

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction" (Doc. No. 00F-1482) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5765. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph; Partial Stay; Final Rule" (RIN0910-AA01) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5766. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Exports: Notification and Record Keeping Requirements" (Doc. No. 98N-0583) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5767. A communication from the Director of Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5768. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Foreign Establishment Registration and Listing" (RIN0910-AB21) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, Prescription Drug User Fee Act Financial Report for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-5770. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-5771. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments" (RIN0960-AF31) received on March 15, 2002; to the Committee on Finance.

EC-5772. 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 "LMSB Fast Track Dispute Resolution Pilot Program" (Notice 2001-67, 2001-49) received on March 15, 2002; to the Committee on Finance.

EC-5773. 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 "Weighted Average Interest Rate Update Notice" (Notice 2002-9) received on March 15, 2002; to the Committee on Finance.

EC-5774. A communication from the Assistant Secretary of Legislative Affairs, Depart-

ment of the Treasury, transmitting, pursuant to law, the first Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor; to the Committee on Finance.

EC-5775. A communication from the Administrator of the Department of Human Services, transmitting, pursuant to law, a notification on the status of a report on the impact of payment rates adopted by states Medicaid programs when they meet their obligation to pay for Medicare cost-sharing on behalf of qualified Medicare beneficiaries (QMBs) received on March 15, 2002; to the Committee on Finance.

EC-5776. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Modifications of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals" (42 CFR Part 447) received on March 15, 2002; to the Committee on Finance.

EC-5777. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (66 FR 53114)" (44 CFR Part 65) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5778. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations 66 FR 53112" (Doc. No. FEMA-D-7515) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5779. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 66 FR 53117" (44 CFR Part 67) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5780. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 66 FR 53115" (Doc. No. FEMA-P-7606) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5781. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act Statement of Policy 2001-1: Clarification of Statement of Policy 1999-1 Regarding Lender Payments to Mortgage Brokers, and Guidance Concerning Unearned Fees Under Section 8(b)" ((RIN2502-AH74) (FR-4714-N-01)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5782. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Strengthening the Title I Property Improvement and Manufactured Home Loan Insurance Programs and Title I Lender/Title II Mortgage Approval Requirements" ((RIN2502-AG95) (FR-4246-F-02)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5783. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments" (RIN3069-AB04) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

## 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. HUTCHINSON (for himself and Mr. LOTT):

S. 2025. A bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 2026. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 2027. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 920

At the request of Mr. BREAU, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1295

At the request of Ms. STABENOW, her name 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. 1379

At the request of Mr. KENNEDY, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of 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.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1786

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1876

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1876, a bill to establish a National Foundation for the Study of Holocaust Assets.

S. 1924

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. RES. 132

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MARCH 14, 2002

By Mr. BINGAMAN:

S. 2018. A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes; to the Committee on Indian Affairs and the Committee on Energy and Natural Resources; jointly, pursuant to the order of March 14, 2002, with instructions that if one Committee reports, the other Committee have twenty calendar days, excluding any period where the Senate is not in session for more than three days, to report or be discharged.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce a bill that would create a unique area within the Cibola National Forest in New Mexico, entitled the T'uf Shur Bien Preservation Trust Area. The importance of this bill cannot be overstated. It would resolve, through a negotiated agreement, the Pueblo of Sandia's land claim to Sandia Mountain, an area of significant value and use to all New Mexicans. The bill would also maintain full public ownership and access to the National Forest and Sandia Mountain Wilderness lands within the Pueblo's claim area; clear title for affected homeowners; and grant the necessary rights-of-way and easements to protect private property interests and the public's ongoing use of the Area.

The need for this bill and the basis for Sandia Pueblo's claim arise from a 1748 grant to the Pueblo from a representative of the King of Spain. That grant was recognized and confirmed by Congress in 1858, 11 Stat. 374). There remains, however, a dispute over the location of the eastern boundary of the Pueblo that stems from an 1859 survey of the grant. That survey fixed the eastern boundary roughly along the top of a foothill on the western slope of the mountain, rather than along the true crest of the mountain. The Pueblo has contended that the interpretation of the grant, and thus the survey and

subsequent patent, are erroneous, and that the true eastern boundary is the crest of the mountain.

In the early 1980's, the Pueblo approached the Department of the Interior seeking a resurvey of the grant to locate the eastern boundary of the Pueblo along the main ridge of Sandia Mountain. In December 1988, the Solicitor of the Department of the Interior issued an opinion rejecting the Pueblo's claim. The Pueblo challenged the opinion in federal district court and in 1998, the court issued an Order setting aside the 1988 opinion and remanding the matter to Interior for further proceedings. *Pueblo of Sandia v. Babbitt*, Civ. No. 94-2624, D.D.C., July 18, 1998. The Order was appealed but appellate proceedings were stayed for more than a year while a settlement was being negotiated. Ultimately, on April 4, 2000, a settlement agreement was executed between the United States, Pueblo, and the Sandia Peak Tram Company. That agreement was conditioned on congressional ratification, but remains effective until November 15, 2002.

In November, 2000, the Court of Appeals of the District of Columbia Circuit dismissed the appeal for lack of jurisdiction because the District Court's action was not a final appealable decision. Upon dismissal, the Department of the Interior proceeded with its reconsideration of the 1988 Solicitor's opinion in accord with the 1998 Order of the District Court. On January 19, 2001, the Solicitor issued a new opinion that concluded that the 1859 survey of the Sandia Pueblo grant was erroneous and that a resurvey should be conducted. Implementation of the opinion would therefore remove the area from its National Forest status and convey it to the Pueblo. The Department stayed the resurvey, however, until after November 15, 2002, so that there would be time for Congress to legislate the settlement and make it permanent.

To state the obvious, this is a very complicated situation. The area that is the subject of the Pueblo's claim has been used by the Pueblo and its members for centuries and is of great significance to the Pueblo for traditional and cultural reasons. The Pueblo strongly desires that the wilderness character of the area continue to be preserved and its use by the Pueblo protected. Notwithstanding that interest and use, the Federal Government has administered the claim area as a unit of the National Forest system for most of the last century and over the years has issued patents for several hundred acres of land within the area to persons who had no notice of the Pueblo's claim. As a result, there are now several subdivisions within the external boundaries of the area, and although the Pueblo's lawsuit specifically disclaimed any title or interest in privately-owned lands, the residents of the subdivisions have concerns that the claim and its associated litigation have resulted in hardships by clouding titles to land. Finally, as a unit of the National forest system, the areas has