and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1503

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. 1570

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1570, a bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1738

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1739

At the request of Mr. CLELAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1805

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1805, a bill to convert certain temporary judgeships to permanent judgeships, extend a judgeship, and for other purposes.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 86

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 86, a concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Ms. LANDRIEU):

S. 1808. A bill to amend the Mineral Leasing Act to encourage the development of natural gas and oil resources on Federal land; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Madam President, I rise today to introduce the Federal Acreage Chargeability Act of 2001. The Mineral Leasing Act of 1920 restricts the interests a company can own in Federal oil and gas leases in any one State to 246,080 acres. This legislation alters the acreage cap for oil and gas leases on federal lands so that producing leases are not included in the existing Statewide acreage limitation. This provides an incentive for producers to keep domestic acreage in production or to turn the leases over to another operator who will.

Historically, the acreage limitation in the Mineral Leasing Act responded to public concern over a few major integrated oil companies locking up potential supplies of crude oil from Federal lands in the West. As originally enacted, the Act forbade any person from owning more than three Federal oil and gas leases in any state and more than one lease in an oil and gas field. In 1926, the restriction was converted from leases into acres and the acreage limit was increased to 7,680 acres in any state. The Congress, on three other occasions, has further expanded the number of acres a lessee may hold to 15,360 acres in 1946, to 46,080 acres per state in 1954, and to its present 246,080 acres in 1960. Under present-day conditions increased acreage and more time are necessary to protect the huge investments now needed to maintain rates of discovery.

Today, companies are able to administratively exempt Federal acreage from the 246,080-acre limit per state either through unitization or by the creation of a development contract. At this time, the BLM only allows development contracts in situations where the acreage is considered wildcat. The BLM has been extremely cooperative in working with companies that find themselves bumping up against or exceeding the acreage cap. However, the time has come to pass legislation that will encourage the sizeable capital investment that will be needed to promote orderly and environmentally responsible exploration, development, and production of natural gas and oil from the public lands of the United States.

In our modern economy, the acreage limitations of the Mineral Leasing Act appear as historical relics, ill suited to their original task of promoting competition. The acreage limitations of the Act are once again inhibiting a company's ability to assemble sufficient blocks of acreage to efficiently explore promising natural gas and oil prospects. Companies are also unable to adequately finance the development of those prospects and related infrastructure such as pipelines. Exacerbating the acreage situation further, is the trend toward mergers and acquisitions taking place in the oil and gas industry.

The Federal Acreage Chargeability Act of 2001 amends the acreage limitation provisions of the Mineral Leasing Act of 1920 in such a manner that is truly reflective of today's exploration and production techniques and economics. Given the uncertain natural gas and oil supply situation that this country faces, it is even more critical to reform the outdated existing Federal acreage limitation provisions. The Federal Acreage Chargeability Act of 2001 amends the Mineral Leasing Act of 1920 by exempting oil and natural gas producing acreage from being counted against the Federal acreage cap.

Acreage limitations for other federal minerals such as coal and trona have also been revised upward over the years. Last Congress, I authored legislation that passed and was signed into law that raised the acreage limits for both Federal coal and trona leases due to industry consolidation and international competition. The domestic natural gas and oil industry is certainly facing these same concerns.

In recognition of the economics and technological advances of exploring for and producing domestic natural gas and oil on our public lands, and the national goal of increasing both domestic production and environmental efficiency, make now the right time to enact the Federal Acreage Chargeability Act of 2001.

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. 1808

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 ''Mineral Leasing Act Revision of 2001''.

SEC. 2. DEVELOPMENT OF NATURAL GAS AND OIL RESOURCES.

(a) IN GENERAL.—Section 27(d) of the Mineral Leasing Act (30 U.S.C. 184(d)) is amended—

(1) in the first sentence of paragraph (1), by inserting ''producing acreage and'' after ''*Provided, however,* That''; and

(2) by adding at the end the following:

''(3) DEFINITION OF PRODUCING ACREAGE.—In this subsection, the term 'producing acreage' means any lease—

''(A) for which minimum royalty, royalty, royalty in kind, or compensatory royalty has been—

''(i) paid during the calendar year; or

''(ii) waived by the Secretary of the Interior; or

''(B) that has been committed to a federally approved cooperative plan, unit plan, or communitization agreement.''.

(b) APPLICATION.—Section 27 of the Mineral Leasing Act (30 U.S.C. 184) shall apply separately to land leased under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

By Mr. DURBIN:

S. 1810. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installations of certain wind energy property; to the Committee on Finance.

