunity.

(e) TIMING FOR ASSUMPTION OF LIABILITY.—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR HOMESTAKE CLAIMS.—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action, other than an environmental claim or a claim concerning natural resources, that arose before the date of conveyance;

(3) any violation of any provision of criminal law; or

(4) any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this Act, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation arises out of the continued existence or use of the Mine subsequent to the date of conveyance.

SEC. 6. INSURANCE COVERAGE.

(a) PROPERTY AND LIABILITY INSURANCE.—

(1) IN GENERAL.—To the maximum extent practicable, subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 5.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Director of the National Science Foundation; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to section 7, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) NO REQUIREMENT TO USE STATE FUNDS.—Nothing in this Act requires the State to use State funds to purchase insurance required under this subsection.

(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) PROJECT INSURANCE.—

(1) IN GENERAL.—The State, in consultation with the Administrator and the Director of the National Science Foundation, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 5.

(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) STATE INSURANCE.—

(1) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 7. ENVIRONMENT AND PROJECT TRUST FUND.

(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, an Environment and Project Trust Fund.

(b) AMOUNTS.—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Director of the National Science Foundation and the Administrator; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Director of the National Science Foundation and the Administrator, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) EXPENDITURES FROM FUND.—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 6;

(5) payments for and other costs relating to liability described in section 5; and

(6) closure of the Mine and laboratory.

(d) FEDERAL PAYMENTS FROM FUND.—The United States—

(1) to the extent the United States assumes liability under section 5—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 5.

SEC. 8. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this Act exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 9. CONTINGENCY.

This Act shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

SEC. 10. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 7(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this Act; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. TORRICELLI, and Mr. CORZINE):

S. 1390. A bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the bipartisan legislation I am introducing today with Senators LUGAR, TORRICELLI, and CORZINE entitled the ''Children's Health Coverage Improvement Act of 2001'' would improve outreach and enrollment efforts targeted at children to dramatically reduce the number of uninsured children in this country. This legislation is a companion bill to S. 1016, the ''Start Healthy, Stay Healthy Act of 2001,'' which would expand and improve coverage to children and pregnant women through Medicaid and the State Children's Health Insurance Program, CHIP.

The legislation provides $100 million in grants annually from the unspent allocations in CHIP to community-based public or non-profit organizations, including community health centers, children's hospitals, disproportionate share hospitals, local and county government, and public health departments, for the purposes of conducting innovative outreach and enrollment efforts.

The bill further clarifies that the outstationed workers requirement in Medicaid, which requires that eligibility workers be available in the public in our nation's community health centers and safety net hospitals, shall also enroll children in CHIP if they are eligible for coverage under that program as well.

As you are aware, the State Children's Health Insurance Program, which was passed as part of the Balanced Budget Act of 1997, was the largest expansion of health coverage since the enactment of Medicare and Medicaid in 1965. The program, designed to cover low-income children under age 18, provides on average $4 billion a year to the states to either expand Medicaid, establish a separate state program apart from Medicaid, or a combination of the two approaches.

Unfortunately, according to an Urban Institute report entitled How Familiar Are Low-Income Parents with Medicaid and SCHIP?, it is estimated that up to 80 percent of the 11 million uninsured children in the country are eligible for but unenrolled in Medicaid or SCHIP. Thus, ineligibility for coverage is no longer a barrier for the vast majority of uninsured children. Instead, as the report notes, ''A major challenge today is how to reach and enroll the millions of children who are eligible but who remain uninsured.''

The biggest problems are knowledge gaps, confusion about program rules, and problems created by bureaucratic barriers to coverage. According to the study, ''Only 38 percent of low-income uninsured children have parents who have heard of Medicaid or SCHIP programs and who also understand the basic eligibility rules,'' Moreover, less than half of parents, 47 percent, of low income uninsured children were even aware of the separate SCHIP program.

As the authors conclude, ''For SCHIP expansions to reduce uninsurance among children, it is critical that families know about the coverage available through separate non-Medicaid SCHIP programs . . . .''

In addition, senior health researcher Peter J. Cunningham at the Center for Studying Health System Change recently published an article in Health Affairs entitled ''Targeting Communities With High Rates of Uninsured Children'' that highlights that the ''key to getting children insured'' is improved ''enrollment outreach.''

As the article notes, ''Policymakers have understood from the beginning that the key to the success of SCHIP is in getting eligible children to enroll . . . The results of this study suggest that outreach activities and other efforts to stimulate enrollment need to be especially focused in high-uninsurance areas, both because they include a large concentration of the nation's uninsured children and because take-up rates of public and private coverage have historically been lower in these areas.''

Cunningham particularly notes that children in high-uninsured communities are disproportionately Hispanic. As he points out, ''Hispanics typically have lower take-up rates for health insurance programs for which they are eligible. This could be attributable to immigration concerns, language barriers, lack of awareness of public programs, or not understanding the roll that insurance coverage plays in the United States in securing access to high-quality health care.''

As a result, the legislation also contains a provision giving priority to community-based organizations in communities with high rates of eligible but unenrolled children and in areas with high rates of families for whom English is not their primary language. It is certainly my desire for programs such as ''promotoras'' or community health advisors to receive these grants, as they have been incredibly effective in New Mexico in improving health insurance coverage to children.

An estimated 11 million children under age 19 were without health insurance in 1999, including 129,000 in New Mexico, representing 15 percent of all children in the United States and 22 percent of children in New Mexico, the fourth highest rate of uninsured children in the country. An estimated 103,000 of those children are in families with incomes below 200 percent of poverty, so the majority of those children are already eligible for but unenrolled in Medicaid.

Why is this important? According to the American College of Physicians-American Society of Internal Medicine, uninsured children, compared to the insured, are: up to 6 times more likely to have gone without needed medical, dental or other health care; 2 times more likely to have gone without a physician visit during the previous year; up to 4 times more likely to have delayed seeking medical care; up to 10 times less likely to have a regular source of medical care; 1.7 times less likely to receive medical treatment for asthma; and, up to 30 percent less likely to receive medical attention for any injury.

In fact, one study has ''estimated that the 15 percent rise in the number of children eligible for Medicaid between 1984 and 1992 decreased child mortality by 5 percent.'' This expansion of coverage for children occurred, I would add, during the Reagan and Bush Administrations, so this is clearly a bipartisan issue that deserves further bipartisan action.

Mr. President, I urge this legislation's immediate passage. We can and must do better for our children.

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

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

S. 1390

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 ''Children's Health Coverage Improvement Act of 2001''.

SEC. 2. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS UNDER SCHIP.

(a) IN GENERAL.—Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary''; and

(2) by adding at the end the following:

''(2) GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

''(A) IN GENERAL.—Prior to any redistribution under paragraph (1) of unexpended allotments made to States under subsection (b) or (c) for fiscal year 2000 and any fiscal year thereafter, the Secretary shall—

''(i) reserve from such unexpended allotments the lesser of $100,000,000 or the total amount of such unexpended allotments for grants under this paragraph for the fiscal year in which the redistribution occurs; and

''(ii) subject to subparagraph (B), use such reserved funds to make grants to local and community-based public or nonprofit organizations (including organizations involved in pediatric advocacy, local and county governments, public health departments, Federally-qualified health centers, children's hospitals, and hospitals defined as disproportionate share hospitals under the State plan under title XIX) to conduct innovative outreach and enrollment efforts that are consistent with section 2102(c) and to promote parents' understanding of the importance of health insurance coverage for children.

''(B) PRIORITY FOR GRANTS IN CERTAIN AREAS.—In making grants under subparagraph (A)(ii), the Secretary shall give priority to grant applicants that propose to target the outreach and enrollment efforts funded under the grant to geographic areas—

''(i) with high rates of eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) with high rates of families for whom English is not their primary language.

''(C) APPLICATIONS.—An organization that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide.''.

(b) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT TITLE XXI APPLICATIONS.—Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended by inserting '', and applications for child health assistance under title XXI'' after ''(a)(10)(A)(ii)(IX)''.

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

S. 1391. A bill to establish a grant program for Sexual Assault Forensic Examiners, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I rise today to introduce the Sexual Assault Forensic Examiners Act of 2001, which is being co-sponsored by Senator DEWINE. This bill aims to vastly improve the care of victims of sexual assault and help see to it that their attackers end up behind bars.

Over 300,000 women are sexually assaulted each year in the United States. Unlike all other violent crimes, rape is not declining in frequency. When a woman suffers the horrific crime of sexual assault, there are two minimal things our system owes her. First, we owe it to her to do everything in our power to find and put her assailants behind bars. Second, we owe her prompt and caring treatment when she's reported the crime, which in itself is often an act of great courage. Yet, all too often, we fail in these basic obligations.

Most rape victims who seek treatment go to hospital emergency rooms, where they often wait hours in public waiting rooms. Some leave the hospital altogether rather than endure extended delay, decreasing the likelihood the offense will ever be reported or prosecuted. Once victims are finally attended to, most victims are treated by a series of rushed emergency room nurses, doctors and lab technicians who often lack specialized training in the particular physical and psychological care rape victims need. Emergency room nurses and doctors also typically have little training in collecting, correctly handling and preserving forensic evidence from rape victims. Moreover, many hospitals lack the last forensic tools, such as dye that reveals microscopic scratches, and colposcopes, which detect and photograph otherwise invisible pelvic injuries. As a result, evidence is mishandled or never uncovered in the first place—jeopardizing prosecutions. Finally, emergency room personnel, already overworked, are sometimes reluctant to cooperate with police and prosecutors in sexual assault cases,

knowing this entails time-consuming interviews, witness preparation and court appearances—to say nothing of unpleasant cross-examinations.

SAFE programs dramatically improve the situation. SAFE examiners are specially trained in the latest techniques of forensic evidence gathering. They cooperate fully with police and prosecutors, and their specialized training and experience makes them better witnesses in court. When defendants claim consent, physical evidence of force, which can be difficult to uncover and explain to juries—can make all the difference. Prosecutors support SAFE programs because they lead to more prosecutions and convictions.

SAFE programs also provide better care to victims. Rather than face a long public wait and a revolving door of emergency room care-givers, victims treated by SAFEs are seen immediately in private, tell their story to and receive care from a single attendant, and are treated with greater sensitivity by examiners with specialized psychological training.

There are now fewer than 750 SAFE programs in the United States, serving less than 5 percent of all victims. Our bill aims to expand SAFE programs by providing $10 million a year from 2002 to 2006 in grants to new or existing SAFE programs. SAFE programs currently have to compete against a myriad of other law enforcement and victims' programs for federal funding under the Violence Against Women Act and the Victims of Crime Act; by contrast, the SAFE Grant Act of 2001 will provide a unique and direct source of Federal funding for SAFEs. The Department of Justice, which is already responsible for developing national standards for SAFE programs, will administer the grants, ensure that recipients conform to the national standards, and give priority to SAFE programs in currently undeserved areas.

Being the victims of a sexual assault is bad enough. We have to see to it that the system doesn't exacerbate the problem with shoddy care and mishandled cases. This bill should provide some help and I'm proud to introduce it today.

Mr. DEWINE. Mr. President, today I rise as a cosponsor of the Sexual Assault Forensic Examiners Act of 2001, sponsored by my colleague, Senator CHARLES SCHUMER, to whom I am grateful for introducing this important legislation. The purpose of this legislation is to appropriate $10 million annually for the support of programs that utilize Sexual Assault Forensic Nurses in the treatment and counseling of rape victims.

Somewhere in America, a woman is sexually assaulted every two minutes. In the past year alone, 307,000 women were sexually assaulted in this country, and unlike other violent crimes, rape is not decreasing in frequency. Unfortunately, the treatment that many rape victims presently receive is far from adequate. Most victims of sexual assault who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment only to see doctors without specialized training who lack the proper forensic tools for evidence collection. Many victims report that their post-traumatic experiences in hospitals constitute another humiliating victimization. Victims of sexual assault should not be traumatized twice, especially when there are better programs in place that could help them.

A Sexual Assault Forensic Examiner, often referred to as a SAFE, is a registered nurse who has received advanced training and clinical preparation in the forensic examination of sexual assault victims. As opposed to rape survivors seen by typical emergency room personnel, patients seen by these SAFEs rarely wait for treatment, see a single specially trained examiner instead of any number of different doctors, and receive sensitive, specialized care. The intervention of SAFEs in a sex crimes case bolsters the odds of prosecution and conviction of offenders, as these nurses are trained in the proper methods to utilize ''rape kits'' and collect forensic evidence. Furthermore, the expertise of SAFE nurses renders them better witnesses than most emergency room personnel during trials, which can make the difference between a conviction and an acquittal. The Department of Justice reports that in areas where SAFE programs have been established for more than 10 years, there is a 96 percent rape conviction rate, as opposed to the 4% average conviction rate in areas without SAFE facilities.

Five hundred SAFE programs currently exist in the United States, but these programs treat less than 5 percent of all sexual assault victims. Financial hurdles hinder the growth of SAFE programs, which frequently compete with other law enforcement and victims' programs to obtain the limited Federal funds available from existing sources. By creating a specific and substantial source of Federal funding for SAFE programs, more SAFE programs will be established, improving both the quality of care provided to victims and the conviction rate of their assailants.

In the short time that I have been speaking here, two women became victims of sexual violence. By lending your support to the ''Sexual Assault Forensic Examiner Grant Act of 2001,'' you can help assure that the hundreds of thousands of women who are raped each year receive the sensitive medical care that hey both require and deserve.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1392. A bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1393. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes at the Bureau of Indian Affairs; to the Committee on Indian Affairs.

Mr. DODD. Mr. President, I rise today to introduce two pieces of legislation intended to help reform and improve the process by which the Federal Government acknowledges the sovereign rights of American Indian tribes and their Governments.

I offer these bills with a sense of hope and with the expectation that they will contribute to the larger national conversation about how the Federal Government can best fulfill its obligations to America's native peoples. Senator INOUYE and Senator CAMPBELL have provided invaluable leadership on this issue and I hope that the bills I am introducing today will serve as a modest, but useful contribution that will help move us toward a more speedy and more fair recognition process.

Currently there are more than 150 Indian groups that have petitions for recognition as sovereign tribes pending before the Bureau of Indian Affairs, BIA. No fewer than nine of those petitions are from groups based in Connecticut.

Several recent actions by the BIA have generated considerable debate about the timeliness, accuracy, and fairness of the BIA's actions. I believe that careful reform of the recognition process can help prevent future doubts before they emerge.

As we consider how best to reform the process for tribal recognition, we ought to be guided by several firm principles: fairness, openness, respect, and a common interest in bettering the quality of life for all Americans. The two bills that I am introducing today are based on these principles and I believe will bring us closer to our shared objectives.

Problems with the current recognition process have been well documented. It is widely recognized that the process is taking too long to resolve the claims of many Indian groups. It is also known that towns and other interested parties often believe that their input is ignored.

Last year, the then-Assistant Secretary for Indian Affairs testified before the Senate Indian Affairs Committee on the BIA's tribal recognition process. In a remarkable statement, he called for an overhaul of that process. I do not disagree. In fact, I believe that we have an obligation to restore public confidence in the recognition process.

I have proposed a three-part legislative initiative to make the process more accurate, more fair, and more timely. Those parts are: one, provide more money to the Bureau of Indian Affairs. I have previously called for increases in the budget for the BIA so it can upgrade its recognition process. For several years, I have sought and supported additional funding for the BIA's branch of acknowledgment and

research. The legislation that I am introducing today would dramatically increase the BIA's budget for this office. Right now, the BIA has about 150 recognition petitions pending. At the current pace, it takes an average of eight to ten years for a tribe's petition to be decided upon. It seems to me that is an unacceptably long amount of time. Indeed, I can think of no other area of law where Americans must wait as long to have their rights adjudicated and vindicated. Under any scenario for reform, the BIA should have more resources to get the job done efficiently, thoroughly, and most importantly, accurately. The tribal recognition and Indian Bureau Enhancement Act, which I am introducing would authorize $10 million to help BIA quickly address its backlog. This funding increase is critical to help remedy deficiencies in the process by which Indian groups are evaluated and recommended for acknowledgment as sovereign legal entities.

Two, this legislation will provide assistance grants to local governments and tribes so that they can fully participate in the recognition process and other BIA proceedings. Any government or tribe would have to demonstrate financial need as a condition of receiving these funds. And they would have to demonstrate that a grant would promote the interests of just administration at the BIA. My intention here is to help improve the fact-finding process and ensure that the Bureau's recognition decisions are based on the best available information.

Three, I propose that we make the recognition process more transparent. It bears noting that there has never been an unambiguous grant of authority from Congress to the Bureau of Indian Affairs to administer a program for the recognition of Indian Tribes. I believe that it is time for Congress to make such a clear grant of authority. The legislation I am proposing would essentially codify many of the regulations that the BIA has been operating under for years. I believe that it is in the interest of the general public and American's sovereign tribes to ensure that those parts of the BIA regulations that are working well will have the full force of statutory law. Relying on statutory authority, rather than regulations, will afford the public and tribes with a measure of certainty and permanency that has heretofore been lacking. Anchoring the BIA's authority in legislation will also restore Congress to an appropriate position where it can more effectively monitor and oversee execution of its law.

Let me stress something about these proposed reforms: We should seek not to dictate an outcome, but to ensure a process that is fair, open, and respectful to all. That is the best guarantee of an outcome that is just whatever it may be.

In concluding, I appreciate that the steps I announced today may appear modest to some, excessive to others. I know they will not please everyone. But they do, I believe, outline a series of actions that can bring greater fairness, openness, and respect to this area of Federal policy. That is my sincere hope, in any event.

I look forward to discussing these and other ideas with Chairman INOUYE, Senator CAMPBELL, and their colleagues on the Indians Affairs Committee. I submit these bills to them in humble recognition of their wealth of wisdom and understanding about these matters. I also look forward to discussing them with our other colleagues here in the Senate and with members of the communities that may be impacted by these proposals.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1392

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 ''Tribal Recognition and Indian Bureau Enhancement Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Effect of acknowledgment of tribal existence.
Sec. 6. Scope.
Sec. 7. Letter of intent.
Sec. 8. Duties of the Department.
Sec. 9. Requirements for the documented petition.
Sec. 10. Mandatory criteria for Federal acknowledgment.
Sec. 11. Previous Federal acknowledgment.
Sec. 12. Notice of receipt of a letter of intent or documented petition.
Sec. 13. Processing of the documented petition.
Sec. 14. Testimony and the opportunity to be heard.
Sec. 15. Written submissions by interested parties.
Sec. 16. Publication of final determination.
Sec. 17. Independent review, reconsideration, and final action.
Sec. 18. Implementation of decision acknowledging status as an Indian tribe.
Sec. 19. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has an obligation to recognize and respect the sovereignty of Native American peoples who have maintained their social, cultural, and political identity.

(2) All Native American tribal governments that represent tribes that have maintained their social, cultural, and political identity, to the extent possible within the context of history, are entitled to establish government-to-government relations with the United States and are entitled to the rights appertaining to sovereign governments.

