

COLLINS) was added as a cosponsor of S. 2521, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2566

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2566, a bill to improve early learning opportunities and promote school preparedness, and for other purposes.

S. 2592

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2592, a bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, and for other purposes.

S. 2611

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2633

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose.

S. 2657

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2657, a bill to amend the Child Abuse Prevention and Treatment Act to provide for opportunity passports

and other assistance for youth in foster care and youth aging out of foster care.

S. 2704

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2704, a bill to provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2721

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2721, a bill to improve the voucher rental assistance program under the United States Housing Act of 1937, and for other purposes.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2762

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2762, a bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes.

S. 2777

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2777, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the treatment of qualified public educational facility bonds as exempt facility bonds.

S. 2826

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2860

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2860, a bill to amend

title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

S. 2873

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2873, a bill to improve the provision of health care in all areas of the United States.

S. 2882

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for holders of qualified zone academy bonds.

S. RES. 311

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 311, A resolution expressing the Sense of the Senate regarding the policy of the United States at the World Summit on Sustainable Development and related matters.

S. CON. RES. 94

At the request of Mr. WYDEN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 129

At the request of Mr. CRAPO, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

AMENDMENT NO. 4316

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4316 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. CLINTON, Mr. HUTCHINSON, Mrs. CARNAHAN, Mr. BENNETT, Mr. ROCKEFELLER, Mr. HELMS, Ms. LANDRIEU, Mr. HARKIN, Ms. COLLINS, Mr. KYL, Mr. DURBIN,

Mr. EDWARDS, Mr. DODD, Mr. CRAPO, Ms. SNOWE, Mr. ALLARD, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. LOTT, Mr. BIDEN, Mr. LUGAR, Ms. STABENOW, Mr. SESSIONS, and Mr. INHOFE):

S. 2896. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.

Mrs. HUTCHISON. Madam President, I am introducing today with my friend from California, Senator FEINSTEIN, legislation to improve the current system of AMBER Alert plans that exist in various States. Our legislation recognizes the tremendous job that those involved in AMBER alerts are playing and we seek to build on their efforts.

In 1996, 9-year-old Amber Hagerman of Arlington, Texas was abducted and brutally murdered. Her death had such an impact on the community that local law enforcement and area broadcasters developed what is now known as AMBER Alert, America's Missing: Broadcast Emergency Response. An AMBER alert is activated by law enforcement to find a child, when a child has been abducted. An Alert triggers highway notification and broadcast messages throughout the area where the abduction occurred.

As we have seen this summer, AMBER plans in different communities have worked to bring children home safely. To date, AMBER Alert has helped recover 27 children nationwide. Many communities and states have outstanding AMBER plans, however, the vast majority of States do not yet have comprehensive, statewide coverage and lack the ability to effectively communicate between plans. This is a critical issue particularly when an abducted child is taken across State lines.

The bill I am introducing today establishes an AMBER Alert Coordinator within the Department of Justice to assist States with their AMBER plans. An AMBER Alert Coordinator is needed to address situations such as the recent examples of interstate travel with abducted children. We have witnessed several successful stories of AMBER plans helping to recover a child within a region, however, many gaps exist between the various AMBER plans around the country. The AMBER Alert Coordinator will facilitate appropriate regional coordination of AMBER alerts, particularly with interstate travel situations, and will assist states, broadcasters, and law enforcement in setting up additional AMBER plans.

The AMBER Alert Coordinator will set minimum, voluntary standards to help states coordinate when necessary. The AMBER Alert Coordinator will help to reconcile the different standards for what constitutes an AMBER alert. In doing so, the Coordinator will work with existing participants, in-

cluding the National Center for Missing and Exploited Children, local and state law enforcement and broadcasters to define minimum standards. Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER alert system is used to meet its intended purpose.

In addition, the bill provides for a matching grant program. The grant program will help localities and states build or further enhance their efforts to disseminate AMBER alerts. To this end, the matching grant program will fund road signage and electronic message boards along highways, dissemination of information on abducted children, education and training, and related equipment.

Our bill has the strong support of the National Center of Missing and Exploited Children and the National Association of Broadcasters, who play essential roles in the AMBER Alert system. I urge the Senate to act expeditiously on this legislation to further protect America's children.