Mr. DURBIN. Madam President, today I am pleased to introduce the Home and Farm Wind Energy Systems Act of 2001. At a time when the United States clearly needs to reduce its dependence on fossil fuels, and particularly on imported oil, I offer legislation to spur the production of electricity from a clean, free and literally limitless source, wind. My bill offers a tax credit to help defray the cost of installing a small wind energy system to generate electricity for individual homes, farms and businesses. It is my hope that this credit will help make it economical for people to invest in small wind systems, thereby reducing pressures on the national power grid and increasing America's energy independence one family or business at a time.

Any serious attempt to create a national energy policy must include innovative proposals for exploring and developing the use of alternative and renewable energy sources. I look forward to debating a comprehensive energy policy for America in the next session of the 107th Congress, and I ask unanimous consent that a summary of the Home and Farm Wind Energy Systems Act of 2001 be printed in the RECORD.

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

SUMMARY OF THE HOME AND FARM WIND ENERGY SYSTEMS ACT

The bill would provide a 30 percent federal investment tax credit for homeowners, farmers and businesses when they install small wind energy systems with a capacity of up to 75 kilowatts (kW). The tax credit would be available for installation occurring over the next ten years.

Investments in renewable energy provide many benefits, including:

1. Enhancing the energy security and independence of the United States;
2. Increasing farmer and rancher income;
3. Promoting rural economic development;
4. Providing environmental and public health benefits such as cleaner air and water;
5. Improving electric grid reliability, thereby reducing the likelihood of blackouts;
6. Providing farm and residential customers with insulation from electricity price volatility resulting from electric deregulation.

Small wind systems are the most cost-competitive home sized renewable energy technology, but the high up-front cost has been a barrier. Phil Funk, for instance, a farmer in Dallas County, IA, invested $20,000 in a 20kW wind turbine system that saves him $3000 dollars per year on his electricity bill. Funk made use of an existing tower on his property to reduce his total costs significantly. The simple return-on-investment period for Funk, however, was still 7 years—too long to interest many farmers. A 30 percent tax credit would be a powerful incentive in its own right. It would also bring down production costs for small wind systems by increasing sales and production volume.

A typical rural residential wind system uses a 60 foot to 80 foot tower, has a 10 kW capacity and costs $30,000 to $35,000 to install. It produces up to 13,000 kWh of electricity per year, and offsets seven tons of carbon dioxide per year. This could yield savings of $1000 or more per year in energy costs, depending on prevailing commercial rates. In addition, in most states, system owners whose homes are connected to the power grid can sell excess electricity back to the local power company, improving efficiency and further reducing demands on local power grids.

While a few states offer incentives, the Federal Government has not offered tax credits for small wind systems since 1985.

A recent USA TODAY/CNN/Gallup poll showed that 91 percent of the public favors incentives for wind, solar, and fuel cells. But, while there are tax credits for very large commercial wind turbines, Production Tax Credit, there is currently no federal program to support small systems.

According to the American Wind Energy Association, Illinois ranks 16th in the contiguous states for wind energy potential. A new map produced by the National Renewable Energy Laboratory, NREL, for the U.S. Department of Energy indicates that over 2/3 of Illinois has a ''class 3'' or better wind resource, making rural areas and the higher elevations in those areas appropriate for small wind turbine siting.

Illinois has a strong wind energy heritage. Chicago and Batavia were the leading centers of wind energy manufacturing in the United States at the end of the last century, with millions of farm water pumping windmills and battery-charging wind turbines built in the area between 1870 and 1910. Batavia is still known as ''The Windmill City''.

In 1999, the Danish large-wind-turbine manufacturer NEG Micon chose Champaign for the site of its first American assembly and servicing facility, continuing the wind energy tradition in Illinois.

Only a handful of States provide incentives for small wind systems.

Illinois currently offers a buy-down or rebate on the purchase of wind energy systems of up to 50 percent or $2/watt. Eligible applicants include associations, individuals, private companies, public and private schools, colleges and universities, not-for-profit organizations and units of State and local government. Potential recipients must be located within the service area of an investor-owned or municipal gas or electric utility or an electric cooperative that imposes the Renewable Energy Resources and Coal Technology Development Assistance Charge. Grant payments under current operating procedures are, however taxable, which reduces their value significantly.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. LUGAR, Mr. DURBIN, and Mr. AKAKA):

S. 1811. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Governmental Affairs.

Mr. THOMPSON. Madam President, I am introducing today the Presidential Appointments Improvement Act of 2001 on behalf of myself and Senator LIEBERMAN, and Senators AKAKA, DURBIN, LUGAR, and VOINOVICH. This proposal reflects multiple recommendations made by the many commissions and organizations that have studied the Presidential appointments process. These include a number of national commissions, non-profit organizations like the Presidential Appointee Initiative and the Transition to Governing Project, and a 1993 study and recommendations by the American Bar Association.