(3) The Bureau of Indian Affairs of the Department of the Interior exercises responsibility for determining whether Native American groups constitute ''Federal Tribes'' and are therefore entitled to be recognized by the United States as sovereign nations.

(4) In recent years, the decisionmaking process used by the Bureau of Indian Affairs to resolve claims of tribal sovereignty has been widely criticized.

(5) In order to ensure continued public confidence in the Federal Government's decisions pertaining to tribal recognition, it is necessary to reform the recognition process.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To establish administrative procedures to extend Federal recognition to certain Indian groups.

(2) To extend to Indian groups that are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility with respect to Indian tribes.

(3) To extend to Indian groups that are determined to be Indian tribes the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States.

(4) To ensure that when the Federal Government extends acknowledgment to an Indian group, the Federal Government does so based upon clear, factual evidence derived from an open and objective administrative process.

(5) To provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment.

(6) To clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions.

SEC. 4. DEFINITIONS.

In this Act:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs of the Department of the Interior.

(2) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(3) DOCUMENTED PETITION.—The term ''documented petition'' means the detailed arguments made by a petitioner to substantiate the petitioner's claim to continuous existence as an Indian tribe, together with the factual exposition and all documentary evidence necessary to demonstrate that the arguments address the mandatory criteria set forth in section 10.

(4) HISTORICALLY, HISTORICAL, OR HISTORY.—The term ''historically'', ''historical'', or ''history'' means dating from the first sustained contact with non-Indians.

(5) INDIAN GROUP OR GROUP.—The term ''Indian group'' or ''group'' means any Indian or Alaska Native aggregation within the continental United States that the Secretary does not acknowledge to be an Indian tribe.

(6) INDIAN TRIBE; TRIBE.—The terms ''Indian tribe'' and ''tribe'' mean any group that the Secretary determines to have met the mandatory criteria set forth in section 10.

(7) PETITIONER.—The term ''petitioner'' means any entity that has submitted a letter of intent to the Secretary requesting acknowledgment that the entity is an Indian tribe.

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

SEC. 5. EFFECT OF ACKNOWLEDGMENT OF TRIBAL EXISTENCE.

Acknowledgment of an Indian tribe under this Act—

(1) confers the protection, services, and benefits of the Federal Government available to Indian tribes by virtue of their status as tribes;

(2) means that the tribe is entitled to the immunities and privileges available to other

federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States;

(3) means that the United States recognizes that the tribe has the responsibilities, powers, limitations, and obligations of a federally acknowledged Indian tribe; and

(4) subjects the Indian tribe to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

SEC. 6. SCOPE.

(a) IN GENERAL.—This Act applies only to those Native American Indian groups indigenous to the continental United States which are not currently acknowledged as Indian tribes by the Department. It is intended to apply only to groups that can present evidence of a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the date of the submission of the documented petition.

(b) EXCLUSIONS.—The procedures established under this Act shall not apply to any of the following:

(1) Any Indian tribe, organized band, pueblo, Alaska Native village, or community that, as of the date of enactment of this Act, has been acknowledged as such and is receiving services from the Bureau.

(2) An association, organization, corporation, or group of any character that has been formed after December 31, 2002.

(3) Splinter groups, political factions, communities, or groups of any character that separate from the main body of a currently acknowledged tribe, except that any such group that can establish clearly that the group has functioned throughout history until the date of the submission of the documented petition as an autonomous tribal entity may be acknowledged under this Act, even though the group has been regarded by some as part of or has been associated in some manner with an acknowledged North American Indian tribe.

(4) Any group which is, or the members of which are, subject to congressional legislation terminating or forbidding the Federal relationship.

(5) Any group that previously petitioned and was denied Federal acknowledgment under part 83 of title 25 of the Code of Federal Regulations prior to the date of enactment of this Act, including reorganized or reconstituted petitioners previously denied, or splinter groups, spinoffs, or component groups of any type that were once part of petitioners previously denied.

(c) PENDING PETITIONS.—Any Indian group whose documented petition is under active consideration under the regulations referred to in subsection (b)(5) as of the date of enactment of this Act, and for which a determination is not final and effective as of such date, may opt to have their petitioning process completed in accordance with this Act. Any such group may request a suspension of consideration in accordance with the provisions of section 83.10(g) of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, of not more than 180 days in order to provide additional information or argument.

SEC. 7. LETTER OF INTENT.

(a) IN GENERAL.—Any Indian group in the continental United States that desires to be acknowledged as an Indian tribe and that can satisfy the mandatory criteria set forth in section 10 may submit a letter of intent to the Secretary. A letter of intent may be filed in advance of, or at the same time as, a group's documented petition.

(b) APPROVAL OF GOVERNING BODY.—A letter of intent must be produced, dated, and signed by the governing body of the Indian group submitting the letter.

SEC. 8. DUTIES OF THE DEPARTMENT.

(a) PUBLICATION OF LIST OF INDIAN TRIBES.—The Department shall publish in the Federal Register, no less frequently than every 3 years, a list of all Indian tribes entitled to receive services from the Bureau by virtue of their status as Indian tribes. The list may be published more frequently, if the Secretary deems it necessary.

(b) GUIDELINES FOR PREPARATION OF DOCUMENTED PETITIONS.—

(1) IN GENERAL.—The Secretary shall make available guidelines for the preparation of documented petitions. Such guidelines shall include the following:

(A) An explanation of the criteria and other provisions relevant to the Department's consideration of a documented petition.

(B) A discussion of the types of evidence which may be used to demonstrate satisfaction or particular criteria.

(C) General suggestions and guidelines on how and where to conduct research.

(D) An example of a documented petition format, except that such example shall not preclude the use of any other format.

(2) SUPPLEMENTATION AND REVISION.—The Secretary may supplement or update the guidelines as necessary.

(c) ASSISTANCE.—The Department shall, upon request, provide petitioners with suggestions and advice regarding preparation of the documented petition. The Department shall not be responsible for any actual research necessary to prepare such petition.

(d) NOTICE REGARDING CURRENT PETITIONS.—Any Indian group whose documented petition is under active consideration as of the date of enactment of this Act shall be notified of the opportunity under section 6(c) to choose whether to complete their petitioning process under the provisions of this Act or under the provisions of part 83 of title 25 of the Code of Federal Regulations, as in effect on the day before such date.

(e) NOTICE TO GROUPS WITH A LETTER OF INTENT.—Any group that has submitted a letter of intent to the Department as of the date of enactment of this Act shall be notified that any documented petition submitted by the group shall be considered under the provisions of this Act.

SEC. 9. REQUIREMENTS FOR THE DOCUMENTED PETITION.

(a) IN GENERAL.—The documented petition may be in any readable form that contains detailed, specific evidence in support of a request to the Secretary to acknowledge tribal existence.

(b) APPROVAL OF GOVERNING BODY.—The documented petition must include a certification, signed and dated by members of the group's governing body, stating that it is the group's official documented petition.

(c) SATISFACTION OF MANDATORY CRITERIA.—A petitioner must satisfy all of the mandatory criteria set forth in section 10 in order for tribal existence to be acknowledged. The documented petition must include thorough explanations and supporting documentation in response to all of such criteria.

(d) STANDARDS FOR DENIAL.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a petitioner shall not be acknowledged if the evidence presented by the petitioner or others is insufficient to demonstrate that the petitioner meets each of the mandatory criteria in section 10.

(2) REASONABLE LIKELIHOOD OF VALIDITY.—A criterion shall be considered met if the Secretary finds that it is more likely than not that the evidence presented demonstrates the establishment of the criterion.

(3) CONCLUSIVE PROOF NOT REQUIRED.—Conclusive proof of the facts relating to a criterion shall not be required in order for the criterion to be considered met.

(e) CONSIDERATION OF HISTORICAL SITUATIONS.—Evaluation of petitions shall take into account historical situations and time periods for which evidence is demonstrably limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but such demonstration does not require meeting these criteria at every point in time. Fluctuations in tribal activity during various years shall not in themselves be a cause for denial of acknowledgment under these criteria.

SEC. 10. MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT.

The mandatory criteria for Federal acknowledgment are the following:

(1) IDENTIFICATION ON A SUBSTANTIALLY CONTINUOUS BASIS.—The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may consist of any 1, or a combination, of the following, as well as other evidence of identification by other than the petitioner itself or its members:

(A) Identification as an Indian entity by Federal authorities.

(B) Relationships with State governments based on identification of the group as Indian.

(C) Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.

(D) Identification as an Indian entity by anthropologists, historians, or other scholars.

(E) Identification as an Indian entity in newspapers and books.

(F) Identification as an Indian entity in relationships with Indian tribes or with national, regional, or State Indian organizations.

(2) DISTINCT COMMUNITY.—

(A) IN GENERAL.—A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the date of the submission of the documented petition. This criterion may be demonstrated by some combination of the following evidence or other evidence:

(i) Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) Significant social relationships connecting individual members.

(iii) Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) Evidence of strong patterns of discrimination or other social distinctions by nonmembers.

(vi) Shared sacred or secular ritual activity encompassing most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. Such patterns must function as more than a symbolic identification of the group as Indian, and may include language, kinship organization, or religious beliefs and practices.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence under the criterion in paragraph (3) shall be evidence for demonstrating historical community.

(B) SUFFICIENT EVIDENCE.—A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided to demonstrate any 1 of the following:

(i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community.

(ii) At least 50 percent of the marriages in the group are between members of the group.

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as language, kinship organization, or religious beliefs and practices.

(iv) There are distinct community social institutions encompassing most of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations.

(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(A).

(3) POLITICAL INFLUENCE OR AUTHORITY.—

(A) IN GENERAL.—The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the date of the submission of the documented petition. This criterion may be demonstrated by some combination of the following evidence or by other evidence:

(i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(ii) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

(iii) There is widespread knowledge, communication, and involvement in political processes by most of the group's members.

(iv) The group meets the criterion in paragraph (2) at more than a minimal level.

(v) There are internal conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(B) SUFFICIENT EVIDENCE.—

(i) IN GENERAL.—A petitioning group shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or existed that—

(I) allocate group resources such as land and residence rights on a consistent basis;

(II) settle disputes between members or subgroups by mediation or other means on a regular basis;

(III) exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior; or

(IV) organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(ii) PRESUMPTIVE EVIDENCE.—A group that has met the requirements in paragraph (2)(A) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that point in time.

(4) GOVERNING DOCUMENT AND MEMBERSHIP CRITERIA.—Submission of a copy of the group's governing document and membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

(5) DESCENDANTS FROM A HISTORICAL INDIAN TRIBE.—

(A) IN GENERAL.—The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity. Evidence acceptable to the Secretary which can be used for this purpose includes the following:

(i) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.

(ii) Federal, State, or other official records or evidence identifying group members or ancestors of such members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(iii) Church, school, and other similar enrollment records identifying group members or ancestors of such members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(iv) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying group members or ancestors of such members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(v) Other records or evidence identifying members or ancestors of such members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(B) CERTIFIED MEMBERSHIP LIST.—The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. The list must include each member's full name (including maiden name), date of birth, and current residential address. The petitioner shall also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.

(6) MEMBERSHIP IS COMPOSED PRINCIPALLY OF INDIVIDUALS WHO ARE NOT MEMBERS OF AN ACKNOWLEDGED TRIBE.—

(A) IN GENERAL.—The membership of the petitioning group is composed principally of individuals who are not members of any acknowledged North American Indian tribe.

(B) EXCEPTION.—A petitioning group may be acknowledged even if its membership is composed principally of individuals whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe, if the group establishes that it has functioned throughout history until the date of the submission of the documented petition as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

(7) NO LEGISLATION TERMINATES OR PROHIBITS THE FEDERAL RELATIONSHIP.—Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

SEC. 11. PREVIOUS FEDERAL ACKNOWLEDGMENT.

The provisions of section 83.8 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to petitioners claiming previous Federal acknowledgment under this Act.

SEC. 12. NOTICE OF RECEIPT OF A LETTER OF INTENT OR DOCUMENTED PETITION.

(a) NOTICE AND PUBLICATION.—

(1) IN GENERAL.—Within 30 days after receiving a letter of intent, or a documented petition if a letter of intent has not previously been received and noticed, the Secretary shall acknowledge such receipt in writing and shall have published within 60 days in the Federal Register a notice of such receipt.

(2) REQUIREMENTS.—The notice published in the Federal Register shall include the following:

(A) The name, location, and mailing address of the petitioner and such other information as will identify the entity submitting the letter of intent or documented petition.

(B) The date the letter or petition was received.

(C) Information regarding how interested and informed parties may submit factual or legal arguments in support of, or in opposition to, the petitioner's request for acknowledgment or to request to be kept informed of all general actions affecting the petition.

(D) Information regarding where a copy of the letter of intent and the documented petition may be examined.

(b) OTHER NOTIFICATION.—The Secretary shall notify, in writing, the chief executive officer, members of Congress, and attorney general of the State in which a petitioner is located and of each State in which the petitioner historically has been located. The Secretary shall also notify any recognized tribe and any other petitioner which appears to have a relationship with the petitioner, including a historical relationship, or which may otherwise be considered to have a potential interest in the acknowledgment determination. The Secretary shall also notify the chief executive officers of the counties and municipalities located in the geographic area historically occupied by the petitioning group.

(c) OTHER PUBLICATION.—The Secretary shall also publish the notice of receipt of the letter of intent, or documented petition if a letter of intent has not been previously received, in a major newspaper or newspapers of general circulation in the town or city nearest to the petitioner. Such notice shall include the information required under subsection (a)(2).

SEC. 13. PROCESSING OF THE DOCUMENTED PETITION.

The provisions of section 83.10 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to the processing of a documented petition under this Act.

SEC. 14. TESTIMONY AND THE OPPORTUNITY TO BE HEARD.

(a) IN GENERAL.—The Secretary shall consider all relevant evidence from any interested party including neighboring municipalities that possess information bearing on whether to recognize an Indian group or not.

(b) HEARING UPON REQUEST.—Upon an interested party's request, and for good cause shown, the Secretary shall conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence in the record or presented by other parties during the hearing.

(c) TRANSCRIPT REQUIRED.—A transcript of any hearing held under this section shall be made and shall become part of the administrative record upon which the Secretary is entitled to rely in determining whether to recognize an Indian group.

SEC. 15. WRITTEN SUBMISSIONS BY INTERESTED PARTIES.

The Secretary shall consider any written materials submitted to the Bureau from any interested party, including neighboring municipalities, that possess information bearing on whether to recognize an Indian group.

SEC. 16. PUBLICATION OF FINAL DETERMINATION.

The Secretary shall publish in the Federal Register a complete and detailed explanation of the Secretary's final decision regarding a documented petition under this Act, including express finding of facts and of law with regard to each of the critera listed in section 10.

SEC. 17. INDEPENDENT REVIEW, RECONSIDERATION, AND FINAL ACTION.

The provisions of section 83.11 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to the independent review, reconsideration, and final action of the Secretary on a documented petition under this Act.

SEC. 18. IMPLEMENTATION OF DECISION ACKNOWLEDGING STATUS AS AN INDIAN TRIBE.

The provisions of section 83.12 of title 25 of the Code of Federal Regulations, as in effect on the date of enactment of this Act, shall apply with respect to the implementation of a decision under this Act acknowledging a petitioner as an Indian tribe.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, $10,000,000 for fiscal year 2002 and each fiscal year thereafter.

S. 1393

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

SECTION 1. GRANT PROGRAM.

(a) IN GENERAL.—To the extent that amounts are appropriated and acceptable requests are submitted, the Secretary shall award grants to eligible local governments and eligible Indian groups to promote the participation of such governments and groups in the decisionmaking process related to the actions described in subsection (b), if the Secretary determines that the assistance provided under such a grant is necessary to protect the interests of the government or group and would otherwise promote the interests of just administration within the Bureau of Indian Affairs.

(b) ACTIONS FOR WHICH GRANTS MAY BE AVAILABLE.—The Secretary may award grants under this section for participation assistance related to the following actions:

(1) ACKNOWLEDGMENT.—An Indian group is seeking Federal acknowledgment or recognition, or a terminated Indian tribe is seeking to be restored to Federally-recognized status.

(2) TRUST STATUS.—A Federally-recognized Indian tribe has asserted trust status with respect to land within the boundaries of an area over which a local government currently exercises jurisdiction.

(3) TRUST LAND.—A Federally-recognized Indian tribe has filed a petition with the Secretary of the Interior requesting that land within the boundaries of an area over which a local government is currently exercising jurisdiction be taken into trust.

(4) LAND CLAIMS.—An Indian group or a Federally-recognized Indian tribe is asserting a claim to land based upon a treaty or a law specifically applicable to transfers of land or natural resources from, by, or on behalf of any Indian, Indian tribe, or group, or band of Indians (including the Acts commonly known as the Trade and Intercourse Acts (1 Stat. 137; 2 Stat. 139; and 4 Stat. 729).

(5) OTHER ACTIONS.—Any other action or proposed action relating to an Indian group or Federally-recognized Indian tribe if the Secretary determines that the action or proposed action is likely to significantly affect the citizens represented by a local government.

(c) AMOUNT OF GRANTS.—Grants awarded under this section to a local government or eligible Indian group for any one action may not exceed $500,000 in any fiscal year.

(d) DEFINITIONS.—In this section:

(1) ACKNOWLEDGED INDIAN TRIBE.—The term ''acknowledged Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) ELIGIBLE INDIAN GROUP.—The term ''eligible Indian group'' means a group that—

(A) is determined by the Secretary to be in need of financial assistance to facilitate fair participation in a pending action described in subsection (b);

(B) is an acknowledged Indian Tribe or has petitioned the Secretary to be acknowledged as a Indian Tribe; and

(C) petitions the Secretary for a grant under subsection (a).

(3) ELIGIBLE LOCAL GOVERNMENT.—The term ''eligible local government'' means a municipality or county that—

(A) is determined by the Secretary to be in need of financial assistance to facilitate fair participation in a pending action described in subsection (b); and

(B) petitions the Secretary for a grant under subsection (a).

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

(e) EFFECTIVE DATE.—Grants awarded under this section may only be applied to expenses incurred after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each fiscal year that begins after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 150—DESIGNATING THE WEEK OF SEPTEMBER 23 THROUGH SEPTEMBER 29, 2001, AS ''NATIONAL PARENTS WEEK''

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 150

Whereas parents play an indispensable role in the rearing of their children;

Whereas good-parenting is a time-consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where adult and child alike can help one another aspire to joy and fulfillment on a variety of levels; and

Whereas such a domestic climate contributes significantly to the development of healthy, well-adjusted adults, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23 through September 29, 2001, as ''National Parents Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague from Ohio, Senator VOINOVICH, to offer a resolution designating September 23 through September 29, 2001, as ''National parents Week.'' During this week, advocates would wear purple ribbons and communities all over would take time to reflect on how important parents are in our children's lives.

As proud parents of eight children and now six grandchildren, my wife, Fran, and I know that our Nation's future is in the hands of our children. They are the next doctors, firefighters, teachers, and parents, themselves. To quote Abraham Lincoln, ''a child is a person who is going to carry-on what you have started . . . the fate of humanity is in his hands.'' President Lincoln's worlds hold as true today as they did well over one hundred years ago.

To safeguard this future, parents must fulfill many demanding responsibilities. They must guide their children, teach them right from wrong, share in their joy and comfort, and support them in times of need. As any parent knows, this is not always easy. It takes a parent's constant dedication, constant attention, and constant love. This resolution will serve as a giant ''thank you'' to all the parents who work so hard every day to provide for their children.

With this resolution, we congratulate and adulate parents in order to assure them that we are behind them—100 percent. They must know how important it is to stay the course and continue to provide the values and lessons that will secure a bright and promising future for our children.

Mr. VOINOVICH. Mr. President, I rise today to join my friend and colleague, Senator MIKE DEWINE, to introduce legislation that will highlight the week of September 23, 2001 as National Parent's Week.

Positive parenting is a task that is crucial to the future of our Nation, yet the responsibilities and burdens that fall upon parents are too often undervalued. I believe it is essential that we highlight the importance of parents in developing healthy and productive children in our society.

Children thrive in homes where parents take an active role in providing

stability, safety and discipline. This, combined with unconditional affection and encouragement, provide children with the solid foundation to move ahead in life.

I was fortunate to have grown up in a household with such loving and dedicated parents. My mother and father strongly believed in the duty and responsibility they had to their six children, and worked tirelessly to ensure that my brothers and sisters and I would become healthy, productive adults.

As a matter of fact, it is from my parents that I learned the importance of using my God-given talents to serve others. My life in public service has been a reflection of what they not only preached, but on how they lived their lives. My siblings and I were taught early on that part of earning and deserving our citizenship was giving back, not only to our immediate family, but also to our community and our country.

Even as my mother entered her eighties, she still served as a model for our family. Although, she was moving on in years, she would still volunteer her time in the library of a Cleveland city school. I would ask her, ''Mom—why are you still doing this? You've done enough! Why don't you just rest and take it easy?''

Her answer was always the same: ''Because I'm needed.''

I was truly blessed to have two wonderful parents who were such loving and supportive role models. Too often, today's youth look elsewhere for guidance and comfort, not realizing that all the support and guidance they need is already there under their own roof. It is imperative that we bring the role of parents back to prominence, for they are the front-line for instilling the values we cherish in all our nation's youth.

I encourage parents all over the nation to recognize and cherish the blessing and responsibility the have in raising God's gifts to them. It is my hope that through the establishment of ''National Parents Week,'' we will raise awareness of just how important our parents are in molding the next generation of Americans citizens.

SENATE RESOLUTION 151—EXPRESSING THE SENSE OF THE SENATE THAT THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA, AND RELATED INTOLERANCE PRESENTS A UNIQUE OPPORTUNITY TO ADDRESS GLOBAL DISCRIMINATION

Mr. DODD (for himself, Mr. SCHUMER, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. LUGAR, Mr. SANTORUM, Mr. WELLSTONE, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 151

Whereas racial discrimination, ethnic conflict, and xenophobia persist in various parts of the world despite continuing efforts by the international community to address these problems;

Whereas in recent years the world has witnessed campaigns of ethnic cleansing;

Whereas racial minorities, migrants, asylum seekers, and indigenous peoples are persistent targets of intolerance and violence;

Whereas millions of human beings continue to encounter discrimination solely due to their race, skin color, or ethnicity;

Whereas early action is required to prevent the growth of ethnic hatred and to diffuse potential violent conflicts;

Whereas the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (in this resolution referred to as ''WCAR''), to be held in Durban, South Africa, from August 31 through September 7, 2001, aims to create a new world vision for the fight against racism and other forms of intolerance in the twenty-first century, urge participants to adopt anti-discrimination policies and practices, and establish a mechanism for monitoring future progress toward a discrimination-free world;

Whereas the WCAR will review progress made in the fight against racism and consider ways to better ensure the application of existing standards to combat racism;

Whereas participants of the WCAR currently plan to discuss remedies, redress, and other mechanisms to provide recourse at national, regional, and international levels for victims of racism, xenophobia, sexism, religious intolerance, slavery, and other forms of discrimination;

Whereas the WCAR is charged with reviewing the political, historical, economic, social, cultural, and other factors leading to racism and racial discrimination and formulating concrete recommendations to further action-oriented national, regional, and international measures to combat racism;

Whereas some preparatory materials for the WCAR take positions on current crises which, if adopted in the final WCAR Declaration and Program of Action, could exacerbate existing tensions, such as language which takes sides in the current crisis between Israelis and Palestinians;

Whereas the attempt by some to use the WCAR as a platform to resuscitate the divisive and discredited notion equating Zionism with racism, a notion that was overwhelmingly rejected in 1991 by a subsequent United Nations Resolution, would undermine the goals and objectives of the WCAR;

Whereas the WCAR is expected to propose concrete recommendations to ensure that the United Nations has the resources to actively combat racism and racial discrimination; and

Whereas the United States encourages respect for an individual's human rights and fundamental freedoms without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status: Now, therefore, be it

Resolved, That the Senate—

(1) encourages all participants in the WCAR to seize this singular opportunity to tackle the scourges of racism, xenophobia, sexism, religious intolerance, slavery, and other forms of discrimination which have divided people and wreaked immeasurable suffering;

(2) recognizes that, since racism, racial discrimination, xenophobia, and other forms of intolerance exist to some extent in every region and country around the world, efforts to address these prejudices should occur within a global framework and without reference to specific regions, countries, or present-day conflicts;

(3) exhorts the participants to utilize the WCAR to mitigate, rather than aggravate, racial, ethnic, and regional tensions;

(4) urges the WCAR to focus on concrete steps that may be taken to address gross human rights violations that were motivated by racially and ethnically based animus and on devising strategies to help eradicate such intolerance;

(5) hopes that objectionable language concerning Israel and Zionism will be removed so that the United States will be able to send a delegation and participate fully in the WCAR; and

(6) commends the efforts of the Government of the Republic of South Africa in hosting the WCAR.

SENATE RESOLUTION 152—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF VETERANS AFFAIRS SHOULD REQUEST ASSISTANCE FROM THE COMMISSIONER OF SOCIAL SECURITY IN FULFILLING THE SECRETARY'S MANDATE TO PROVIDE OUTREACH TO VETERANS, THEIR DEPENDANTS, AND THEIR SURVIVORS

Mrs. LINCOLN submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 152

Whereas the Department of Veterans Affairs (VA) has a statutory mandate to provide outreach to veterans, their dependents, and their survivors;

Whereas the most recent survey conducted by the VA indicates that many veterans and survivors are unaware of benefits they are eligible to receive;

Whereas recent press reports indicate many veterans are not aware that they are eligible for low-cost prescription medications as part of medical care provided by the VA;

Whereas some VA outreach initiatives, such as the Health Benefits Hotline (1–877–222–VETS), are somewhat recent;

Whereas more than 9,000,000 veterans receive Social Security benefits;

Whereas the number of members of the largest group of veterans, the Vietnam Era veterans, who are awarded Social Security disability and retirement insurance benefits will increase over time;

Whereas the Social Security Administration sends more than 45,000,000 cost-of-living adjustment notices to its beneficiaries each year;

Whereas the Social Security Administration sends more than 2,000,000 award notices to newly-entitled disability and retirement insurance beneficiaries each year;

Whereas more than 100,000 persons visit the field offices of the Social Security Administration every workday;

Whereas the Social Security Administration has 65,000 employees, most of whom come into contact with the public;

Whereas many Social Security beneficiaries who are veterans could benefit from VA medical care because they do not have prescription drug coverage or are not currently eligible for Medicare; and

Whereas many Social Security beneficiaries are eligible for additional income through the VA's pension and compensation programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Secretary of Veterans Affairs should request assistance from the Commissioner of Social Security in fulfilling the

Secretary's mandate to provide outreach to veterans, dependents, and survivors; and

(2) such assistance should include—

(A) using the December 2002 Social Security cost-of-living adjustment notice as a means of publicizing the VA Health Benefits Hotline and the fact that the Department of Veterans Affairs (VA) provides comprehensive health care, including prescription medications, to veterans;

(B) using Social Security award notices for retirement insurance and disability insurance benefits to publicize the VA Health Benefits Hotline and the fact that the VA provides comprehensive health care, including prescription medications, to veterans;

(C) distributing VA publications that describe the cash, health, and other benefits available through the VA to all Social Security Administration field offices so that these publications may be provided to members of the public who visit such offices; and

(D) broadcasting information to all employees at the Social Security Administration who have contact with the public regarding the health care benefits (including the availability of prescription medications as part of treatment) available through the VA, each pension and compensation program of the VA, and other benefits available through the VA so that employees at the Social Security Administration can inform veterans about VA programs.

Mrs. LINCOLN, Mr. President, I rise today to submit a Senate resolution calling on the Secretary of Veterans Affairs to work with the Commissioner of the Social Security Administration to better inform the Nation's veterans and their dependents about benefits available from the VA.

In recent months, we have seen considerable legislative activity designed to improve outreach to veterans and their dependents. The President recently signed into law the Veterans' Survivor Benefits Improvement Act. This Act, for the first time, provides the VA with a legislative mandate to provide outreach and assistance to dependents of veterans. In addition to this legislation, several of my distinguished colleagues in the Senate have introduced the Veterans' Right to Know Act. This Act would require the VA, once it received an application for any benefit, to inform a veteran or a dependent about ALL VA benefits. The Veterans' Right to Know Act would also require the VA to develop an annual outreach plan by working with service organizations representing veterans.

However, I know that the VA is concerned that some of these initiatives are bureaucratic requirements that would divert resources from programs that directly serve the veteran population. I understand the concerns of the VA and let me make it clear that I am not here today to criticize the Secretary of Veterans Affairs or the employees of the VA. I consider the Secretary and his employees to be some of the most dedicated public servants in the Nation.

Instead, I am here today to ask for the Secretary's help and to ask him to consider our perspective as legislators. We have passed legislation to provide health care and economic security to our Nation's veterans and yet we often hear from constituents who are not aware of the benefits and services the VA provides.

One of the most important benefits the VA provides is comprehensive health care, including low-cost prescription medications. Unfortunately, many veterans believe they have to be disabled or poor to enroll in the VA health care system. The reality is that any honorably discharged veteran can enroll in VA health care.

Let me tell you about a message recently posted on the Web site of Seniors USA. The message is from Art Mazer, who is the Coordinator for the Gray Panthers of Greater Boston, Mr. Mazer writes that he has just enrolled in the VA health care system and will now receive his medications for just $2 per month from the VA pharmacy. Mr. Mazer, who happened to find out about these pharmacy benefits through an email newsletter of the Social Security Administration, refers to the prescription drug benefits provided by the VA as ''one of the best kept secrets'' in the government. Although I applaud the Social Security Administration for its informative newsletter and I am glad Mr. Mazer is sharing the information with other seniors, I am concerned that VA health care is being described on an Internet site for seniors as one of the best kept secrets of the government.

In some ways, it is appropriate that Mr. Mazer found out about VA benefits from the Social Security Administration. Remarkably, two out of every five veterans receive Social Security. Today, more than nine million veterans are on the Social Security rolls. Over the next several years, we will see millions of Vietnam Era veterans being brought into Social Security's disability and retirement programs.

The Social Security Administration has one of the most extensive systems of public communication in our government. Each year, this Agency sends out tens of millions of notices to its beneficiaries. These notices inform the public about Social Security, Medicare, and other vital government programs. Every workday, 100,000 citizens visit the Social Security Administration's 1,300 field offices around the country. The primary role of field office employees is to administer the Social Security programs, but we know from our disabled and elderly constituents that it is often a Social Security employee who tells them about a program to help pay their Medicare bills or a program to help them meet their food expenses. Simply put, the Social Security Administration is on the front lines in our battle to alleviate poverty among our disabled and elderly citizens.

The Resolution I am submitting today calls on the Secretary of Veterans Affairs to request assistance from the Commissioner of Social Security in fulfilling the Secretary's mandate to provide outreach to veterans and their dependents. The Resolution outlines four initiatives, but let me talk briefly about just one.

Each year the Social Security Administration mails 45 million cost-of-living adjustment notices to its beneficiaries. The primary purpose of these COLA notices is to tell beneficiaries how much their benefits will increase. However, the Social Security Administration has used a portion of these notices in the past to provide information on government health care programs, such as Medicare. It is my hope that the Secretary of Veterans Affairs will request that a portion of these COLA notices include information on the VA health care system, including its provision of low-cost prescription drugs. The VA, to its credit, has developed a Health Benefits Hotline, 1–877–222–VETS, so that veterans can find out about and enroll in VA health care. The COLA notices are an effective way to publicize this Hotline. We know that it requires time to prepare for these outreach initiatives, but I am hopeful that this initiative could be implemented for the December 2002 COLA notices. This gives the Secretary over a year to work with the Social Security Administration to implement the initiative.

The initiatives outlined in this Resolution are not costly or intrusive because they build on the already-existing capabilities of the Federal Government. And yet, these initiatives will inform millions of veterans and their dependents about VA programs.

The current Secretary of Veterans Affairs, Anthony J. Principi, is a combat-decorated veteran. I know he is deeply committed to serving veterans and their families. So, today, through this Resolution, I am asking him to take some practical steps to ensure that our veterans and their families are fully informed about benefits and services provided by the VA. I feel sure that the Social Security Administration, an Agency with a well-earned reputation for serving the disabled and the elderly, will respond favorably to a request for assistance by Secretary Principi.

SENATE RESOLUTION 153—RECOGNIZING THE ENDURING CONTRIBUTIONS, HEROIC ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

Mrs. CLINTON (for herself, Mr. BIDEN, Mr. DODD, Mr. KENNEDY, Mr. LEVIN, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 153

Whereas Shirley Anita Chisholm has devoted her life to public service;

Whereas Shirley Anita Chisholm served in the New York State Assembly from 1964 to 1968;

Whereas Shirley Anita Chisholm became the first African-American woman to be elected to Congress in 1968;

Whereas Congresswoman Chisholm was a fierce critic of the seniority system in Congress, protested her assignment in 1969 to the Committee on Agriculture of the House of

Representatives, and won reassignment to a committee of the House of Representatives on which she could better serve her inner-city district in Brooklyn, New York;

Whereas Congresswoman Chisholm served as a Member of Congress from 1968 until 1983;

Whereas Congresswoman Chisholm proposed legislation to increase funding for child care facilities in order to allow such facilities to extend their hours of operation and provide services to both middle-class and low-income families;

Whereas in 1972 Congresswoman Chisholm became the first African-American and the first woman to be a candidate for the nomination of the Democratic Party for the office of President;

Whereas Congresswoman Chisholm campaigned in the primaries of 12 States, won 28 delegates, and received 152 first ballot votes at the national convention for the nomination of the Democratic Party for the office of President;

Whereas Congresswoman Chisholm has fought throughout her life for fundamental rights for women, children, seniors, African-Americans, Hispanics, and other minority groups;

Whereas Congresswoman Chisholm has been a committed advocate for many progressive causes, including improving education, ending discrimination in hiring practices, increasing the availability of child care, and expanding the coverage of the Federal minimum wage laws to include domestic employment;

Whereas in addition to the service of Congresswoman Chisholm as a legislator, Congresswoman Chisholm has worked to improve society as a nursery school teacher, director of a child care facility, consultant for the New York Department of Social Services, and educator; and

Whereas it is appropriate that the dedicated work and outstanding accomplishments of Congresswoman Chisholm be recognized during the month of March, which is National Women's History Month: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm; and

(2) appreciates the dedicated work of Shirley Anita Chisholm to improve the lives and status of women in the United States.

SENATE RESOLUTION 154—COMMENDING ELIZABETH B. LETCHWORTH FOR HER SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 154

Whereas Elizabeth B. Letchworth has dutifully served the United States Senate for over 25 years;

Whereas Elizabeth's service to the Senate began with her appointment as a United States Senate page in 1975;

Whereas Elizabeth continued her work as a special Legislative assistant, a Republican Cloakroom assistant, and as a Republican Floor Assistant;

Whereas in 1995 Elizabeth was appointed by the Majority Leader and elected by the Senate to be Secretary for the Majority:

Whereas Elizabeth was the first woman to be elected as Republican Secretary:

Whereas Elizabeth was the youngest person to be elected the Secretary for the Majority at the age of 34. Now, therefore, be it

Resolved, That the United States Senate commends Elizabeth Letchworth for her many years of service to the United States Senate, and wishes to express its deep appreciation and gratitude for her contributions to the institution. In addition, the Senate wishes Elizabeth and her husband Ron all the best in their future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Elizabeth Letchworth.

SENATE RESOLUTION 155—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY OF THE MINORITY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 155

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Minority of the Senate effective August 29, 2001.

SENATE RESOLUTION 156—EXPRESSING THE SENSE OF THE SENATE THAT THE REGIONAL HUMANITIES INITIATIVE OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES BE NAMED FOR EUDORA WETLY

Mr. COCHRAN (for himself and Mr. LOTT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 156

Whereas Eudora Welty was the last of the 4 literary giants (William Faulkner, Tennessee Williams, and Richard Wright) who shaped both the Southern Literary Renaissance and American literature in the 20th century;

Whereas this grand lady of American literature both embraced and transcended the South;

Whereas in the words of critic Maureen Howard, ''It is not the South we find in her stories, it is Eudora Welty's south, a region that feeds her imagination and a place we come to trust'';

Whereas critic Maureen Howard noted that Eudora Welty was ''a Southerner as Checkov was a Russian, because place provides them with a reality, a reality as difficult, mysterious, and impermanent as life'';

Whereas Eudora Welty's literary legacy includes more than a dozen novels, collections of short stories, essays, and books of photography;

Whereas for this impressive literary canon Eudora Welty was awarded the Pulitzer Prize in 1973, the French Legion of Honor in 1996, the PEN/Malamud Award in 1992, 6 O'Henry Awards, the Presidential Medal of Freedom, the National Endowment for the Humanities Frankel Medal, The National Book Critics Award, and the Gold Medal of the National Institute of Arts and Letters;

Whereas Eudora Welty was the first living writer to be included in the prestigious Library of America series that features American literary giants such as Mark Twain, Walt Whitman, Henry James, Willa Cather, Edith Wharton, Edgar Allen Poe, and William Faulkner;

Whereas 2 of Eudora Welty's books, The Robber Bridegroom and The Ponder Heart, were adapted for the stage in New York;

Whereas the place in which Eudora Welty lived, Jackson, Mississippi, was central to her work as a writer;

Whereas Jackson, Mississippi was, in Eudora Welty's words, ''like a fire that never goes out'';

Whereas for Eudora Welty, place was ''the stuff of fiction, as close to our living lives as the earth we can pick up and rub between our fingers, something we can feel and smell... We know what the place has made of these people through generations. We have a sense of continuity and that, I think, comes from place.'';

Whereas no writer was ever more beloved, or more adored by her readers who avidly followed her life and work;

Whereas Eudora Welty deeply loved family stories and recalled how ''Long before I wrote stories, I listened for stories... when their elders sit and begin, children are just waiting and hoping for one to come out, like a mouse from a hole.'';

Whereas Eudora Welty's work focused on family life, including weddings, reunions, and funerals;

Whereas Eudora Welty's career began with the study of region and place when she worked as a writer and photographer for the Works Progress Administration, work that later inspired her fiction and literary essays;

Whereas these writings help each of us better understand the humanities and their ties to region and place;

Whereas Eudora Welty's work inspired the National Endowment for the Humanities to launch its Regional Humanities Initiative through 20 planning grants that have been awarded to institutions in the States of Arizona, California, Illinois, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Wisconsin;

Whereas like the gentle rain that fell across Mississippi on the day of Eudora Welty's funeral, the Regional Humanities Initiative nourishes the soil of American culture and its roots in our regions;

Whereas the Regional Humanities Initiative honors the places from which we each come and preserves our history and culture for future generations; and

Whereas Eudora Welty believed deeply in the noble work of the Regional Humanities Initiative and her name will inspire future generations to understand and celebrate the places that shape our Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Regional Humanities Initiative be named for Eudora Welty.