Clearly, we have a problem. The Presidential appointments process is unnecessarily long, burdensome, and complex. And although President Bush has sent a notable number of nominees to Congress at this point in his first year, major gaps remain in critical positions throughout government. We are faced with responding to the events of September 11 with a 25-percent vacancy rate in positions considered important to Homeland Security.

The time it takes for a new President to put his team in place exacerbates the human capital problems that our government faces. There is a growing recognition that we need to manage our people better. But with the downsizing of the past decade and the impending wave of retirements, the time consuming nature of the appointments process will leave many federal departments and agencies hollow and headless.

While the appointments process is, collectively, a tangled mess, there is no question that it has parts that are important and should be preserved. Conflict of interest statutes are critical, because a fundamental principle of government is one should not have a direct financial interest in the decisions that one is making. Likewise, background investigations are critical to ensure that the Government's highest officials can be trusted with national security information. And, of course, the Congress has an obligation, enshrined in the Constitution, to provide its advice and consent for the President's nominees.

This committee first took action to improve the Presidential appointments process when we passed the Presidential Transition Act of 2000. In that legislation, we included a number of provisions to allow a new President to hit the ground running once he takes office. In addition, that bill asked the Office of Government Ethics to report within six months on its recommendations to streamline the forms we require of Executive Branch nominees. The administration submitted those recommendations and they are included in this legislation.

In addition to streamlining the financial disclosure form, our legislation directs the Executive Clerk of the White House to provide a list of appointed positions to each Presidential candidate, Republican and Democrat, after their respective nominating conventions. That way the President, whomever he or she may be, can have an early start at picking his most trusted advisors. We also ask each Executive Department to recommend an elimination of Senate-confirmed positions, which would greatly shorten the entire process.

As I've said, this legislation is not the only action we are taking to improve the Presidential appointments process. Senator LIEBERMAN and I earlier asked Senate Committees to work to simplify the forms they require of nominees, we have simplified the Governmental Affairs Committee form, and I have written White House Chief of Staff Andrew Card, asking him to examine the need for all Presidential nominees to undergo a full-field FBI background investigation. Clearly, there are some positions in the Federal Government that do not require the same background investigations as, say, the Secretary of Defense.

We will continue to look for ways to improve this process. The legislation we are introducing today makes reasonable but overdue changes to the Presidential appointments process. Whether in a time of crisis or not, there is no question that the country benefits when the President's team, from either party, takes office as quickly as possible.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

PRESIDENTIAL APPOINTMENTS IMPROVEMENT ACT OF 2001—SECTION-BY-SECTION ANALYSIS

Section 1 of the bill. Sets forth the short title of the bill.

Section 2 of the bill. Sets forth the purposes of the bill.

Sec. 3 of the bill. Sets forth the public financial disclosure requirements for judicial and legislative personnel by amending Title I of the Ethics in Government Act to excise all current references in title which were necessary to apply the title to the officers and employees of the executive branch. No change to current financial disclosure requirements for judicial and legislative personnel have been made.

Sec. 4 of the bill. Sets forth the public financial disclosure requirements for executive branch personnel by enacting a new title II of the Ethics in Government Act. The references below are to the sections of title II of the Ethics in Government Act and not to the sections of this Act.

Section 201. Persons required to file

Subsection (a) establishes the filing deadlines for new entrants to a filing position. This does not change current requirements.

Subsection (b), Paragraphs (1) and (2) establish the filing deadlines for Presidential nominees (and individuals whom the President has announced his intent to nominate) to positions requiring Senate confirmation (other than Foreign Service Officers or certain uniformed service officers) and including the requirement to update information regarding income and honoraria to within 5 days of the confirmation hearing. This does not change current requirements.

Subsection (c), paragraph (1) contains the current filing requirements for candidates for President or Vice President. This does not change current requirements.

Paragraph (2) requires that an individual who is sworn in as President or Vice President and who did not hold either of those two positions immediately before taking the oath of office shall file a report within 30 days of taking the oath. This is new. It is intended to make clear that a newly- elected President or Vice President or an individual who takes the oath of office of either of those two positions outside the normal election cycle shall file a report within 30 days of taking the oath. A newly-elected President and Vice President who are not incumbents have previously filed as candidates. This amendment would clarify the change from candidate to incumbent and give the public timely information regarding these two officials. An individual who is re-elected as President or Vice President would not be affected by this provision and would continue to file annually on May 15.

Subsection (d) contains the requirements for annual reports. This does not change current requirements.

Subsection (e) contains the requirements for termination reports. It has been changed only to make clear that an individual who moves from any covered position to an elected position in the executive branch need not file a termination report for the first position.

Subsection (f) contains the descriptions of the officers and employees of the executive branch who must file a public financial disclosure. This does not change current requirements, except that paragraph (6) has been amended to clarify which officers or employees of the Postal Service are required to file by referencing the levels of the Postal Career Executive Service rather than an amount of basic pay.