Mr. COCHRAN. Mr. President, today I am introducing a Sense of the Senate Resolution honoring the memory of Eudora Welty, the famed Mississippi author who died last week. Senator LOTT has joined me in sponsoring this resolution renaming the Regional Humanities Initiative at the National Endowment for the Humanities, NEH, the Eudora Welty Regional Humanities Initiative.

One of the great themes of Miss Welty's writings is a sense of place. It is fitting then that the Regional Humanities Initiative that honors the places from which we come and will preserve our history and culture for future generations be named for her. In fact, a quote from Miss Welty's work is used in the NEH guidelines for this initiative and I would like to share those words with you: ''It is by knowing where you stand that you grow able to judge where you are. Place absorbs our earliest notice and attention. It

bestows upon us our original awareness: and our critical powers spring up from the study of it and the growth experiences inside it. . . .

One place comprehended can make us understand other places better. Sense of place gives us equilibrium; extended, it is sense of direction too.''

SENATE CONCURRENT RESOLUTION 64—DIRECTING THE ARCHITECT OF THE CAPITOL TO ENTER INTO A CONTRACT FOR THE DESIGN AND CONSTRUCTION OF A MONUMENT TO COMMEMORATE THE CONTRIBUTIONS OF MINORITY WOMEN TO WOMEN'S SUFFRAGE AND TO THE PARTICIPATION OF MINORITY WOMEN IN PUBLIC LIFE, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself, Mrs. BOXER, Ms. CANTWELL, Mrs. CARNAHAN, Mr. DODD, Mr. HARKIN, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHUMER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DESIGN AND CONSTRUCTION OF MONUMENT COMMEMORATING CONTRIBUTIONS OF MINORITY WOMEN TO WOMEN'S SUFFRAGE.

(a) IN GENERAL.—Not later than 1 year after the date of adoption of this Resolution, the Architect of the Capitol shall enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of minority women in public life in the United States (referred to in this Resolution as the ''Monument'').

(b) WOMEN DEPICTED ON MONUMENT.—The Monument shall depict an appropriate representative, as determined by the Advisory Committee established under section 2, of each of the following:

(1) African American women.

(2) Hispanic American women.

(3) Asian Pacific American women.

(4) Jewish American women.

(5) Native American women.

(c) DEADLINE FOR COMPLETION.—The contract under subsection (a) shall include a requirement that the Monument be completed and delivered to the Architect of the Capitol not later than 18 months after the date on which the Architect enters into the contract.

(d) LOCATION.—The Architect of the Capitol shall arrange for the Monument to be placed in a prominent location of the Capitol.

SEC. 2. ADVISORY COMMITTEE.

(a) IN GENERAL.—An Advisory Committee shall be established to—

(1) solicit from the general public nominees for depiction on the Monument; and

(2) recommend to the Architect of the Capitol, for depiction on the Monument, individuals that are representative of the women specified in section 2(b).

(b) COMPOSITION.—The Advisory Committee shall be composed of 5 members, of whom—

(1) 1 member shall be appointed by the Speaker of the House of Representatives;

(2) 1 member shall be appointed by the minority leader of the House of Representatives;

(3) 1 member shall be appointed by the majority leader of the Senate;

(4) 1 member shall be appointed by the minority leader of the Senate; and

(5) 1 member shall be appointed by the President Pro Tempore of the Senate.

(c) APPOINTMENT.—Not later than 30 days after the adoption of this Resolution, members of the Advisory Committee shall be appointed in accordance with subsection (b).

(d) COMPENSATION.—A member of the Advisory Committee shall serve without pay.

(e) DEADLINE FOR SUBMISSION.—Not later than 90 days after the date of the adoption of this Resolution, the Advisory Committee shall submit to the Architect of the Capitol the names of the individuals to be depicted on the Monument.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Resolution (including sums as are necessary for the Advisory Committee to carry out the duties described in section 2), to remain available until expended.

Mrs. CLINTON. Mr. President, it is an honor to be here today to submit a resolution to recognize the contributions of minority women to women's suffrage and to the history of our country. This resolution establishes an Advisory Committee and directs the Architect of the Capitol to enter into a contract for the design and construction of a monument commemorating the contributions of minority women.

I was so pleased when Congressman DAVIS introduced this resolution. His decision was inspired by the observations of a young woman working in his office who noticed, as she toured the Capitol, that there are so few women, and even fewer minority women, represented in these sacred halls.

The under-representation of women and minorities does a disservice to the thousands of schoolchildren who tour the Capitol every year. I believe the time has come, and is in fact long overdue, to create a statute honoring the contributions of minority women who were instrumental in building our country and leaders in extending equal rights to all people.

I can cite many examples of minority women who I would like to see considered for recognition. Women with New York roots such as Harriet Tubman, Sojourner Truth and Maud Nathan have made considerable contributions to our nation's history.

Harriet Tubman, whose home was in Auburn, NY, escaped slavery and then risked her life again and again to return and lead so many others to freedom. Harriet Tubman's motto was, ''keep going.'' She would encourage escaped slaves in their journey by saying, ''Children if you are tired, keep going; if you are scared, keep going; if you are hungry, keep going; if you want to taste freedom, keep going.'' Harriet Tubman went on to be an active leader in the women's movement, to work for schools for freed slaves and to establish services for the elderly and destitute. Her actions were selfless and her courage is of heroic proportions.

Sojourner Truth was born enslaved in Upstate New York. After her release from slavery, she went on to work as an abolitionist and then as a leader in the women's movement. She was a highly effective speaker, and used her voice to see that equal rights would be extended to all people regardless of the color of one's skin or one's gender. Maud Nathan is another example of a New Yorker who was influential in the women's suffrage movement and served as an early and innovative consumer advocate, organizing for better conditions for working women.

I often think of the courage and vision of these women and so many others who put their lives on the line in the abolitionist, suffrage, civil rights and women's movements, and it is a great sense of pride to me that so many women leaders were from New York.

It is our responsibility to make sure that the contributions of minority women with stories similar to Truth, Tubman, Nathan, and so many others, are told in our schoolrooms, at our dinner tables and yes, celebrated in the halls of Congress.

In 1997, after more than 75 years of storage in the crypt, a monument recognizing suffragists Susan B. Anthony, Elizabeth Cady Stanton and Lucretia Mott was moved to a visible location in the Rotunda. This was the right decision then, and no doubt has aroused the interest of so many people who have had the opportunity to view it since the move.

Now we have an opportunity to make significant strides toward telling a far more accurate story of our Nation's collective history by celebrating the minority women who were behind so many of our nation's important social movements. Their commitment, resilience and courage can be a great source of strength to the next generation of women who will assume the struggles shaping our time.

SENATE CONCURRENT RESOLUTION 65—EXPRESSING THE SENSE OF CONGRESS THAT ALL AMERICANS SHOULD BE MORE INFORMED OF DYSPRAXIA

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted the following concurrent resolution; which was referred to the Committee on health, Education, Labor, and Pensions.

S. CON. RES. 65

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chance of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as ''slow'' or ''clumsy'' and are therefore not properly diagnosed;

Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to detection and treatment; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should be more informed of dyspraxia, its easily recognizable symptoms, and proper treatment;

(2) the Secretary of Education should establish and promote a campaign in elementary and secondary schools across the Nation to encourage the social acceptance of these children; and

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about dyspraxia;

(B) consider ways to increase the knowledge of possible therapy and access to health care services for people with dyspraxia; and

(C) endeavor to inform educators on how to recognize dyspraxic symptoms and to appropriately handle this disorder.

Ms. LANDRIEU. Mr. President, I rise today to say just a few words on the resolution I have submitted concerning Dyspraxia, a developmental disorder that affects five percent of American children each year. My intent is to increase the public's awareness of this disability and to encourage each of my colleagues to do the same.

Let me share with you a few facts. Dyspraxia is caused from the malformation of the neurons of the brain, thus resulting in messages not being properly transmitted to the body. Areas such as movement, language, perception, and thought are affected. Dyspraxia children fail to achieve the expected levels of development. Due to difficulties, these kids are often shunned from their peer groups because they do not fit in. One in twenty children suffers from Dyspraxia. Seventy percent of those affected are male, and in children suffering from extreme emotional and behavioral difficulties the incidence is likely to be more than fifty percent. There is no cure for Dyspraxia, but the earlier a child is diagnosed the greater the chance of developmental maturation. However, many times these children are dismissed as ''clumsy'' and ''slow'' and are never given a chance to improve, finding it hard to succeed under such harsh speculations. More than fifty percent of our educators are unaware that this disability even exists. With such alarming statistics, the number of children recognized cannot be expected to increase.

One of my interns has a younger brother that suffers from this disorder. Borden Wilson is actually a success story. At age 4, Borden's parents noted that he was not able to perform tasks appropriate for his age. He was not speaking much, even with encouragement. After going through a battery of tests performed by various specialists, the problem was identified as Dyspraxia. Upon suggestion, Borden began speech therapy, occupational therapy, and many activities, such as a more structured kindergarten, T-ball, swim team, and karate. Borden's speech is now improving with every day, but one would notice that it is ''halted.'' He has to concentrate on all that he says. School was definitely a battle to be fought. Borden needs a lot of repetition to learn, and learning is easier when all five senses are stimulated. Spelling lists are practiced the entire week in advance. As one can imagine, Borden needs constant encouragement. It is very discouraging to work twice as hard as everyone else and still not possibly be on a level to compete. Borden is 14 years old now. Through the hard work of teachers, therapists, and family, he has overcome many of his problems and is successful in both school and extracurricular activities. I am pleased to announce that Borden now maintains a 4.0 grade point average and placed in the ninety-nine percentile on his California Achievement Test.

This is why it is so vital that we make people aware of Dyspraxia. With proper diagnosis and treatment, all of these children can experience the same level of success that Borden has been able to achieve. I hope that my colleagues will come together in support of this important legislation to raise consciousness of this disability.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1471. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table.

SA 1472. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1473. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1474. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. Lugar and intended to be proposed to the bill (S. 1246) supra; which was ordered to lie on the table.

SA 1475. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1476. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246 supra; which was ordered to lie on the table.

SA 1479. Mr. REID (for Mr. HELMS) proposed an amendment to the concurrent resolution S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies.

SA 1480. Mr. REID (for Mr. HUTCHINSON) proposed an amendment to the concurrent resolution S. con. Res. 59, expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

TEXT OF AMENDMENTS

SA 1471. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1246 to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SALMON.—The Secretary of the Treasury shall transfer, out of funds in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to be provided within 30 days after enactment of this Act as direct lump sum payments to the entities listed to respond to fisheries failures and record low salmon harvests in the State of Alaska by providing individual assistance and economic development, including the following amounts—

(1) $10,000,000 to the Kodiak Island Borough;

(2) $10,000,000 to the Association of Village Council President;

(3) $10,000,000 to the Tanana Chiefs Conference, including $2,000,000 to address the combined impacts of poor salmon runs and the implementation of the Yukon River Salmon Treaty;

(4) $5,000,000 to Kawerak, Inc.;

(5) $5,000,000 to the Kenai Peninsula Borough;

(6) $5,000,000 to the Aleutians East Borough; and

(7) $5,000,000 to the Briston Bay Native Association for its revolving loan program in support of local fishermen.

SA 1472. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. LUGAR and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY FINANCIAL ASSISTANCE FOR 2000 CROP OF SUGAR BEETS.

Notwithstanding section 815(d)(1) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A–56), in making payments under that section for quality losses for the 2000 crop of sugar beets of producers on a farm in an area covered by Manager's Bulletin MGR–01–010 issued by the Federal Crop Insurance Corporation on March 2, 2001—

(1) the Secretary shall calculate the amount of a quality loss, regardless of whether the sugar beets are processed, on an aggregate basis by cooperative;

(2) the Secretary shall use funds made available under section 1(a) to make the quality loss payments to a cooperative for distribution to cooperative members; and

(3) the amount of a quality loss, regardless of whether the sugar beets are processed, shall be equal to the difference between—

(A) the per unit payment that the producers on the farm would have received for the crop from the cooperative if the crop had not suffered a quality loss; and

(B) the average per unit payment that the producers on the farm received from the cooperative for the affected sugar beets.

SA 1473. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. LUGAR and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. SUGAR BEETS.

(a) MARKETING ASSESSMENT.—No marketing assessment under section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) shall be collected for the 2001 crop of sugar beets until September 30, 2002.

(b) EMERGENCY FINANCIAL ASSISTANCE FOR 2000 CROP OF SUGAR BEETS.—Notwithstanding section 815(d)(1) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A–56), in making payments under that section for quality losses for the 2000 crop of sugar beets of producers on a farm in an area covered by Manager's Bulletin MGR–01–010 issued by the Federal Crop Insurance Corporation on March 2, 2001—

(1) the Secretary shall calculate the amount of a quality loss, regardless of whether the sugar beets are processed, on an aggregate basis by cooperative;

(2) the Secretary shall use funds made available under section 1(a) to make the quality loss payments to a cooperative for distribution to cooperative members; and

(3) the amount of a quality loss, regardless of whether the sugar beets are processed, shall be equal to the difference between—

(A) the per unit payment that the producers on the farm would have received for the crop from the cooperative if the crop had not suffered a quality loss; and

(B) the average per unit payment that the producers on the farm received from the cooperative for the affected sugar beets.

SA 1474. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 1212 submitted by Mr. LUGAR and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUGAR BEETS.

(a) MARKETING ASSESSMENT.—No marketing assessment under section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) shall be collected for the 2001 crop of sugar beets until September 30, 2002.

(b) EMERGENCY FINANCIAL ASSISTANCE FOR 2000 CROP OF SUGAR BEETS.—Notwithstanding section 815(d)(1) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A–56), in making payments under that section for quality losses for the 2000 crop of sugar beets of producers on a farm in an area covered by Manager's Bulletin MGR–01–010 issued by the Federal Crop Insurance Corporation on March 2, 2001—

(1) the Secretary shall calculate the amount of a quality loss, regardless of whether the sugar beets are processed, on an aggregate basis by cooperative;

(2) the Secretary shall use funds made available under section 1(a) to make the quality loss payments to a cooperative for distribution to cooperative members; and

(3) the amount of a quality loss, regardless of whether the sugar beets are processed, shall be equal to the difference between—

(A) the per unit payment that the producers on the farm would have received for the crop from the cooperative if the crop had not suffered a quality loss; and

(B) the average per unit payment that the producers on the farm received from the cooperative for the affected sugar beets.

SA 1475. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLES.

(a) IN GENERAL.—The Secretary shall use $150,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers to provide relief for the loss of markets during the 2000 crop year.

(b) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity of apples for which the producers on a farm are eligible for payments under this section shall be equal to the quantity of the 2000 crop of apples produced by the producers on the farm.

(2) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this section shall not exceed 5,000,000 pounds of apples produced on the farm.

(c) LIMITATIONS.—Subject to subsection (b)(2), the Secretary shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this section.

(d) APPLICABILITY.—This section applies only with respect to the 2000 crop of apples and producers of that crop.

SEC. 12. OBLIGATION PERIOD.

(a) FISCAL YEAR 2001.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and expend funds only during fiscal year 2001 to carry out section 1.

(b) FISCAL YEAR 2002.—

(1) IN GENERAL.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and, to the maximum extent practicable, expend funds during fiscal year 2002 to carry out this Act (other than section 1).

(2) AVAILABILITY.—Funds described in paragraph (1) shall remain available until expended.

SA 1476. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMMODITY PURCHASES.

(a) IN GENERAL.—The Secretary shall use $270,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2000 or 2001 crop years, such as apples, apricots, asparagus, bell peppers, bison meat, black beans, black-eyed peas, blueberries (wild and cultivated), cabbage, cantaloupe, cauliflower, chickpeas, cranberries, cucumbers, dried plums, dry peas, eggplants, lemons, lentils, melons, onions, peaches (including freestone), pears, potatoes (summer and fall), pumpkins, raisins, raspberries, red tart cherries, snap beans, spinach, strawberries, sweet corn, tomatoes, and watermelons.

(b) GEOGRAPHIC DIVERSITY.—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) OTHER PURCHASES.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

(d) TRANSPORTATION AND DISTRIBUTION COSTS.—The Secretary may use not more than $20,000,000 of the funds made available under subsection (a) to provide assistance to States to cover costs incurred by the States in transporting and distributing agricultural commodities purchased under this section.

(e) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than $55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

SEC. 12. OBLIGATION PERIOD.

(a) FISCAL YEAR 2001.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and expend funds only during fiscal year 2001 to carry out section 1.

(b)FISCAL YEAR 2002.—

(1) IN GENERAL.—Notwithstanding section 11 and except as otherwise provided in this Act, the Secretary and the Commodity Credit Corporation shall obligate and, to the maximum extent practicable, expend funds during fiscal year 2002 to carry out this Act (other than section 1).

(2) AVAILABILITY.—Funds described in paragraph (1) shall remain available until expended.

SA 1477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TOBACCO PAYMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Agriculture shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment in accordance with the terms and conditions of section 204(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224) to eligible persons (as defined in that section) that received a payment under that section.

(b) PAYMENT FORMULA.—The Secretary shall use the payment formula used by the

Secretary to make payments under section 803(c) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78) to make supplemental payments to eligible persons under this section.

SA 1478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TOBACCO.

(a) TOBACCO PAYMENTS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PERSON.—The term ''eligible person'' means a person that—

(i) owns a farm for which, regardless of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2001 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(ii) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(iii) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2001 crop year, taking into account temporary transfers.

(B) ELIGIBLE TOBACCO.—The term ''eligible tobacco'' means each of the following kinds of tobacco:

(i) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(ii) Fire-cured tobacco, comprising types 21, 22, and 23.

(iii) Dark air-cured tobacco, comprising types 35 and 36.

(iv) Virginia sun-cured tobacco, comprising type 37.

(v) Burley tobacco, comprising type 31.

(vi) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(2) PAYMENTS.—Not later than December 31, 2001, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall use funds of the Commodity Credit Corporation to make payments under this subsection.

(3) POUNDAGE PAYMENT QUANTITIES.—For the purposes of this subsection, individual tobacco quotas and allotments shall be converted to poundage payment quantities as follows:

(A) FLUE-CURED AND BURLEY TOBACCO.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), the poundage payment quantity shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2001 crop year.

(B) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of each other kind of eligible tobacco, individual allotments shall be converted to poundage payment quantities by multiplying—

(i) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2001 crop year; by

(ii)(I) in the case of fire-cured tobacco (type 21), 1,630 pounds per acre;

(II) in the case of fire-cured tobacco (types 22 and 23), 2,601 pounds per acre;

(III) in the case of dark air-cured tobacco (types 35 and 36), 2,337 pounds per acre;

(IV) in the case of Virginia sun-cured tobacco (type 37), 1,512 pounds per acre; and

(V) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,165 pounds per acre.

(4) AVAILABLE PAYMENT AMOUNTS.—The available payment amount for pounds of a payment quantity under paragraph (2) shall be equal to—

(A) in the case of fire-cured tobacco (types 21, 22, and 23) and dark air-cured tobacco (types 35 and 36), 26 cents per pound; and

(B) in the case of each other kind of eligible tobacco not covered by subparagraph (A), 13 cents per pound.

(5) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—

(A) IN GENERAL.—Payments available with respect to a pound of payment quantity, as determined under paragraph (4), shall be made available to eligible persons in accordance with this paragraph.

(B) FLUE-CURED AND CIGAR TOBACCO.—In the case of payments made available in a State under paragraph (2) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(i) 50 percent of the payments to eligible persons that are owners described in paragraph (1)(A)(i); and

(ii) 50 percent of the payments to eligible persons that are growers described in paragraph (1)(A)(iii).

(C) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of payments made available in a State under paragraph (2) for each other kind of eligible tobacco not covered by subparagraph (A), the Secretary shall distribute (as determined by the Secretary)—

(i) 33⅓ percent of the payments to eligible persons that are owners described in paragraph (1)(A)(i);

(ii) 33⅓ percent of the payments to eligible persons that are controllers described in paragraph (1)(A)(ii); and

(iii) 33⅓ percent of the payments to eligible persons that are growers described in paragraph (1)(A)(iii).

(6) STANDARDS.—In carrying out this subsection, the Secretary shall use, to the maximum extent practicable, the same standards for payments that were used for making payments under section 204(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(7) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than November 30, 2001, the Secretary shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(c) OBLIGATION PERIOD.—The Secretary and the Commodity Credit Corporation shall obligate and, to the maximum extent practicable, expend funds during fiscal year 2002 to carry out this section.

SA 1479. Mr. REID (for Mr. HELMS) proposed an amendment to the concurrent resolution S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies; as follows:

In paragraph (6) of section 1 of the concurrent resolution, strike ''Oleksandorv'' and insert ''Oleksandrov''.

SA 1480. Mr. REID (for Mr. HUTCHINSON) proposed an amendment to the concurrent resolution S. Con. Res. 59, expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by the community, migrant, public housing, and homeless health centers; as follows:

On page 3, line 4, insert ''Week'', the following: ''for the week beginning August 19, 2001,''.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a field hearing in Las Cruces, New Mexico to identify issues related to the water supply challenges facing the southern New Mexico border region.

The hearing will take place on Tuesday, August 14, at 9:00 a.m. at New Mexico State University, in Las Cruces, NM.

Those wishing to submit written statements on the subject matter of this hearing should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510.

For further information, please call Mike Connor at 202/224–5479.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Water and Power has scheduled a field hearing in Seattle, Washington to identify the role of the BPA in promoting energy conservation and renewables.

The hearing will take place on the morning of Monday, August 13. The location in Seattle has not yet been determined.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please call Deborah Estes at 202/224–5360 or Jonathan Black at 202/224–6722.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, August 7, at 10:00 a.m. in the Judicial Room of the Best Western Doublewood Inn, 1400 East Interchange Avenue, Bismarck, North Dakota, 58501.

The purpose of the hearing is to receive testimony from PMAs, IOUs and Electric Cooperatives on electric transmission infrastructure and investment needs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C. 20510, ATTN: Leon Lowery.

For further information, please contact Leon Lowery at 202/224–2209 or Jonathan Black at 202/224–6722.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCING

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, August 3, 2001 to hear testimony on ''The Andean Trade Preferences Act, which is due to expire on December 4, of this year.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, August 3, 2001 at 9:30 a.m. to hold a nomination hearing.

Nonimees: Mr. J. Richard Blankenship, of Florida, to be Ambassador to the Commonwealth of the Behamas; Mr. Hans H. Hertell, of Puerto Rico, to be Ambassador to the Dominican Repulic; and Mr. Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay.

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

PRIVILEGE OF THE FLOOR

Mr. SCHUMER. Madam President, I ask unanimous consent that my agricultural legislative fellow, Hiram Larew, be granted the privilege of the Senate floor.

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

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

On August 2, 2001, the Senate amended and passed H.R. 2620, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2620) entitled ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: Provided, That not to exceed $17,940,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $2,135,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities,

supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,379,742,000, plus reimbursements: Provided, That of the funds made available under this heading, $675,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2003: Provided further, That, in addition to other funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $30,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2003, $390,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $67,628,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,194,831,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $60,000,000 shall be available until September 30, 2003: Provided further, That of the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in their Manila, Philippines operation: Provided further, That travel expenses for this account shall not exceed $15,665,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $48,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $155,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: Provided, That except for advance planning activities (including market-based and other assessments of needs which may lead to capital investments) funded through the advance planning fund, design of projects funded through the design fund, and planning and design activities funded through the CARES fund (including market-based and other assessments of needs which may lead to capital investments), none of these funds shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2002, for each approved project (except those for CARES activities and the three land acquisitions referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $178,900,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002

for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. For fiscal year 2002 only, funds available in any Department of Veterans Affairs appropriation or fund for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs. Payments may be made in advance for services to be furnished, based on estimated costs. Amounts received shall be credited to the General Operating Expenses account for use by the office that provided the service. Total resources available to these offices for fiscal year 2002 shall not exceed $28,550,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication.

SEC. 109. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: Provided, That the Franchise Fund, established by Title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

SEC. 110. (a) STUDY OF VISCOSUPPLEMENTATION.—The Secretary of Veterans Affairs shall carry out a study of the benefits and costs of using viscosupplementation as a means of treating degenerative knee diseases in veterans instead of, or as a means of delaying, knee replacement. The study shall consider the benefits and costs of the procedure for veterans and the effect of the use of the procedure on the provision of medical care by the Department of Veterans Affairs.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a). The report shall set forth the results of the study, and include such other information regarding the study, including recommendations as a result of the study, as the Secretary considers appropriate.

(c) FUNDING.—The Secretary shall carry out the study under subsection (a) using amounts available to the Secretary under this title under the heading ''MEDICAL AND PROSTHETIC RESEARCH''.

SEC. 111. (a) ELIGIBILITY OF NORTH DAKOTA VETERANS CEMETERY FOR AID REGARDING VETERANS CEMETERIES.—The Secretary of Veterans Affairs shall treat the North Dakota Veterans Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in expanding or improving veterans cemeteries under section 2408 of title 38, United States Code.

(b) APPLICABILITY.—This section shall take effect on the date of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur on or after that date.

SEC. 112. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for ''Medical care'' appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $15,658,769,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $15,506,746,000, of which $11,306,746,000 shall be available on October 1, 2001 and $4,200,000,000 shall be available on October 1, 2002 shall be for assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts at current rents for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the total amount provided under this heading, $98,623,000 shall be made available for incremental vouchers under section 8 of the Act on a fair share basis to those public housing agencies that have no less than 97 percent occupancy rate: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $615,000,000 are rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' for fiscal year 2002 and prior years: Provided further, That, after the amount is rescinded under the previous proviso, to the extent an additional amount is available for rescission from unobligated balances remaining for funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' for fiscal year 2002 and prior years, such amount shall be made available on a pro-rata basis, no sooner than September 1, 2002, and shall be transferred for use under the ''Research and Related Activities'' account of the National Science Foundation, and shall be transferred for use under the ''Science, Aeronautics and Technology'' account of the National Aeronautics and Space Administration, and shall be transferred for use under the ''HOME investment partnership program'' account of the Department of Housing and Urban Development for the production of mixed-income

housing for which this amount shall be used to assist the construction of units that serve extremely low-income families, and shall be transferred for use under the ''Housing for Special Populations'' account of the Department of Housing and Urban Development: Provided further, That the Secretary shall have until September 30, 2002, to meet the rescissions in the preceding provisos: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,943,400,000, to remain available until September 30, 2003, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, up to $500,000 shall be for lease adjustments to section 23 projects and no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,384,868,000, to remain available until September 30, 2003: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $300,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program; $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $7,500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That the Secretary of Housing and Urban Development (Secretary) may provide technical and financial assistance to the Turtle Mountain Band of Chippewa for emergency housing, housing assistance, and other assistance to address the mold problem at the Turtle Mountain Indian Reservation: Provided further, That the Secretary shall work with the Turtle Mountain Band of Chippewa, the Federal Emergency Management Agency, the Indian Health Service, the Bureau of Indian Affairs, and other appropriate Federal agencies in developing a plan to maximize Federal resources to address the emergency housing needs and related problems: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $5,987,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $277,432,000, to remain available until September 30, 2003: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $75,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,012,993,000, to remain available until September 30, 2004: Provided, That of the amount provided, $4,801,993,000 is for carrying

out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301): Provided further, That $71,000,000 shall be for flexible grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,000,000 shall be available as a grant to the Housing Assistance Council; $2,600,000 shall be available as a grant to the National American Indian Housing Council; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate and equip their facilities: Provided further, That $10,000,000 shall be made available to the Department of Hawaiian Home Lands to provide assistance as authorized under the Hawaiian Homelands Homeownership Act of 2000 (with no more than 5 percent of such funds being available for administrative costs): Provided further, That no less than $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'' for LISC and the Enterprise Foundation, for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $3,450,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $80,000,000 is for grants to create or expand community technology centers in high poverty urban and rural communities and to provide technical assistance to those centers.

Of the amount made available under this heading, $25,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

Of the amount made available under this heading, notwithstanding any other provision of law, $70,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish Youthbuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $140,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2003: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,796,040,000 to remain available until September 30, 2004, of which up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968; and of which no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,022,745,000, to remain available until September 30, 2004: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That no less than $14,200,000 of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2002 and 2003 or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act, as amended, $99,780,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,001,009,000, to remain available until expended: Provided, That $783,286,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, of which amount up to $3,000,000 shall be available to renew expiring project rental assistance contracts for up to a one-year term, and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,723,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act, of which up to $1,200,000 shall be available to renew expiring project rental assistance contracts for up to a one-year term: Provided further, That no less than $3,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall

be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $17,254,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2002, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $336,700,000, of which not to exceed $332,678,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000: Provided, That a combined total of $160,000,000 from amounts appropriated for administrative contract expenses under this heading or the heading ''FHA—General and Special Risk Program Account'' shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $197,779,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,404,000, to remain available until September 30, 2003: Provided, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advanced Technology in Housing.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the amounts provided under this heading, $1,000,000 shall be for the National Center for Lead-Safe Housing: Provided further, That of the amounts provided under this heading, $750,000 shall be for CLEARCorps.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,087,257,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development fund'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the Native Hawaiian Housing Loan Guarantee Fund: Provided, That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by two and one-half percent: Provided further, That of the amount under this heading, $1,500,000 shall be for necessary expenses of the Millenial Housing Commission, as authorized by Public Law 106–74 with the final report due no later than August 30, 2002.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $88,898,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: Provided further, That this Office shall submit a staffing plan to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the McKinney-Vento Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2002 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. Section 225 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74, is amended by inserting ''and fiscal year 2002'' after ''fiscal year 2001''.

SEC. 205. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal years 2000 and 2001'' and inserting in lieu thereof ''fiscal years 2000, 2001, and 2002''.

SEC. 206. Section 223(f)(1) of the National Housing Act is amended by inserting ''purchase or'' immediately before ''refinancing of existing debt''.

SEC. 207. Section 106(c)(9) of the Housing and Urban Development Act of 1968 is repealed.

SEC. 208. Section 251 of the National Housing Act is amended—

(1) in subsection (b), by striking ''issue regulations'' and all that follows and inserting the following: ''require that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act.''; and

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

''(d)(1) The Secretary may insure under this subsection a mortgage that meets the requirements of subsection (a), except that the effective rate of interest—

''(A) shall be fixed for a period of not less than the first 3 years of the mortgage term;

''(B) shall be adjusted by the mortgagee initially upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, is subject to the one percent limitation only if the interest rate remained fixed for five or fewer years.

''(2) The disclosure required under subsection (b) shall be required for a mortgage insured under this subsection.''.

SEC. 209. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking ''and (k)'' and inserting ''or (k)''; and

(2) in paragraph (2)—

(A) by inserting immediately after ''subsection (v),'' the following: ''and each mortgage that is insured under subsection (k) or section 234(c),''; and

(B) by striking ''and executed on or after October 1, 1994,''.

(b) The amendments made by subsection (a) shall apply only to mortgages that are executed on or after the date of enactment of this Act or a later date determined by the Secretary and announced by notice in the Federal Register.

SEC. 210. Section 242(d)(4) of the National Housing Act is amended to read as follows:

''(4)(A) The Secretary, in conjunction with the Secretary of Health and Human Services, shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

''(B) The Secretary shall establish the means for determining need and feasibility for the hospital. If the State has an official procedure for determining need for hospitals, the Secretary shall also require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

SEC. 211. Section 232(d)(4)(A) of the National Housing Act is amended to read as follows:

''(A)(i) The Secretary, in conjunction with the Secretary of Health and Human Services, shall require satisfactory evidence that a nursing home, intermediate care facility, or combined nursing home and intermediate care facility will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for such homes, facilities, or combined homes and facilities. The Secretary shall also require satisfactory assurance that such standards will be applied and enforced with respect to the home, facility, or combined home or facility.

''(ii) The Secretary shall establish the means for determining need and feasibility for the home, facility, or combined home and facility. If the State has an official procedure for determining need for such homes, facilities, or combined homes and facilities, the Secretary shall also require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

SEC. 212. Section 533 of the National Housing Act is amended to read as follows:

''SEC. 533. REVIEW OF MORTGAGEE PERFORMANCE AND AUTHORITY TO TERMINATE.—

''(a) PERIODIC REVIEW OF MORTGAGEE PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

''(b) COMPARISON WITH OTHER MORTGAGEES.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee in an area with the rate of early defaults and claims for other mortgagees originating or underwriting insured single family mortgage loans in the area. For purposes of this section, the term ''area'' means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

''(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c) of this Act, the Secretary may terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgage loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

''(2) The Secretary shall give a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period, unless the Secretary withdraws the termination notice or extends the notice period. If requested in writing by the mortgagee within 30 days of the date of the notice, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official). At the informal conference, the mortgagee may present for consideration specific factors that it believes were beyond its control and that caused the excessive default and claim rate.''.

SEC. 213. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of

Housing and Urban Development Reform Act of 1989 on a competitive basis.

SEC. 214. Public housing agencies in the State of Alaska shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002. Public Housing Authorities in Iowa that are a part of a city government shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, regarding the requirement that a public housing agency shall contain not less than one member who is directly assisted by the public housing authority during fiscal year 2002.

SEC. 215. Notwithstanding any other provision of law, in fiscal year 2001 and for each fiscal year thereafter, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 216. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively;

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(1) by striking ''$33,638'', ''$38,785'', ''$46,775'', ''$59,872'', and ''$66,700'' and inserting ''$42,048'', ''$48,481'', ''58,469'', ''$74,840'', and ''$83,375'', respectively; and

(2) by striking ''$35,400'', ''$40,579'', ''$49,344'', ''$63,834'', and ''$70,070'' and inserting ''$44,250'', ''$50,724'', ''$61,680'', ''$79,793'', and ''$87,588'', respectively.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,536'', ''$52,135'', and ''$59,077'' and inserting ''$37,843'', ''$42,954'', ''$51,920'', ''$65,169'', and ''$73,846'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$48,029'', ''$57,798'', ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

SEC. 217. Notwithstanding any other provision of law, the Tribal Student Housing Project proposed by the Cook Inlet Housing Authority is authorized to be constructed in accordance with its 1998 Indian Housing Plan from amounts previously appropriated for the benefit of the Housing Authority, a portion of which may be used as a maintenance reserve for the completed project.

SEC. 218. ENDOWMENT FUNDS. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106–554), for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina, such funds shall be available to the University of South Carolina to fund an endowment for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina, without fiscal year limitation.

SEC. 219. HAWAIIAN HOMELANDS. Section 247 of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) NATIVE HAWAIIAN.—The term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands before January 1, 1778, or, in the case of an individual who is awarded an interest in a lease of Hawaiian home lands through transfer or succession, such lower percentage as may be established for such transfer or succession under section 208 or 209 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 111), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).

''(2) HAWAIIAN HOME LANDS.—The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).''; and

(2) by adding at the end the following:

''(e) CERTIFICATION OF ELIGIBILITY FOR EXISTING LESSEES.—Possession of a lease of Hawaiian home lands issued under section 207(a) of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), shall be sufficient to certify eligibility to receive a mortgage under this subchapter.''.

SEC. 220. RELEASE OF HOME PROGRAM FUNDS. Notwithstanding the requirement regarding commitment of funds in the first sentence of section 288(b) of the HOME Investment Partnerships Act (42 U.S.C. 12838(b)), the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall approve the release of funds under that section to the Arkansas Development Finance Authority (in this section referred to as the ''ADFA'') for projects, if—

(1) funds were committed to those projects on or before June 12, 2001;

(2) those projects had not been completed as of June 12, 2001;

(3) the ADFA has fully carried out its responsibilities as described in section 288(a); and

(4) the Secretary has approved the certification that meets the requirements of section 288(c) with respect to those projects.

SEC. 221. Notwithstanding any other provision of law with respect to this or any other fiscal year, the Housing Authority of Baltimore City may use the remaining balance of the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for the rehabilitation of the Claremont Homes project and for the provision of affordable housing in areas within the City of Baltimore either (1) designated by the partial consent decree in Thompson v. HUD as nonimpacted census tracts or (2) designated by said authority as either strong neighborhoods experiencing private investment or dynamic growth areas where public and/or private commercial or residential investment is occurring.