Subsection (g) contains the provisions for extensions for filing. This does not change current provisions.

Subsection (h) contains a time-limited exception for filing by persons who are not reasonably expected to serve in their positions for more than sixty days in a calendar year. This does not change current authority.

Subsection (i) provides OGE with waiver authority for the filing requirements primarily for certain special Government employees. This does not change current waiver authority.

Section 202. Contents of reports

Subsection (a), paragraph (1), subparagraph (A) requires the reporting of the source, description and category of amount of earned income including honoraria aggregating more than $500 in value. For purposes of honoraria received during Government service, the report must include the exact amount and the date it was received. This provision does not include the current requirements for reporting exact amounts of earned income; exact amounts of any income that are not dividends, rents, interest and capital gains; contributions made to charitable organizations in lieu of honoraria; and the corresponding confidential reporting requirement of the recipients of the payments in lieu of honoraria. It also changes the threshold from ''$200 or more'' to ''more than $500'' to conform the style of the threshold descriptions and raise the amount.

Subparagraph (B) requires the reporting of the source, description and category of amount of investment income which exceeds $500 during the reporting period. This change allows all investment income to be reported by category of amount rather than only dividends, rents, interest and capital gains, and it raises the reporting threshold from $200 to $500.

Subparagraph (C) sets forth the categories of amounts for reporting earned and investment income. This provision substitutes 5 categories for the current 11 categories used for certain types of investment income.

Paragraph (2), subparagraph (A) requires the reporting of gifts aggregating more than the minimal value established by the Foreign Gifts Act (currently $260). This does not change current requirements.

Subparagraph (B) requires the reporting of reimbursements received for travel when valued at more than the minimal value established by the Foreign Gifts Act. This changes current requirements in that it eliminates the requirement to report the ''itinerary'' of the trip but maintains the requirement to report the dates and the nature of the expenses provided.

Subparagraph (C) provides for a publicly available waiver for reporting gifts. This does not change current authority.

Paragraph (3) contains the requirements for reporting interests in property or in a trade or business, or for investment or the production of income property held for the production of income which has a fair market value in excess of $5,000 except that deposit accounts in a financial institution aggregating $100,000 or less and any federal Government securities aggregating $100,000 or less need not be reported. This changes the current requirements by raising the general threshold reporting requirement to $5,000, by raising the threshold reporting requirement for deposit accounts from $5,000 to $100,000 and by creating a new threshold for Government securities at over $100,000 where it currently is treated as other personal property with a $1,000 reporting threshold.

Paragraph (4) contains the requirements for reporting the identity and category of value of liabilities which exceed $20,000 at any time during the reporting period except that revolving charge accounts need only be reported if the outstanding liability exceeds $20,000 as of the close of the reporting period. This changes the current requirements by raising the threshold from $10,000 to $20,000.

Paragraph (5) contains the reporting requirements for real property and securities that were: purchased, sold or exchanged during the preceding calendar year; the value of the transaction exceeded $5,000; and the property or security is not already required to be reported as a source of income or as an asset. This replaces the current requirements to report the date and category of value of any purchase, sale or exchange of real property or a security which exceeds $1,000 and eliminates some redundant reporting required by current law.

Paragraph (6), subparagraph (A) requires the reporting of certain positions (e.g. officerships, directorships, trusteeships, partnerships, etc.) held by the reporting official during the period that encompasses the preceding calendar year and the current calendar year in which the report is filed. This changes the current requirement only in that it shortens the look-back in the reporting period from two years plus the current to one year plus the current.

Subparagraph (B) requires a non-elected new entrant to report the sources of individual compensation for personal services rendered by the reporting individual valued in excess of $25,000 in the calendar year prior to or the calendar year in which the first report was filed. It specifically exempts from reporting those sources that have already been reported previously as a source of earned income over $500. It also contains a provision that allows the reporting individual not to report any information required by this provision if the information is confidential as a result of a privileged relationship or the person for whom the services were provided had a reasonable expectation of privacy. This changes the current requirements by raising the threshold from $5,000 to $25,000; by shortening the look-back in the reporting period from two years plus the current to one year plus the current year; by deleting, through exception, the current requirement to again report sources of earned income required to be reported elsewhere; and by adding an additional exception for reporting information where the person for whom the services were provided (client) had a reasonable expectation of privacy.

Paragraph (7) requires the reporting of a description of the parties to and the terms of any agreements or arrangements for future employment (including the date of any formal agreement for future employment), leaves of absence, continuation of payments by a former employer and continuing participation in an employee benefits plan maintained by a former employer. This changes the current requirements only in that it eliminates the requirement that dates of all such agreements must be included, requiring only the dates of formal agreements for future employment.

Paragraph (8) specifies that a category of value shall be used to report the total cash value of the reporting individual in a qualified blind trust. This does not change the requirement that the total cash value of a blind trust is to be reported by category of amount, but it does eliminate a reference to blind trusts executed prior to July 24, 1995 where the trust document prohibited the beneficiary from receiving this information. There are no such trusts that would be qualified in the executive branch.

Subsection (b), paragraph (1) provides for reporting periods for candidates, Presidential nominees and other new entrants. For income, positions held and client-type information the reporting period will be the year of filing and the preceding calendar year. For assets and liabilities, the reporting period is as of a date that is less than 31 days before the filing date. For agreements and arrangements, the reporting period is as of the filing date. This maintains the current reporting periods except that it reiterates that positions held and client-type information will only be required to be reported for the preceding calendar year plus the current calendar year.

Paragraph (2), subparagraphs (A) and (B) provides for authority to allow a filer to use a format other than the standard form developed by the Office of Government Ethics or to provide exact amounts instead of reporting by category of amount. This does not change current authority.

Subsection (c) provides for reporting periods for certain first annual report filers and for those terminating Government service. This does not change current requirements.

Paragraph (1) provides OGE with regulatory authority to expand a reporting period to cover days in which the filer actually served the Government in a filing position, but information for those days was not otherwise included on a public financial disclosure. This is a new requirement intended to allow OGE to define an additional reporting period, by regulation, to fill a reporting gap that can occur between a nominee or new entrant report and the first annual report the individual is required to file. Typically the gap appears for an individual who enters Government service in November or December as a new appointee or as a regular new entrant who filed a first report promptly before the end of the year and whose next annual does not cover any of the November/December time frame when they first entered government service.

Paragraph (2) requires that reports filed at the termination of Government service shall include that part of the calendar year of filing up to the date of the termination of employment. This does not change current requirements; it is simply a renumbering.

Subsection (d), paragraph (1) sets forth the five categories of value for reporting assets. This changes the current eleven categories to five and eliminates the requirement that liabilities and trusts be reported using the same categories as assets.

Paragraph (2) sets forth the alternative methods for valuing an asset. This does not change current alternatives.

Paragraph (3) sets forth the four categories of value for reporting liabilities and qualified blind trusts. This is a new provision that sets forth categories of value for reporting liabilities and qualified blind trusts that are different from the categories of value for reporting assets, and provides for only four categories instead of the current eleven.

Subsection (e), paragraph (1), subparagraph (A) requires that a report include the sources (but not the amounts) of earned income (including honoraria) earned by the spouse which exceed $500 except that when the spouse is self-employed, only the nature of the business need be reported. This changes the current requirement by lowering the threshold amount from $1,000 to match the $500 threshold for filers, and eliminates the requirement that amounts of honoraria earned by a spouse be reported.

Subparagraph (B) requires that the same information regarding investment income required of a filer will be required to be reported for the spouse or dependent child. This changes the current requirement by requiring the reporting of all reportable investment income rather than specifying only income from assets that are required to be reported.

Subparagraphs (C) and (D) set forth the reporting requirements for gifts and reimbursements received by a spouse or dependent child. These do not change current requirements.

Subparagraph (E) sets forth the test for the certification that would provide an exemption for reporting certain spousal and dependent child's information. There is no change to the longstanding OGE requirement regarding certification, although there is a grammatical correction.

Subparagraph (F) specifies that reports filed by nominees, candidates and new entrants need only contain information regarding sources of income, assets and liabilities of a spouse and dependent child. This does not change current requirements.

Paragraph (2) provides for the non-disclosure of information of a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or of information relating to income or obligations arising from the dissolution of a marriage or permanent separation. This does not change current authority.

Subsection (f), paragraph (1) sets forth the general requirement for reporting information regarding the holdings of and the income from a trust in which the filer, spouse or dependent child has a beneficial interest in principal or income, and references the exceptions. This does not change current requirements.

Paragraph (2) describes the three types of trusts for which the holdings and income would not be subject to the general reporting requirements set forth in subparagraph (1). This does not change current descriptions.

Paragraph (3) sets forth the requirements for a qualified blind trust. This does not change current requirements except that a reference to trusts qualified prior to January 1, 1991 has been eliminated as no longer necessary.

Paragraph (4) sets forth the requirements for a diversified blind trust. This does not change current requirements.

Paragraph (5) sets forth the requirements for the public documents that must be filed in relation to a trust. It does not change current requirements except that it eliminates a requirement that the filer file a public copy of a list of the trust assets with the Office of Government Ethics upon dissolution of the trust.

Paragraph (6) sets forth the restrictions applicable to the trustee and the reporting individual with regard to disclosing and soliciting certain information about a blind trust and the penalties for violating those restrictions. This does not change current restrictions or penalties.