SEC. 222. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING. (a) IN GENERAL.—Any entity that receives funds pursuant to this Act, and discriminates in the sale or rental of housing against any person because the person is, or is perceived to be, a victim of domestic violence, dating violence, sexual assault, or stalking, including because the person has contacted or received assistance or services from law enforcement related to the violence, shall be considered to be discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental, because of sex under section 804(b) of the Civil Rights Act of 1968 (42 U.S.C. 3604(b)).

(b) DEFINITIONS.—In this section:

(1) COURSE OF CONDUCT.—The term ''course of conduct'' means a course of repeatedly maintaining a visual or physical proximity to a person or conveying verbal or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(2) DATING VIOLENCE.—The term ''dating violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(3) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(4) ELECTRONIC COMMUNICATIONS.—The term ''electronic communications'' includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager.

(5) PARENT; SON OR DAUGHTER.—The terms ''parent'' and ''son or daughter'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) REPEATEDLY.—The term ''repeatedly'' means on 2 or more occasions.

(7) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(8) STALKING.—The term ''stalking'' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person, or the person's spouse, parent, or son or daughter, or any other person who regularly resides in the person's household, if the

conduct causes the specific person to have such distress or fear.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,466,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,621,000, $5,121,000 of which to remain available until September 30, 2002 and $2,500,000 of which to remain available until September 30, 2003: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $100,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American communities, and up to $9,850,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $51,800,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $56,200,000, of which $1,000,000 to remain available until September 30, 2004, shall be for a research project on sensor technologies.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $415,480,000, to remain available until September 30, 2003: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That notwithstanding any other law $2,500,000 of the funds made available by the Corporation to the Foundation under Public Law 106–377 may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $15,000,000 shall be available for grants to support the Veterans Mission for Youth Program: Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA of the USA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: Provided further, That not more than $1,000,000 of the funds made available under this heading shall be made available to Teach For America: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc. to support literacy activities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, to remain available until September 30, 2003.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $13,221,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $18,437,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of

the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $665,672,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,061,996,200, which shall remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,400, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,274,645,560 to remain available until expended, consisting of $634,532,200, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $640,113,360 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,867,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2003, and $36,890,500 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,947,400, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $14,986,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,603,015,900, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $140,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,030,782,400 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, $25,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2002, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That for fiscal year 2002, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2002, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISION

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,267,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of

1977, $2,974,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $359,399,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

For an additional amount for ''Disaster relief'', $2,000,000,000, to be available immediately upon the enactment of this Act, and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000. In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $233,801,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $279,623,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

For an additional amount for ''Emergency management planning and assistance'', $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.).

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $139,692,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''the Act''), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $76,381,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2003. In fiscal year 2002, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $536,750,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $7,000,000 in fees collected but unexpended during fiscal years 2000 through 2001 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2002.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1336 of the Act, as amended (42 U.S.C. 4056), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

The first sentence of section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2003, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,868,000,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to the Science, Aeronautics and Technology account in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: Provided, That the funding level for Development and Operation of the International Space Station shall not exceed $1,781,300,000 for fiscal year 2002, $1,500,400,000 for fiscal year 2003, $1,203,800,000 for fiscal year 2004, $1,078,300,000 for fiscal year 2005 and $1,099,600,000 for fiscal year 2006: Provided further, That the President shall certify, and report such certification to the Senate Committees on Appropriations and Commerce, Science and Transportation and to the House of Representatives Committees on Appropriations and Science, that any proposal to exceed these

limits, or enhance the International Space Station design above the content planned for U.S. core complete, is (1) necessary and of the highest priority to enhance the goal of world class research in space aboard the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in cost and schedule estimates, and independently validated; and (3) affordable within the multi-year funding available to the International Space Station program as defined above or, if exceeds such amounts, these additional resources are not achieved through any funding reduction to programs contained in Space Science, Earth Science and Aeronautics.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,669,700,000, to remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,700,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2002 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,514,481,000, of which not to exceed $285,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $108,832,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $872,407,000, to remain available until September 30, 2003: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $15,000,000 shall be available for the innovation partnership program.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,760,000, to remain available until September 30, 2003.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $100,000,000, of which $10,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $25,003,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing

Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2002 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 421. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 423. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 424. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 425. None of the funds provided in Title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 8, 2002 for 30 days of review.

SEC. 426. Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2001'', and inserting ''December 31, 2002''.

SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

SEC. 429. ARSENIC IN PLAYGROUND EQUIPMENT. (a) FINDINGS.—The Congress makes the following findings:

(1) The Department of Health and Human Services has determined that arsenic is a known carcinogen, and the Environmental Protection Agency has classified chromated copper arsenate (CCA), which is 22 percent arsenic, as a ''restricted use chemical''.

(2) CCA is often used as a preservative in pressure-treated wood, and CCA-treated wood is widely used in constructing playground equipment frequented by children.

(3) In 2001, many communities in Florida and elsewhere have temporarily or permanently closed playgrounds in response to elevated levels

of arsenic in soil surrounding CCA-treated wood playground equipment.

(4) The State of Florida recently announced that its own wood-treatment plant would cease using arsenic as a preservative.

(5) PlayNation Play Systems, which manufactures playground equipment, announced in June 2001 that it would no longer use CCA as a preservative in its playground products.

(6) In May 2001, the Environmental Protection Agency announced that it would expedite its ongoing review of the health risks facing children playing near CCA-treated wood playground equipment, and produce its findings in June 2001. The EPA later postponed the release of its risk assessment until the end of the summer of 2001, and announced that its risk assessment would be reviewed by a Scientific Advisory Panel in October 2001.

(7) The EPA also plans to expedite its risk assessment regarding the re-registering of arsenic as a pesticide by accelerating its release from 2003 to 2002.

(8) The Consumer Product Safety Commission, which has the authority to ban hazardous and dangerous products, announced in June 2001 that it would consider a petition seeking the banning of CCA-treated wood from all playground equipment.

(9) Many viable alternatives to CCA-treated wood exist, including cedar, plastic products, aluminum, and treated wood without CCA. These products, alone or in combination, can fully replace CCA-treated wood in playground equipment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the potential health and safety risks to children playing on and around CCA-treated wood playground equipment is a matter of the highest priority, which demands immediate attention from the Congress, the Executive Branch, State and local governments, affected industries, and parents.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Consumer Product Safety Commission, shall submit a report to Congress which shall include—

(1) the Environmental Protection Agency's most up-to-date understanding of the potential health and safety risks to children playing on and around CCA-treated wood playground equipment;

(2) the Environmental Protection Agency's current recommendations to State and local governments about the continued use of CCA-treated wood playground equipment; and

(3) an assessment of whether consumers considering purchases of CCA-treated wood playground equipment are adequately informed concerning the health effects associated with arsenic.

SEC. 430. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH. From amounts available to the National Science Foundation under this Act, a total of $115,000,000 may be available to carry out the Experimental Program to Stimulate Competitive Research (EPSCoR), which includes $25,000,000 in co-funding.

SEC. 431. SENSE OF THE SENATE CONCERNING THE STATE WATER POLLUTION CONTROL REVOLVING FUND. (a) FINDINGS.—Congress finds that—

(1) funds from the drinking water State revolving fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) are allocated on the basis of an infrastructure needs survey conducted by the Administrator of the Environmental Protection Agency, in accordance with the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182);

(2) the needs-based allocation of that fund was enacted by Congress and is seen as a fair and reasonable basis for allocation of funds under a revolving fund of this type;

(3) the Administrator of the Environmental Protection Agency also conducts a wastewater infrastructure needs survey that should serve as the basis for allocation of the State water pollution control revolving fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.);

(4) the current allocation formula for the State water pollution control revolving fund is so inequitable that it results in some States receiving funding in an amount up to 7 times as much as States with approximately similar populations, in terms of percentage of need met; and

(5) the Senate has proven unwilling to address that inequity in an appropriations bill, citing the necessity of addressing new allocation formulas only in authorization bills.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Environment and Public Works of the Senate should be prepared to enact authorizing legislation (including an equitable, needs-based formula) for the State water pollution control revolving fund as soon as practicable after the Senate returns from recess in September.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002''.

NOMINATIONS

Mr. REID. Mr. President, in the presence of the distinguished Republican leader, I want to announce that since July 9 the Senate will have been able to confirm 168 civilian nominations. Today alone, we have been able to do 58. This week we did 88. This does not take into consideration the scores and scores of military nominations that have been confirmed by the Senate.

I think this speaks well of some of the progress we are making. We appreciate the cooperation of the Republican leader in allowing us to move through some of this legislation. It has been very difficult the last few days, but with his help we have been able to accomplish a great deal. I am glad it is Friday afternoon at 3:40 and we are getting ready to close the Senate rather than trying to figure out who we can get to preside all night.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, let me say again that I appreciate the number of nominees that have been confirmed. I think that will help our overall relationship. A lot of these civilian nominees to head agencies and Assistant Secretary positions clearly need to be moved through. So I am glad to see it is happening. I hope we can continue this pattern when we return in September. And I hope we will begin then to make steady progress on the confirmation of judicial nominees both for the circuit courts as well as the district courts, and also, as soon as they are received, begin to move U.S. attorneys and U.S. marshals in districts throughout the country.

MEASURE READ THE FIRST TIME—H.R. 4

Mr. LOTT. Mr. President, I understand H.R. 4 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk.

The PRESIDING OFFICER. The Senator from Nevada.

CONGRATULATING UKRAINE ON THE 10TH ANNIVERSARY OF THE RESTORATION OF ITS INDEPENDENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 114, S. Con. Res. 62.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 1479

Mr. REID. Mr. President, Senator HELMS has an amendment at the desk. I ask unanimous consent for its consideration and that the amendment be agreed to.

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

The amendment (No. 1479) was agreed to, as follows:

(Purpose: To make a clerical correction)

In paragraph (6) of section 1 of the concurrent resolution, strike ''Oleksandorv'' and insert ''Oleksandrov''.

Mr. REID. I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 62), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 62

Whereas August 24, 2001, marks the tenth anniversary of the restoration of independence in Ukraine;

Whereas the United States, having recognized Ukraine as an independent state on December 25, 1991, and having established diplomatic relations with Ukraine on January 2, 1992, recognizes that fulfillment of the vision of a Europe whole, free, and secure requires a strong, stable, democratic Ukraine fully

integrated in the Euro-Atlantic community of democracies;

Whereas, during the fifth anniversary commemorating Ukraine's independence, the United States established a strategic partnership with Ukraine to promote the national security interests of the United States in a free, sovereign, and independent Ukrainian state;

Whereas Ukraine is an important European nation, having the second largest territory and sixth largest population in Europe;

Whereas Ukraine is a member of international organizations such as the Council of Europe and the Organization on Security and Cooperation in Europe (OSCE), as well as international financial institutions such as the International Monetary Fund (IMF), the World Bank, and the European Bank for Reconstruction and Development (EBRD);

Whereas in July 1994, Ukraine's presidential elections marked the first peaceful and democratic transfer of executive power among the independent states of the former Soviet Union;

Whereas five years ago, on June 28, 1996, Ukraine's parliament voted to adopt a Ukrainian Constitution, which upholds the values of freedom and democracy, ensures a citizen's right to own private property, and outlines the basis for the rule of law in Ukraine without regard for race, religion, creed, or ethnicity;

Whereas Ukraine has been a paragon of inter-ethnic cooperation and harmony as evidenced by the OSCE's and the United States State Department's annual human rights reports and the international community's commendation for Ukraine's peaceful handling of the Crimean secession disputes in 1994;

Whereas Ukraine, through the efforts of its government, has reversed the downward trend in its economy, experiencing the first real economic growth since its independence in fiscal year 2000 and the first quarter of 2001;

Whereas Ukraine furthered the privatization of its economy through the privatization of agricultural land in 2001, when the former collective farms were turned over to corporations, private individuals, or cooperatives, thus creating an environment that leads to greater economic independence and prosperity;

Whereas Ukraine has taken major steps to stem world nuclear proliferation by ratifying the START I Treaty on nuclear disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently has turned over the last of its Soviet-era nuclear warheads on June 1, 1996, and in 1998 agreed not to assist Iran with the completion of a nuclear power plant in Bushehr thought to be used for the possible production of weapons of mass destruction;

Whereas Ukraine has found many methods to implement military cooperation with its European neighbors, as well as peacekeeping initiatives worldwide, as exhibited by Ukraine's participation in the KFOR and IFOR missions in the former Yugoslavia, and offering up its own forces to be part of the greater United Nations border patrol missions in the Middle East and the African continent;

Whereas Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Alliance (NATO), signed a NATO-Ukraine Charter at the Madrid Summit in July 1997, and has been a participant in the Partnership for Peace (PfP) program since 1994 with regular training maneuvers at the Yavoriv military base in Ukraine and on Ukraine's southern-most shores of the Black Sea;

Whereas on June 7, 2001, Ukraine signed a charter for the GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) alliance, in hopes of promoting regional interests, increasing cooperation, and building economic stability; and

Whereas 15 years ago, the Soviet-induced nuclear tragedy of Chornobyl gripped Ukrainian lands with insurmountable curies of radiation which will affect generations of Ukraine's inhabitants, and thus, now, Ukraine promotes safety for its citizens and its neighboring countries, as well as concern for the preservation of the environment by closing the last Chornobyl nuclear reactor on December 15, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) as a leader of the democratic nations of the world, the United States congratulates the people of Ukraine on their tenth anniversary of independence and supports peace, prosperity, and democracy in Ukraine;

(2) Ukraine has made significant progress in its political reforms during the first ten years of its independence, as is evident by the adoption of its Constitution five years ago;

(3) the territorial integrity, sovereignty, and independence of Ukraine within its existing borders is an important factor of peace and stability in Europe;

(4) the President, the Prime Minister, and Parliament of Ukraine should continue to enact political reforms necessary to ensure that the executive, legislative, and judicial branches of the Government of Ukraine transparently represent the interests of the Ukrainian people;

(5) the Government and President of Ukraine should promote fundamental democratic principles of freedom of speech, assembly, and a free press;

(6) the Government and President of Ukraine should actively pursue in an open and transparent fashion investigations into violence committed against journalists, including the murders of Heorhiy Gongadze and Ihor Oleksandrov;

(7) the Government of Ukraine (including the President and Parliament of Ukraine) should uphold international standards and procedures of free and fair elections in preparation for its upcoming parliamentary elections in March 2002;

(8) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(9) the United States supports all efforts to promote a civil society in Ukraine that features a vibrant community of nongovernmental organizations (NGOs) and an active, independent, and free press;

(10) the Government of Ukraine (including the President and Parliament of Ukraine) should follow a westward-leaning foreign policy whose priority is the integration of Ukraine into Euro-Atlantic structures;

(11) the President of the United States should continue to consider the interests and security of Ukraine in reviewing or revising any European military and security arrangements, understandings, or treaties; and

(12) the President of the United States should continue to support and encourage Ukraine's role in NATO's Partnership for Peace program and the deepening of Ukraine's relationship with NATO.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the further request that the President transmit such copy to the Government of Ukraine.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 110, S. 584.

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

The legislative clerk read as follows:

A bill (S. 584) to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse.''

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

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

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

The bill (S. 584) was read the third time and passed, as follows:

S. 584

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

SECTION 1. DESIGNATION OF THURGOOD MARSHALL UNITED STATES COURTHOUSE.

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the ''Thurgood Marshall United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Thurgood Marshall United States Courthouse.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from the consideration of H.R. 558 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 558) to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse.''

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

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

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

The bill (H.R. 558) was read the third time and passed.

The PRESIDENT pro tempore. The Senator from Nevada.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 988 just received from the House.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 988) to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse.''

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

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

The bill (H.R. 988) was read the third time and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of the following calendar items: Calendar No. 57, S. 238; Calendar No. 59, S. 329; Calendar No. 60, S. 491; Calendar No. 61, S. 498; Calendar No. 62, S. 506; Calendar No. 64, S. 509; Calendar No. 99, H.R. 427; and Calendar No. 100, H.R. 271.

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

Mr. REID. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, the bills, as amended, where applicable, be read three times, passed, and the motions to reconsider be laid upon the table en bloc, that any title amendments, where applicable, be agreed to, and that any statements relating to these matters be printed in the RECORD, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection to the several requests?

Hearing no objection, the requests are granted.

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2001

The bill (S. 238) to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 238

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 ''Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001''.

SEC. 2. STUDY.

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

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

PEOPLING OF AMERICA THEME STUDY ACT

The bill (S. 329) to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 329

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 ''Peopling of America Theme Study Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; title XII of Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration, immigration, and settlement of the population of the United States.

SEC. 4. NATIONAL HISTORIC LANDMARK THEME STUDY ON THE PEOPLING OF AMERICA.

(a) THEME STUDY REQUIRED.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list, in order of importance or merit, of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

DENVER WATER REUSE PROJECT

The Senate proceeded to consider the bill (S. 491) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DENVER WATER REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate State and local authorities, may participate in the design, planning, and construction of the Denver Water Reuse Project (hereinafter referred to as the ''Project'') to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater to participate in the design, planning, and construction of the Denver Water Reuse project.''.

The committee amendment, in the nature of a substitute, was agreed to.

The title amendment was agreed to.

The bill (S. 491) as amended, was read the third time and passed.

NATIONAL DISCOVERY TRAILS ACT OF 2001

The Senate proceeded to consider the bill (S. 498) entitled ''National Discovery Trails Act of 2001,'' which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic)

S. 498

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 ''National Discovery Trails Act of 2001''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.''.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

''(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by user groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

''(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

[(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

[(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

[by re-designating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

[(4) by adding at the end the following:**]**

(1) by redesignating the second paragraph (21) (relating to the Ala Kahakai National Historic Trail) as paragraph (22); and

(2) by adding at the end the following:

''**[**(21)**]** *(23)* The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.''.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict

with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

''(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

''(2) general and site-specific trail-related development including costs; and

''(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.''.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''**AND NATIONAL HISTORIC**'' and inserting ''**, NATIONAL HISTORIC, AND NATIONAL DISCOVERY**'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting '', national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting '', National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting '', national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking '', and national historic'' and inserting '', national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

Amend the title so as to read: ''A bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes.''.

The committee amendments were agreed to.

The title amendment was agreed to.

The bill (S. 498), as amended, was read the third time and passed, as follows:

S. 498

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 ''National Discovery Trails Act of 2001''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.''.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

''(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by user groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

''(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) (relating to the Ala Kahakai National Historic Trail) as paragraph (22); and

(2) by adding at the end the following:

''(23) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.''.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

''(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

''(2) general and site-specific trail-related development including costs; and

''(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of

a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.''.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''**AND NATIONAL HISTORIC**'' and inserting ''**, NATIONAL HISTORIC, AND NATIONAL DISCOVERY**'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting '', national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting '', National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting '', national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking '', and national historic'' and inserting '', national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

HUNA TOTEM CORPORATION LAND EXCHANGE ACT

The bill (S. 506) to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 506

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 ''Huna Totem Corporation Land Exchange Act''.