Paragraph (7) sets forth the requirements for qualifying as blind a pre-existing trust. This does not change current requirements.

Paragraph (8) sets forth the exception for reporting the financial interests held by a widely held investment fund. This does not change the current exception.

Paragraph (9), subparagraph (A) sets forth the requirements that must be met by a new entrant or nominee in order to not disclose the assets of certain trust and investment funds where reporting would result in the disclosure of financial information of another not otherwise required to be report; disclosure of the information is prohibited by contract or the information is not otherwise publicly available; and the reporting individual has agreed to divest of the interest within 90 days of the date of the agreement.

This is a new provision included to address the reporting requirements for investment vehicles such as limited partnerships where the filer may not have specific information about the underlying holdings of the fund necessary to complete a financial disclosure form; where the investment manager does not ordinarily disclose his investments; or where other investors do not want the identity of their investments disclosed. In these cases, the filer's agreement to divest, and interim recusals when necessary, adequately address conflict of interest concerns.

Subparagraph (B) sets forth the requirements that must be met by annual and termination report filers in order not to disclose the assets of certain trust and investment funds acquired involuntarily during the reporting period and otherwise described by subparagraph (A). This is new and is complementary to subparagraph (A).

Subsection (g) provides that financial information regarding political campaign funds is not required to be reported in any report pursuant to the title. This does not change current law.

Subsection (h) provides that gifts and reimbursements received when the filer was not an officer or employee need not be included on any report filed pursuant to the title. This does not change current law.

Subsection (i) provides that assets, benefits and income from federal retirement systems or Social Security need not be reported.

This does not change current law.

Subsection (j) provides that Designated Agency Ethics Officers shall submit, on a monthly basis, a list of recently granted criminal conflict-of-interest waivers to the Office of Government Ethics. It further provides that the Office of Government Ethics publish notice of these waivers and of the waivers that has itself granted. This is a new requirement designed to expedite public notice of waivers.

Paragraph (k) provides that waivers be included with the filing for the year in which it was granted. This is a new requirement designed to expedite public availability of waivers.

Section 203. Filing of reports

Subsection (a) provides for the filing of most reports with the agency in which the individual will serve. This does not change current requirements.

Subsection (b) provides that the President and Vice President shall file reports with the Director of the Office of Government Ethics. This does not change current requirements for these individuals although it eliminates the reference to Independent Counsels and their staffs.

Subsection (c) provides that copies of certain forms that are filed with an agency shall also be transmitted to the Office of Government Ethics. This does not change current requirements.

Subsection (d) requires that the reports filed directly with the Office of Government Ethics shall be available immediately to the public. This does not change current requirements.

Subsection (e) requires that candidates for President and Vice President shall file with the Federal Election Commission. This does not change current requirements.

Subsection (f) requires that reports of members of the uniformed services shall be filed with the Secretary concerned. This does not change current requirements.

Subsection (g) provides that the Office of Government Ethics shall develop the forms for reporting for the executive branch. This does not change current requirements.

Section 204. Failure to file or filing false reports

Subsection (a) provides for civil actions and penalties for knowing and willful falsification and willful failure to file or report information. This does not change current law.

Subsection (b) directs OGE, agency heads and Department Secretaries to refer to the Attorney General the names of individuals for whom there is reasonable cause to believe have willfully falsified or willfully failed to file information required to be reported. This does not change current law.

Subsection (c) provides for authority to take appropriate administrative action for failure to file or falsifying or failing to report required information. This does not change current law.

Subsection (d), paragraph (1) provides a late filing fee of $500. This raises the current fee from $200 to $500.

Paragraph (2) provides OGE with the authority to waive a late filing fee for good cause shown. This changes the standard of the test for a waiver from ''extraordinary circumstances.'' Experience has shown a good cause test to be more appropriate to meet the circumstances where OGE has felt that the fee should be waived, particularly when the failure to file on a timely basis has not been the fault of the filer.

Section 205. Custody of and public access to reports

Subsection (a) sets forth the authority that allows agencies to make the reports filed pursuant to the title public and the authority to except from public release certain reports filed by individuals engaged in intelligence activities. This does not change current requirements.

Subsection (b), Paragraph (1) sets forth the requirements for when the reports must become available to the public and the authority to recover reproduction costs. This does not change current requirements.

Paragraph (2) sets forth the requirement for a written request in order to obtain a copy of an individual's report. This does not change current requirements.

Subsection (c) sets forth the restrictions on obtaining or using a report for specified purposes and the penalties for such unlawful activities. This does not change current law.

Subsection (d) provides for the periods a report must be retained and available for public inspection and for its subsequent destruction. This does not change current law.

Section 206. Review of reports

Subsection (a) sets forth the time during which an agency should review a report filed with it. This does not change current requirements.

Subsection (b), paragraphs (1)–(6) set forth the procedures to be followed by a reviewing agency including OGE in seeking to certify a form including steps for assuring compliance with applicable laws. This does not change current procedures except that paragraph (b)(2)(A) clarifies that a reviewer may request additional information if he believes it is necessary for the form to be complete or for conflicts of interest analysis. Current law is more general about why a reviewer may request additional information.

Paragraph (7) gives OGE specific authority to render advisory opinions interpreting this title and provides a precedential standard for these opinions. This does not change current law.

Section. 207. Confidential reports and other additional requirements

Subsection (a) Paragraph (1) gives OGE the authority to establish an additional financial disclosure system for the executive branch. This does not change current authority.

Paragraph (2) provides that financial disclosure reports filed pursuant to this authority will be confidential. This does not change current authority.

Paragraph (3) makes clear that nothing in this authority exempts an individual from filing publicly information required to be reported elsewhere in the title. This does not change current authority.

Subsection (b) provides that this authority shall supersede any general requirement for filing financial information for the purposes of conflicts of interest with the exception of the information required by the Foreign Gifts and Decorations Act. This does not change current law.

Subsection (c) makes clear that reporting any information does not authorize the receipt of the reported income, gifts or reimbursements or holding assets, liabilities or positions, or the participation in transactions that are prohibited. This does not change current law.

Section 208. Authority of the Comptroller General

This section provides the CG with access to any financial disclosure report filed pursuant to this title for the purposes of carrying out his statutory responsibilities. This does not change current law with regard to the access to forms. It does, however, eliminate a current requirement that the CG conduct regular studies of the financial disclosure system. Such elimination is consistent with efforts to eliminate periodic Government reports, but does not in any way affect the CG's authority to conduct such a study on an as needed or requested basis.

Section 209. Definitions

The following terms are defined: (1) dependent child; (2) designated agency ethics official; (3) executive branch; (4) gift; (5) honoraria; (6) income; (7) personal hospitality of any individual; (8) reimbursement; (9) relative; (10) Secretary concerned; and (11) value. All terms retain their current definitions except ''gift'' no longer includes an exception for consumable products provided by home-State businesses because of its primary relevance for Members of Congress and includes an exception for gifts accepted or reported pursuant to the Foreign Gifts Act; ''honoraria'' no longer references a section of a law that has been ruled unconstitutional and/or unenforceable for the executive branch and instead is now defined as a thing of value for a speech, article or appearance; and ''income'' now specifically includes prizes and awards as a part of the items that are considered income. This changes current law as described above and eliminates individual terms that were only required to be defined if the legislative and/or judicial branch filing requirements were included.

Section 210. Notice of actions taken to comply with ethics agreements

Subsection (a) sets forth the notification requirements that must be followed by an individual who has agreed to take certain actions in order to avoid conflicts of interest. Notification must first be made no later than the date specified in the agreement or no later than 3 months after the date of the agreement. If all actions have not been taken by the time the first notification is required, the individual must thereafter, on a monthly basis, file such notifications until all agreements are met. Current law only requires one notification; this adds the continuing monthly requirement to report the status of steps taken to comply until all terms of the agreement have been met.

Subsection (b) describes the documentation required to be filed for an ethics agreement that includes a promise to recuse. This does not change current requirements.

Section 211. Administration of provisions

This provides OGE with clear authority to issue regulations, develop forms and provide such guidance as is necessary to implement and interpret this title. This clarifies current law for the executive branch.

Sec. 5. Provides that the Executive Clerk of the White House will transmit a list of Presidentially-appointed positions to each presidential candidate following the nominating conventions. This is a change to current law, under which such a list could only be provided to the President-elect after the November election. This section is intended to speed the process of identifying and vetting major Presidential appointees.

Sec. 6. Provides that the head of each agency will submit a plan, within 180 days of enactment of the Act, that details the number of Presidentially-appointed positions within the agency and outlines a plan to reduce the number of those positions. This is clearly a new requirement, one intended to begin the dialogue of reducing the large number of appointees and speeding up the process for positions that remain.

Sec. 7. Provides that the Attorney General will review the Federal criminal conflict of interest laws and suggest coordination and improvements that might be made. This section is designed to aid in the decriminalization of such laws, in the case when honest mistakes are made in the process of recording extensive financial transactions.

Sec. 8. Provides that the amendments made by Section 4 take effect on January 1 of the year following the date of enactment of the Act.

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

S. 1812. A bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

Mr. CORZINE. Madam President, today along with Senator TORRICELLI I am introducing legislation to ensure that the families who suffered tremendous losses in the terrorist attacks on September 11th receive the compensation they deserve and need to move forward with their lives. The bill would eliminate provisions in current law that reduce the compensation to which they are entitled because of contributions received from other sources.