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

''SEC. ____. HUNA TOTEM CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c). The values of the lands and interests therein exchanged pursuant to this section shall be equal.

''(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

''MUNICIPAL WATERSHED AND GREENBELT BUFFER

''T43S, R61E, C.R.M.

''Portion of Section	Approximate Acres
16	2
21	610
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999.

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''.

KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2001

The Senate proceeded to consider the bill (S. 509) to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kenai Mountains-Turnagain Arm National Heritage Corridor Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national Heritage Corridor designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national Heritage Corridor designation also provides communities within the region with the motivation and means for ''grass roots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national Heritage Corridor designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass

Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 3. DEFINITIONS

In this Act:

(1) HERITAGE CORRIDOR.—The term ''Heritage Corridor'' means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11 member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association, a non-profit corporation, established in accordance with the laws of the State of Alaska.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Corridor.

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

SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Corridor.

(b) BOUNDARIES.—The Heritage Corridor shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA—1, and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) To carry out the purposes of this Act, the Secretary shall enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation and shall include information relating to the objectives and management of the Heritage Corridor, including the following:

(1) A discussion of the goals and objectives of the Heritage Corridor.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Corridor.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenia Peninsula Borough, the Municipality of Anchorage; the Alaska Railroad, the Alaska Department of Transportation; and the National Park Service.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Corridor, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Corridor;

(B) a description of agreements on actions to be carried out by public and private organizations to protect the resources of the Heritage Corridor;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Corridor;

(d) an inventory of the known cultural and historic resources contained in the Heritage Corridor; and

(E) a description of the role and participation of other Federal, State, and local agencies that have jurisdiction on lands within the Heritage Corridor.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the management plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Corridor;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Corridor;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Corridor;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Corridor; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Corridor.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Corridor. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Corridor and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Corridor.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry our the purposes of this Act, and is made available upon the Secretary and the management entity entering into a cooperative agreement as authorized in section 3.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Corridor.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

Amend the title so as to read: ''To establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and for other purposes.''.

The Committee amendment, in the nature of a substitute, was agreed to.

The title amendment was agreed to.

The bill (S. 509), as amended, was read the third time and passed.

FURTHER PROTECTIONS FOR THE WATERSHED OF THE LITTLE SANDY RIVER AS PART OF THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON

The bill (H.R. 427) to provide further protections for the watershed of the Little Sandy River as Part of the Bull Run Watershed Management Unit, Oregon, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO CARSON CITY, NEVADA, FOR USE AS A SENIOR CENTER

The bill (H.R. 271) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center, was considered, ordered to a third reading, read the third time, and passed.

Mr. REID. Mr. President, I ask unanimous consent that Calendar Nos. 56 and 58 be indefinitely postponed.

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

NORTHERN MARIANAS COVENANTS IMPLEMENTATION ACT

Mr. REID. Mr. President, for the information of all Senators, Calendar Order No. 63, S. 507, is something Senator AKAKA has been working on for a long time. It is the Northern Marianas Covenants Implementation Act. The majority leader has asked me to inform the Senate that he is going to move forward on this legislation sometime in the fall. This has been around a long time. We can't get consent to move forward, so we are going to move forward in the normal course.

NATIONAL COMMUNITY HEALTH CENTER WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 59 and the Senate then proceed to its consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 59) expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 1480

Mr. REID. Mr. President, I understand Senator HUTCHINSON has an amendment at the desk, and I ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HUTCHINSON, proposes an amendment numbered 1480.

The amendment is as follows:

(Purpose: Expressing the Sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers)

On page 3, line 4, insert after ''Week'', the following: ''for the week beginning August 19, 2001,''.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1480) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, the above occurring with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 59), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 59

Whereas community, migrant, public housing, and homeless health centers are nonprofit and community owned and operated health providers that are vital to the Nation's communities;

Whereas there are more than 1,029 of these health centers serving nearly 12,000,000 people at 3,200 health delivery sites, spanning urban and rural communities in the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas these health centers have provided cost-effective, quality health care to the Nation's poor and medically underserved, including the working poor, the uninsured, and many high-risk and vulnerable populations;

Whereas these health centers act as a vital safety net in the Nation's health delivery system, meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 9 uninsured Americans, 1 of every 8 low-income Americans, and 1 of every 10 rural Americans, who would otherwise lack access to health care;

Whereas these health centers, and other innovative programs in primary and preventive care, reach out to 600,000 homeless persons and more than 650,000 farm workers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and health professionals;

Whereas Federal grants, on average, contribute 28 percent of these health centers' budgets, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 50,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning August 19, 2001, would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) there should be established a National Community Health Center Week for the week beginning August 19, 2001, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items relating to postal designations: Calendar No. 125, S. 737; Calendar No. 126, S. 970; Calendar No. 128, S. 1026; Calendar No. 133, H.R. 364; Calendar No. 134, H.R. 821; Calendar No. 135, H.R. 1183; Calendar No. 136, H.R. 1753; and Calendar No. 131, H.R. 2043.

Mr. President, I ask unanimous consent that the bills be read a third time, passed, the motions to reconsider be laid on the table en bloc, that the consideration of these items appear separately in the RECORD, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

JOSEPH E. DINI, JR. POST OFFICE

The bill (S. 737) to designate the facility of the U.S. Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office'' was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 737

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

SECTION 1. JOSEPH E. DINI, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, shall be known and designated as the ''Joseph E. Dini, Jr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph E. Dini, Jr. Post Office.

HORATIO KING POST OFFICE BUILDING

The bill (S. 970) to designate the facility of the U.S. Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the ''Horatio King Post Office Building'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 970

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

SECTION 1. HORATIO KING POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, shall be known as the ''Horatio King Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Horatio King Post Office Building.

PAT KING POST OFFICE BUILDING

The bill (S. 1026) to designate the U.S. Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1026

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

SECTION 1. DESIGNATION OF PAT KING POST OFFICE BUILDING.

The United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, shall be known and designated as the ''Pat King Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the Pat King Post Office Building.

MARJORY WILLIAMS SCRIVENS POST OFFICE

The bill (H.R. 364) to designate the facility of the U.S. Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office'' was read the third time and passed.

W. JOE TROGDON POST OFFICE BUILDING

The bill (H.R. 821) to designate the facility of the U.S. Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building'' was read the third time and passed.

G. ELLIOT HAGAN POST OFFICE BUILDING

The bill (H.R. 1183) to designate the facility of the U.S. Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building'' was read the third time and passed.

M. CALDWELL BUTLER POST OFFICE BUILDING

The bill (H.R. 1753) to designate the facility of the U.S. Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building'' was read the third time and passed.

ELWOOD HAYNES ''BUD'' HILLIS POST OFFICE BUILDING

The bill (H.R. 2043) to designate the facility of the U.S. Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building'' was read the third time and passed.

FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAMS REAUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 129, S. 1144.

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

The legislative clerk read as follows:

A bill (S. 1144) to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (S. 1144) was read the third time and passed, as follows:

S. 1144

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

''SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $150,000,000 for fiscal year 2002, $160,000,000 for fiscal year 2003, and $170,000,000 for fiscal year 2004.''.

SEC. 2. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

''(5) United Jewish Communities.''.

SEC. 3. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

''(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive such requirement for any board unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.''.

FRANCHISE FUND PILOT PROGRAMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 137, S. 1198.

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

The legislative clerk read as follows:

A bill (S. 1198) to reauthorize Franchise Fund pilot programs.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (S. 1198) was read the third time and passed, as follows:

S. 1198

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

SECTION 1. REAUTHORIZATION OF FRANCHISE FUND PILOT PROGRAMS.

Section 403(f) of the Federal Financial Management Act of 1994 (31 U.S.C. 501 note) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 132, H.R. 93.

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

The legislative clerk read as follows:

A bill (H.R. 93) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 93) was read the third time and passed.

Mrs. FEINSTEIN. Mr. President, today, I applaud my colleagues for passing the Federal Firefighters Retirement Age Fairness Act. This legislation raises the mandatory retirement age for Federal firefighters from 55 to 57.

Federal firefighters are first on the scene to many types of disasters in addition to fires. They respond to hazardous materials threats and terrorist incidents such as the bombing of the World Trade Center in 1993.

Due to an oversight, however, Federal firefighters are currently the only Federal law enforcement employees required to retire at 55 years.

Because many Federal firefighters wish to continue providing their services to the American people after the age of 55, they are frequently hired back by the Federal Government as ''consultants.'' Private consultants charge a higher fee than Federal firefighters' salaries. As a result, the Federal Government pays more money for the same individuals' services, simply because they are over the age of 55.

This bill does not change the minimum age to retire with full benefits. If an individual wishes to retire at 55, he or she may do so without penalty. The legislation gives firefighters the option of working until the age of 57 if they wish.

The bill enjoys broad bipartisan support and the endorsement of key labor

organizations such as the American Federation of Government Employees, the National Association of Government Employees, and the International Association of Fire Chiefs.

According to the Congressional Budget Office, this legislation will save taxpayers more than $4 million over the next four years. Federal firefighting capabilities are being sorely tested; we need to make it possible for agencies to retain experienced, qualified firefighters.

''The Federal Firefighters Retirement Age Fairness Act'' was the first bill the House of Representatives passed unanimously this year. I am pleased my colleagues here in the Senate chose to support this important legislation, as well.

COMMISSION ON THE BICENTENNIAL OF THE LOUISIANA PURCHASE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 356.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 356) to establish a National Commission on the Bicentennial of the Louisiana Purchase.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

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) NUMBERS AND APPOINTMENT.—The Commission shall be composed of 20 members, including—

(A) 14 members consisting of the governor, or their designee, of each State that made up the Louisiana Territory;

(B) the Director of the National Museum of American History of the Smithsonian Institution or his designee;

(C) the Librarian of Congress or his designee;

(D) as chosen by the Commission, the president or head of 2 United States historical societies, foundations, or organizations of National stature or prominence;

(E) the Secretary of Education or his designee; and

(F) 2 members from the largest Federally recognized Native American tribes within the territory.

(2) INTERNATIONAL PARTICIPATION.—The President may invite the Governments of France and Spain to appoint 1 individual each to serve as a nonvoting member of the Commission.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission described in paragraph (1) shall be made not later than 120 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) ORGANIZATION AND INITIAL MEETING.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision-making purposes shall be 11 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (c)(1). The Chairperson may be removed by a vote of a majority of the Commission's members.

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;

(3) coordinate activities throughout the United States and internationally that relate to the history and influence of the Louisiana Purchase; and

(4) encourage the publication of popular and scholarly works related to the Louisiana purchase.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year before the Bicentennial date, 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.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(A) recommendations regarding appropriate activities to commemorate the centennial of the Louisiana Purchase, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the Louisiana Purchase;

(vi) programs focusing on the history of the Louisiana Purchase and its benefits to the United States and humankind; and

(vii) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of the Louisiana Purchase;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of the Louisiana Purchase;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of the Louisiana Purchase;

(D) an accounting of funds received and expended by the Commission in the fiscal year

that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and

(E) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(3) FINAL REPORT.—Not later than 1 year after the Bicentennial date, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission;

(C) any findings and conclusions of the Commission; and

(D) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission.

(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) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(c) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force of the Commission shall not receive pay, but may receive travel expenses pursuant to policies adopted by the Commission. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(e) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this Act, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this Act.

(2) RESTRICTION.—

(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(f) 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) CENTRAL OFFICE.—The central office of the Commission shall be in Washington, D.C.

(2) ADDITIONAL OFFICES.—The Commission shall establish 2 additional offices in New Orleans, Louisiana, and St. Louis, Missouri.

(b) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(c) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.

(d) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b) of this section.

(e) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(f) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(g) ADMINISTRATIVE SUPPORT SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this Act.

(h) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with other Federal agencies, State and local governments, and nonprofit organizations that will contribute to public awareness of and interest in the centennial of the Louisiana Purchase and toward furthering the goals and purposes of this Act.

(i) PROGRAM SUPPORT.—The Commission may receive program support from the nonprofit sector.

(j) MEMBERS' COMPENSATION.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy, only by unanimous vote, for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(k) OTHER REVENUES AND EXPENDITURES.—The Commission may procure supplies, services, and property, enter into contracts, and expend funds appropriated, donated, or received to carry out contracts.

(l) 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. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may solicit, accept, and use donations of money, property, or personal services and historic materials relating to the implementation of its responsibilities under the provisions of this Act. The Commission shall not accept donations the value of which exceeds—

(1) $50,000 annually with respect to an individual; and

(2) $250,000 annually with respect to any person other than an individual.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any funds (including funds received from licensing royalties) remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 10(b), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

(d) ACQUIRED ITEMS.—Any book, manuscript, miscellaneous printed matter, memorabilia, relic, and other material or property relating to the time period of the Louisiana Purchase acquired by the Commission may be deposited for preservation in national, State, or local libraries, museums, archives, or other agencies with the consent of the depositary institution.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the Bicentennial of the Louisiana Purchase.

(b) LICENSING.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name ''National Commission on the Bicentennial of the Louisiana Purchase'' on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) USE OF FUNDS.—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

(e) LICENSING RIGHTS.—All exclusive licensing rights, unless otherwise specified, shall revert to the National Museum of American History upon termination of the Commission.

SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—

(1) AUDIT.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) ACCESS.—In conducting an audit under this section, the Comptroller General.—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) FINAL REPORT.—Not later than 120 days after the date on which the Commission submits its final report, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 11. TERMINATION OF THE COMMISSION.

Not later than 60 days after the submission of the final report, the Commission shall terminate.

SEC. 12. 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 $250,000 for each of the fiscal years 2002, 2003, and 2004.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until March 31, 2004.

Ms. LANDRIEU. Mr. President, today I rise to urge passage of the Louisiana Purchase Bicentennial Commission Act. This legislation creates a commission to celebrate the 200th anniversary of the Louisiana Purchase. I am honored to have sponsored this legislation with Senators BREAUX, LINCOLN, HUTCHINSON, DOMENICI, BAUCUS, and HATCH. The passage of this legislation voices appropriate celebration on the value of the United States' peaceful expansion westward.

The Louisiana Purchase cost the United States $15 million but it doubled the size of the country overnight and brought vast natural resources that had been as yet untapped. To quote Tallyrand, ''You have made a noble bargain for yourselves and I suppose you will make the most of it.'' For the United States, it was only the beginning of an expansion that would stretch from the Atlantic Ocean to the Pacific Ocean.

All or part of 15 States were created from the land acquired in this purchase. It made possible the travels of Lewis and Clark, whose invaluable insight into the peoples and land beyond the Mississippi River emboldened many 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 Louisiana Purchase helped shape the American destiny. Commemoration of the Louisiana Purchase and the related opening of the West can enhance public understanding of the impact of the democratic westward expansion on American society.

This bill creates a Commission that will edify, publish, and display the importance of the Louisiana Purchase to all Americans. This bipartisan commission is partially modeled after the celebration of the American Bicentennial—striving to be inclusive of Americans. The commission will include important officials from each state created from the Purchase, museum and education officials, as well as members of Native American Tribes originating on the lands included in the Purchase. These officials will work together to recommend, organize, and oversee the 200th anniversary of the Louisiana Purchase. Commission tasks include planning the issuance of coins, stamps, medals, and certificates of recognition. Under a coordinated effort with libraries, museums, and historical sites, they will develop education programs for exhibit and display. The commission will produce and publish educational materials focusing on the history and the impact of the Louisiana Purchase. This is certainly not an exhaustive list, the commission will be tasked with many efforts. but, it is an insight into the important role that the commission will fulfill.

I thank the Judiciary Committee in their preparation and passage of this bill. Together, the chairman and the ranking member of the Judiciary Committee were incredibly supportive. This was truly a bipartisan effort. I thank my colleagues for recognizing the great value of honoring this momentous occasion, and together, as Americans, we can celebrate the breadth and distance of our Nation's vision.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the several requests are agreed to.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 356), as amended, was read the third time and passed.

ESTABLISHING A COMMISSION FOR COMMEMORATION OF 50TH ANNIVERSARY OF SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 120, H.R. 2133.

The PRESIDENT pro tempore. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with amendments, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

H.R. 2133

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

SECTION 1. FINDINGS.

The Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the ''Brown v. Board of Education 50th Anniversary Commission'' (referred to in this Act as the ''Commission'').

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education's ten regional offices; and

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas (referred to in this Act as the ''Brown Foundation''), and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the Brown decision.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as [Chair] *one of two Co-chairpersons* of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

[(2)] *(3)* Eleven individuals appointed by the President after receiving recommendations as follows:

[(A) Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

[(B) Members of the House of Representatives from each of the States referred to in subparagraph (A) shall jointly recommend to the President one individual from their respective States.]

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall

recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

[(3)] *(4)* Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

[(4)] *(5)* Two representatives of the Brown Foundation.

[(5)] *(6)* Two representatives of the NAACP Legal Defense and Education Fund.

[(6)] *(7)* One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.— Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of [the Chair] *a Co-chairperson* or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.— The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) GIFTS AND DONATIONS.—

(1) AUTHORITY TO ACCEPT.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) DISPOSITION OF PROPERTY.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—The Commission shall transmit interim reports to the President and the Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and the Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $250,000 for the period encompassing fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the several requests are agreed to.

The committee amendments were agreed to.

The bill (H.R. 2133), as amended, was read the third time and passed.

ESTABLISHING A COMMISSION FOR COMMEMORATION OF 50TH ANNIVERSARY OF SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 119, S. 1046.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 1046) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with amendments, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

S. 1046

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

SECTION 1. FINDINGS.

Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the ''Brown v. Board of Education 50th Anniversary Commission'' (referred to in this Act as the ''Commission'').

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education's ten regional offices;

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas, (referred to in this Act as the ''Brown Foundation'') and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the Brown decision; and

(3) submit recommendations to the Congress relating to a joint session of Congress for the purpose of commemorating the anniversary.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as [Chair] *one of two Co-chairpersons* of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

[(2)]*(3)* Eleven individuals appointed by the President after receiving recommendations as follows:

[(A) Members of the Senate from each of the States in which the lawsuits decided by the Brown decision were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, shall jointly recommend to the President one individual from their respective States.

[(B) Members of the House of Representatives from each of the States referred to in subparagraph (A) shall jointly recommend to the President one individual from their respective States.]

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

[(3)]*(4)* Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

[(4)]*(5)* Two representatives of the Brown Foundation.

[(5)]*(6)* Two representatives of the NAACP Legal Defense and Education Fund.

[(6)]*(7)* One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.— Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of [the Chair] *a Co-chairperson* or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.— The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) GIFTS AND DONATIONS.—

(1) AUTHORITY TO ACCEPT.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) DISPOSITION OF PROPERTY.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—The Commission shall transmit interim reports to the President and Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated at total of $300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Mr. ROBERTS. Mr. President, today I rise in support of S. 1046, the Brown v. Board of Education 50th Anniversary Commission bill, which Senator BROWNBACK and I introduced. 2004 marks the 50th anniversary of this landmark Supreme Court decision which found the doctrine of ''separate but equal'' to be patently unconstitutional. In 2004, it will have been half a century since Oliver Brown of Topeka, Kansas, on behalf of his daughter, Linda, fought the menace of racism and won. This watershed case is an important victory in the civil rights movement, and this Congressional Commission will allow us to fully celebrate and reflect on what this decision has meant to our nation.

On May 17, 1954, in the *Brown v. the Board of Education* decision, the high court issued a definitive interpretation of the 14th Amendment to the United States Constitution. The Court stated that the discriminatory nature of racial segregation ''. . . violates the 14th Amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.'' This case brought relief not only to the families from four states and the District of Columbia who were combined under the Brown case, but to individuals throughout our country as it marked a turning point in our Nation's history.

This bill, S. 1046, allows for the establishment of a Congressional Commission to celebrate this historical occasion, by developing public education initiatives and coordinating observances in conjunction with the Brown Foundation for Educational Equality, Excellence and Research in Topeka. The Brown Foundation is concurrently working with the National Park Service in order to convert Linda Brown's former all-black elementary school into a historic site in time for the 50th anniversary.

I'd like to thank Chairman LEAHY and Ranking Member HATCH for their expeditious consideration of this important legislation. I'd also like to thank the Kansas Congressional Delegation for all their work on this issue as well. Finally, I'd like to thank Cheryl Brown Henderson, Linda's sister, who is the Executive Director of the Brown Foundation. Her untiring work has furthered the legacy of the Brown decision and allowed the vision of a Congressional Commission to become closer to a reality.

Mr. BROWNBACK. Mr. President, I rise today to express my thanks to my Senate colleagues for passing S. 1046, a bill that creates a commission to commemorate the 40th anniversary of *Brown* v. *Board*. I would especially like to thank Senator PAT ROBERTS of Kansas who introduced this bill into the Senate and Senator PATRICK LEAHY of Vermont for his leadership in helping me to move this legislation through his committee.

I thank Cheryl Brown Henderson of the Brown Foundation, whose father, Oliver Brown brought the suit against the Topeka Board of Education on behalf of his daughter, Linda Brown. Cheryl has been a steadfast leader in ensuring that the *Brown* decision and legacy continues not only in the State of Kansas but throughout the nation, and she has been very instrumental in creating this legislation that was passed in the Senate today.

I stand before the Senate today proud that Kansas has played an intricate role in shaping our Nation. From ''Bleeding Kansas'' to the ''Exodus to Kansas'' to *Brown* v. *Board*, Kansas has been one State in this nation that has led our country in addressing race relations in this country. And I am very proud of that history and legacy.

As you know, the history of desegregating our public school system started before *Brown* v. *Board* with such cases as *Murray* v. *Maryland* and *Sweatt* v. *Painter*. But it was *Brown* v. *Board* that set the fire of the public outrage and changed the course of America's history and the way in which we view equality in the eyes of the law.

Before *Brown*, many States in the United States enforced racially segregated laws—this was an atrocious practice. Many individuals claimed that as a direct result of the 1896 *Plessy* v. *Ferguson* case, which sanctioned the separate but equal doctrine, school segregation was, in fact, legal and culturally acceptable. Oliver Brown, a citizen of Topeka, Kansas joined with other individuals and filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda.

Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus to take her to the ''colored'' school on the other side of the city where she lived—even though a school for white children was located only a few blocks from her home. This was the basis for the landmark case. There were many notable African Americans who helped to bring this case to the Supreme Court of the United States, however, none so famous as Supreme Court Justice Thurgood Marshall who valiantly defended the rights of not only Linda Brown, but of an entire race of individuals who were treated as second-class citizens.

On May 17, 1954, the Supreme Court rendered its decision that ruled racial segregation in schools in unconstitutional, violating the 14th Amendment of the United States Constitution, which states among other things that, ''no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.''

When the Court ruled in 1954 that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The Court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

This Commission will comprise individuals representing the states that were involved in the Brown case originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the first legal challenge, Massachusetts. The Commission will be charged with planning and coordinating public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns throughout the nation.

In addition, the Commission will work with the Brown Foundation for Educational Equity, Excellence and Research (located in Topeka, Kansas) to plan, develop and coordinate observances of the anniversary of the Brown decision. And finally, the Commission will submit recommendations to the United States Congress relating to a joint session of Congress to commemorate the Brown v. Board anniversary.

I am proud that we were able to pass this legislation today that will honor this historic case—one that set the pace for racial equality in the 20th century, and caused a nation to rethink the meaning of racial equality and tolerance for the betterment of our country.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered. The several requests are agreed to en bloc.

The committee amendments were agreed to.

The bill (S. 1046), as amended, was read the third time and passed, as follows:

S. 1046

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

SECTION 1. FINDINGS.

Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al., it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the ''Brown v. Board of Education 50th Anniversary Commission'' (referred to in this Act as the ''Commission'').

SEC. 3. DUTIES.

In order to commemorate the 50th anniversary of the Brown decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education's ten regional offices;

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas, (referred to in this Act as the ''Brown Foundation'') and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the Brown decision; and

(3) submit recommendations to the Congress relating to a joint session of Congress for the purpose of commemorating the anniversary.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as one of two Co-chairpersons of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

(3) Eleven individuals appointed by the President after receiving recommendations as follows:

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

(4) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

(5) Two representatives of the Brown Foundation.

(6) Two representatives of the NAACP Legal Defense and Education Fund.

(7) One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.— Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of enactment of this Act. The Commission shall subsequently meet at the call of a Co-chairperson or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.— The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

SEC. 5. POWERS.

(a) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) GIFTS AND DONATIONS.—

(1) AUTHORITY TO ACCEPT.—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) DISPOSITION OF PROPERTY.—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. REPORTS.

(a) INTERIM REPORTS.—The Commission shall transmit interim reports to the President and Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

SEC. 7. TERMINATION.

(a) DATE.—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated at total of $300,000 for fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

NATIONAL VETERANS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of Calendar No. 118, S. Res. 143.

The PRESIDENT pro tempore. The clerk will read the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 143) expressing the sense of Senate regarding the development of educational programs on veterans' contributions to the country, and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week''.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, will appear in a future edition of the RECORD.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 121, S. Res. 138, Calendar No. 122, S. Res. 145, Calendar No. 123, S. Res. 146; that the resolutions be agreed to en bloc, the preambles be agreed to, a title amendment, where appropriate, be agreed to, the motion to reconsider be laid upon the table, the consideration of these items appear separately in the RECORD, and that any statements relating to the resolutions be printed in the RECORD, without any intervening action or debate.

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

NATIONAL PROSTATE CANCER AWARENESS MONTH

The Senate proceeded to consider the resolution (S. Res. 138) designating the month of September as ''National Prostate Cancer Awareness Month,'' which was reported from the Committee on the Judiciary with an amendment, as follows:

[Insert the part printed in italic.]

S. RES. 138

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 198,100 American men will be diagnosed with prostate cancer and 31,500 American men will die of prostate cancer in 2001, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September *2001* with appropriate ceremonies and activities.

Amend the title so as to read: ''Resolution designating the month of September 2001 as 'National Prostate Cancer Awareness Month'.''.

The committee amendment was agreed to.

The resolution (S. Res. 138), as amended, was agreed to.

The preamble was agreed to.

The title amendment was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 138

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 198,100 American men will be diagnosed with prostate cancer and 31,500 American men will die of prostate cancer in 2001, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September *2001* as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September 2001 with appropriate ceremonies and activities.

Amend the title so as to read: ''Resolution designating the month of September 2001 as 'National Prostate Cancer Awareness Month'.''.

RECOGNIZING IMMIGRANTS HELPED BY HEBREW IMMIGRANT AID SOCIETY

The resolution (S. Res. 145) recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society was considered and agreed to and the preamble was agreed to, as follows:

S. RES. 145

Whereas the United States has always been a country of immigrants and was built on the hard work and dedication of generations of those immigrants who have gathered on our shores;

Whereas, over the past 120 years, more than 4,500,000 migrants of all faiths have immigrated to the United States, Israel, and other safe havens around the world through the aid of the Hebrew Immigrant Aid Society (referred to in this resolution as 'HIAS'), the oldest international migration and refugee resettlement agency in the United States;

Whereas, since the 1970s, more than 400,000 refugees from more than 50 countries who have fled areas of conflict and instability, danger and persecution, have resettled in the United States with the high quality assistance of HIAS;

Whereas outstanding individuals such as former Secretary of State Henry Kissinger, artist Marc Chagall, Olympic gold-medalist Lenny Krayzelberg, poet and Nobel Laureate Joseph Brodsky, and author and restaurateur George Lang have been assisted by HIAS;

Whereas these immigrants and refugees have been provided with information, counseling, legal assistance, and other services, including outreach programs for the Russian-speaking immigrant community, with the assistance of HIAS; and

Whereas on September 9, 2001, HIAS will celebrate the 120th anniversary of its founding: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the 4,500,000 immigrants and refugees served by HIAS to the United States and democracies throughout the world in the arts, sciences, government, and in other areas; and

(2) requests that the President issue a proclamation—

(A) recognizing September 9, 2001, as the 120th anniversary of the founding of the Hebrew Immigrant Aid Society; and

(B) calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate appreciation for the contributions made by the millions of immigrants and refugees served by HIAS.

LOUIS ARMSTRONG DAY

The resolution (S. Res. 146) designating August 4, 2001, as ''Louis Armstrong Day'' was considered and agreed to and the preamble was agreed to, as follows:

S. RES. 146

Whereas Louis Armstrong's artistic contribution as an instrumentalist, vocalist, arranger, and bandleader is one of the most significant contributions in 20th century American music;

Whereas Louis Armstrong's thousands of performances and hundreds of recordings created a permanent body of musical work defining American music in the 20th century, from which musicians continue to draw inspiration;

Whereas Louis Armstrong and his bandmates served as international ambassadors of goodwill for the United States, entertaining and uplifting millions of people of all races around the world;

Whereas Louis Armstrong is one of the most well-known, respected, and beloved African-Americans of the 20th century;

Whereas Louis Armstrong was born to a poor family in New Orleans on August 4, 1901 and died in New York City on July 6, 1971 having been feted by kings and presidents throughout the world as one of our Nation's greatest musicians; and

Whereas August 4, 2001 is the centennial of Louis Armstrong's birth: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 4, 2001, as ''Louis Armstrong Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 4:30 p.m. today for insertion of statements and the introduction of bills.

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

ORDERS FOR TUESDAY, SEPTEMBER 4, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, September 4. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate conduct a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

Senator THOMAS or his designee from 10 a.m. to 10:30; Senator DURBIN or his designee from 10:30 until 11 a.m.

Further, that at 11 a.m. the Senate begin consideration of S. 149, the Export Administration Act, and that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

Mr. REID. I certainly hope the Presiding Officer has a productive and uneventful break and returns with his usual vim and vigor, leading the Senate with the wise knowledge accumulated all these years.

PROGRAM

Mr. REID. On Tuesday, September 4, the Senate will convene at 10 a.m. with morning business until 11 a.m. At 11 a.m. the Senate will begin consideration of the Export Administration Act. We will have our usual Tuesday conference.

ADJOURNMENT UNTIL 10 A.M., TUESDAY, SEPTEMBER 4, 2001

Mr. REID. Therefore, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 208.

There being no objection, the Senate, at 3:55 p.m., adjourned until Tuesday, September 4, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 3, 2001:

FEDERAL RESERVE SYSTEM

MARK W. OLSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1996, VICE ALICE M. RIVLIN, RESIGNED.

DEPARTMENT OF STATE

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

JOHN MALCOLM ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

SPECIAL PANEL ON APPEALS

JOHN L. HOWARD, OF ILLINOIS, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF SIX YEARS, VICE BARBARA JEAN MAHONE, TERM EXPIRED.

DEPARTMENT OF JUSTICE

MARGARET M. CHIARA, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE MICHAEL HAYES DETTMER, RESIGNED.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE MARK TIMOTHY CALLOWAY, RESIGNED.

JAMES MING GREENLEE, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE CALVIN D. BUCHANAN, RESIGNED.

TERRELL LEE HARRIS, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE VERONICA FREEMAN COLEMAN, RESIGNED.

STEPHEN BEVILLE PENCE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE STEVEN S. REED, RESIGNED.

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE JOSEPH LESLIE FAMULARO, RESIGNED.

DEPARTMENT OF LABOR

FREDERICO JUARBE, JR., OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING, VICE ESPIRIDION A. BORREGO.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL J. KERN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEVIN P. BYRNES, 0000

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR FOR STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY. (NEW POSITION)

DEPARTMENT OF TRANSPORTATION

JOSEPH M. CLAPP, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION. (NEW POSITION)

DEPARTMENT OF JUSTICE

THOMAS B. HEFFELFINGER, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE BYRON TODD JONES, RESIGNED.

PATRICK LEO MEEHAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE MICHAEL RANKIN STILES, RESIGNED.

DEPARTMENT OF AGRICULTURE

ELSA A. MURANO, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE CATHERINE E. WOTEKI, RESIGNED.

DEPARTMENT OF STATE

MARCELLE M. WAHBA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

DEPARTMENT OF THE TREASURY

B. JOHN WILLIAMS, JR., OF VIRGINIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY, VICE STUART L. BROWN, RESIGNED.

DEPARTMENT OF JUSTICE

JAY S. BYBEE, OF NEVADA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RANDOLPH D. MOSS, RESIGNED.

FEDERAL RESERVE SYSTEM

SUSAN SCHMIDT BIES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998, VICE SUSAN MEREDITH PHILLIPS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 3, 2001:

DEPARTMENT OF THE TREASURY

KENNETH W. DAM, OF ILLINOIS, TO BE DEPUTY SECRETARY OF THE TREASURY.

MICHELE A. DAVIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

JAMES GURULE, OF MICHIGAN, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

PETER R. FISHER, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

HENRIETTA HOLSMAN FORE, OF NEVADA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL MINORU FAWN LIU, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

MELODY H. FENNEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

ENVIRONMENTAL PROTECTION AGENCY

JEFFREY R. HOLMSTEAD, OF COLORADO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

GEORGE TRACY MEHAN, III, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

JUDITH ELIZABETH AYRES, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

RICHARD J. EGAN, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

VINCENT MARTIN BATTLE, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

ROBERT GEERS LOFTIS, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

DANIEL R. COATS, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

THEODORE H. KATTOUF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

MAUREEN QUINN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

JOSEPH GERARD SULLIVAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

JOHNNY YOUNG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

R. NICHOLAS BURNS, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

EDMUND JAMES HULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

NANCY GOODMAN BRINKER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

JEANNE L. PHILLIPS, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CAROLE BROOKINS, OF INDIANA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

INTERNATIONAL MONETARY FUND

RANDAL QUARLES, OF UTAH, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROSS J. CONNELLY, OF MAINE, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

AGENCY FOR INTERNATIONAL DEVELOPMENT

PATRICK M. CRONIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT E. FABRICANT, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

GENERAL SERVICES ADMINISTRATION

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION.

DEPARTMENT OF ENERGY

THERESA ALVILLAR-SPEAKE, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY.

DEPARTMENT OF TRANSPORTATION

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN ARTHUR HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2002.

DEPARTMENT OF COMMERCE

OTTO WOLFF, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

OTTO WOLFF, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE.

NANCY VICTORY, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

DEPARTMENT OF DEFENSE

H.T. JOHNSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JOHN P. STENBIT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MICHAEL L. DOMINGUEZ, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

NELSON F. GIBBS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

MARIO P. FIORI, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

RONALD M. SEGA, OF COLORADO, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

DEPARTMENT OF VETERANS AFFAIRS

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING).

JOHN A. GAUSS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANET REHNQUIST, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

ALEX AZAR II, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF LABOR

JOHN LESTER HENSHAW, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR.

EMILY STOVER DEROCCO, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF STATE

MARTIN J. SILVERSTEIN, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

DEPARTMENT OF THE TREASURY

ROSARIO MARIN, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES.

EXECUTIVE OFFICE OF THE PRESIDENT

JON M. HUNTSMAN, JR., OF UTAH, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF JUSTICE

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

LYNN LEIBOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TO BE APPOINTED AS CHIEF OF STAFF, UNITED STATES AIR FORCE UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 8033:

To be general

AIR FORCE NOMINATION OF GEN. JOHN P. JUMPER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF LT. GEN. PAUL V. HESTER.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

ARMY NOMINATION OF LT. GEN. LARRY R. ELLIS.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MARINE CORPS NOMINATION OF LT. GEN. EARL B. HAILSTON.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. CHRISTOPHER C. AMES.
NAVY NOMINATION OF CAPT. MICHAEL C. BACHMANN.
NAVY NOMINATION OF CAPT. REUBIN B. BOOKERT.
NAVY NOMINATION OF CAPT. STANLEY D. BOZIN.
NAVY NOMINATION OF CAPT. JEFFREY A. BROOKS.
NAVY NOMINATION OF CAPT. CHARLES T. BUSH.
NAVY NOMINATION OF CAPT. JOHN D. BUTLER.
NAVY NOMINATION OF CAPT. JEFFREY B. CASSIAS.
NAVY NOMINATION OF CAPT. BRUCE W. CLINGAN.
NAVY NOMINATION OF CAPT. DONNA L. CRISP.
NAVY NOMINATION OF CAPT. WILLIAM D. CROWDER.
NAVY NOMINATION OF CAPT. PATRICK W. DUNNE.
NAVY NOMINATION OF CAPT. DAVID A. GOVE.
NAVY NOMINATION OF CAPT. RICHARD D. JASKOT.
NAVY NOMINATION OF CAPT. STEPHEN E. JOHNSON.
NAVY NOMINATION OF CAPT. GARY R. JONES.
NAVY NOMINATION OF CAPT. JAMES D. KELLY.
NAVY NOMINATION OF CAPT. DONALD P. LOREN.
NAVY NOMINATION OF CAPT. JOSEPH MAGUIRE.
NAVY NOMINATION OF CAPT. ROBERT T. MOELLER.
NAVY NOMINATION OF CAPT. ROBERT B. MURRETT.
NAVY NOMINATION OF CAPT. ROBERT D. REILLY JR.
NAVY NOMINATION OF CAPT. JACOB L. SHUFORD.
NAVY NOMINATION OF CAPT. PAUL S. STANLEY.
NAVY NOMINATION OF CAPT. PATRICK M. WALSH.

ARMY NOMINATIONS BEGINNING BYUNG H * AHN AND ENDING ELIZABETH S * YOUNGBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL K. TOELLNER AND ENDING MICHAEL T. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2001.