New Jersey has been tragically affected by the terrorist attacks of September 11. This past weekend, I met with over 400 family members who lost a loved one on the 11th. These people are dealing with unimaginable pain, and many are struggling as they try to provide for the security of their families.

To obtain assistance, families are being forced to navigate through extensive paperwork burdens. They have filled out countless forms and made countless calls seeking answers about the benefits to which they are entitled. Yet many fear that, notwithstanding their efforts, they will be unable to secure the assistance that they need so badly.

The American people want to help these victims, and Congress has acted in an effort to make that happen. Soon after September 11, as part of broader legislation to support the airline industry, Congress established a fund to compensate the victims of the attacks, the September 11 Victim Compensation Fund.

Under that legislation, victims and their families can choose to seek compensation from the Fund, in return for relinquishing their right to file suit against an airline. Those victims who opt-in are eligible for full economic and non-economic damages, but not punitive damages. The amount of compensation will be determined by a Special Master, Kenneth Feinberg.

The purpose of the Fund is to ensure that victims are fully compensated without having to go to court, a process that could take many years for families who urgently need assistance. I support this goal. Unfortunately, in our desire to both aid the industry by limiting their liability and to provide compensation to the victims and their families, we rushed the legislation to enactment without sufficient consideration of how the Fund would operate.

As a result, the law contains a glaring flaw. It includes a "collateral source" rule, which requires the Special Master to deduct the amount of life insurance and pension payments from the amount of compensation that would otherwise be available to victims and families under the Fund. This rule, in my view, is a serious mistake, and threatens to deny needed compensation for many of these victims.

It is wrong to treat victims of the disaster on September 11 any differently. Reducing their awards not only harms these families, it also runs counter to the goals of the original legislation. After all, if families cannot obtain the compensation they need through the Victims Compensation Fund, some of them will be forced to go straight to court. That will delay the compensation they need, and subject airlines to costs and liability that Congress sought to protect them against.

I would note, that in addition to repealing the collateral source rule, my legislation makes clear that charitable donations should not be considered collateral sources and should not count against compensation awarded under the Fund. This no only ensures that families get the compensation they need, but its ensures that those who have made charitable contributions are not treated unfairly. After all, those who have generously sent checks to charitable organizations did not think that their contributions would reduce Federal compensation. In effect, such a reduction would be a tax on people who have contributed their own funds in an effort to help. In addition, without such a clarification, charities may withhold funds for victims until after they recover from the fund, in order to avoid an offset.

Recovery under the Victims' Compensation Fund is not the only relief that these grieving families need. Although charities have provided some assistance to families over the past three months, that funding has only been a stopgap measure. These families need immediate tax relief. I am pleased that just before Thanksgiving the Senate passed a comprehensive victims' tax relief bill, but unfortunately the House has only passed a more narrow version of the legislation.

These families need immediate relief so that they can plan and provide for their families. They need: a waiver of federal income tax liability for this year and last year; payroll tax relief—this is particularly important to low-wage workers, who are less likely to benefit from the waiver of income tax liability, and are also less likely to have left their families with life insurance and pensions; reduced estate taxes; exclusion of survivor, disability and emergency relief benefits from taxation; and finally, we need to make it easier for charitable organizations to make disaster relief payments to help victims and their families with both short-term and long-term needs, such as scholarships for victims' children.

Many of these proposals are based on provisions in current law that provide tax relief to soldiers who die in combat and government employees who die in terrorist attacks outside the United States. Extending these provisions to the victims of the terrorist attacks is appropriate because the attacks of September 11 were attacks on our entire nation.

Last week some families came down here to meet with the New Jersey delegation and House and Senate leadership to plead for immediate assistance, so that they can pay their mortgages, keep children in school, and keep their heads above water. They made their case powerfully and effectively, and we in Congress must no let them down.

I urge my colleagues to stand up for these victims and support my legislation. I asks unanimous consent the text of the bill be printed in the RECORD.

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

S. 1812

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 "September 11th Victim Compensation Fund Fairness Act".

SEC. 2. REPEAL OF COLLATERAL COMPENSATION PROVISION.

(a) REPEAL OF COLLATERAL COMPENSATION PROVISION.—Section 405(b)(6) of the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) is hereby repealed.

(b) APPLICATION OF THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—The compensation program established under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) shall be administered as if section 405(b)(6) of that Act had not been enacted.

SEC. 3. AMENDMENT OF COLLATERAL SOURCE DEFINITION.

Paragraph (6) of section 402 of the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following: "The term 'collateral source' does not include payments or other assistance received from a nonprofit organization, if such organization is described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 2481. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2482. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2483. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1650, to amend the Public Health Service Act to change provisions regarding emergencies; which was referred to