Mrs. FEINSTEIN. Mr. President, today, I am pleased to join Senator HUTCHISON in introducing legislation that will save children's lives by expanding the existing AMBER Alert program nationwide.

AMBER Alerts are official bulletins broadcast over the airwaves to enlist the public's help in tracking down abducted children facing imminent danger from their kidnappers.

The power of the AMBER alert can be seen in the recent kidnapping of Tamara Brooks and Jacqueline Marris.

On August 1, 2002, twenty-four hours after the State of California launched its statewide AMBER Alert program, Tamara Brooks, 16, and Jacqueline Marris, 17, were abducted from their vehicles at gunpoint in Lancaster, CA.

Shortly thereafter, the California Highway Patrol issued an AMBER Alert on the girls disappearance.

Within the next few hours, concerned members of the community called into CHP hotlines, delivering a flurry of crucial tips that helped locate the suspect.

A driver on state Highway 178 spotted the abductor's stolen white bronco in Walker Pass, approximately 70 miles east of Bakersfield.

Two hours later, a CalTrans worker spotted the suspect on Highway 178, and,

A Kern County animal control officer spotted the Bronco on a local dirt road.

Based on these tips, sheriff's deputies located the girls and their abductor, Roy Ratliff, in a vehicle in a dry riverbed, just 12 hours after the abduction.

Ratliff was killed during an exchange of gunfire with sheriff's deputies, and the girls were returned home safely.

The AMBER Alert system and the effective work of the Kern County Sheriff's Department may be the only reasons those girls are alive today.

Children abducted in States without an AMBER Alert system, however, may not have been so fortunate.

That is why we are introducing this legislation, to spur the development of State and local AMBER plans across the country so we can increase the chances that children abducted by strangers can be returned home safely.

Each year, more than 58,000 children in the United States are abducted by non-family members, often in connection with another crime.

In the most dangerous type of child abduction, stranger abduction, fully 40 percent of children are murdered.

Speed is crucial to any effective law enforcement response to these most deadly cases.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, were killed within three hours of being taken.

AMBER Alerts are a proven weapon in the fight against stranger abductions, especially in those cases where an abducted child is facing an imminent threat of harm.

The program is named after nine-year-old Amber Hagerman who was kidnapped and murdered in Arlington, TX in 1996.

The power of the AMBER alert system is that an alert can be issued within minutes of an abduction, disseminating key information of the crime to the community at large.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 29 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself.

These are 29 families who didn't have to suffer the pain of losing a loved one. Twenty-nine families who didn't have to bury a child.

Since the State of California first adopted AMBER alerts a month ago, the State has issued 13 AMBER alerts. Each of the AMBER Alerts concluded with the missing child being united with their families.

Eight of these alerts involved stranger abductions. Four involved family members, and one case is considered a false alarm.

I would like to describe two of these cases: the rescue of four-year-old Jessica Cortez from Los Angeles and 10-year-old Nichole Timmons from Riverside.

Jessica disappeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica's abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from the AMBER Alert and notified law enforcement.

Without the publicity generated by the alert, Jessica could have been lost to her parents forever.

Nichole Timmons was kidnapped from her Riverside home on August 20.

In Nichole's case, an Alert was issued not just in California, but in Nevada as well.

A tribal police officer in Nevada spotted the truck of Nichole's abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe.

The AMBER Alert enabled Nichole to return home safely to her parents.

The legislation we are introducing today is simple, yet very important.

First, it would establish a national coordinator for AMBER Alerts in the Department of Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

We need regional coordination of AMBER Alert because, as we saw in the case of Nichole Timmons, abductors of children may cross State lines as they flee crime scenes.

Second, the bill would establish grant programs in the Department of Justice and the Department of Transportation to provide for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in only 15 States and 32 local and regional jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Third, the bill directs the Department of Justice to establish minimum standards for the coordination of AMBER alerts between jurisdictions.

Minimum standards are needed because many of the existing AMBER plans have slightly different standards for an AMBER Alert, such as when to issue an alert.

Without a common standard, sharing AMBER Alerts between states will be difficult.

I would also like to stress what the bill does not do.

It is the specific intent of this bill not to interfere with the operation of the 50 State and local AMBER plans that are working so well.

Participation in regional AMBER plans is only voluntary, and any plan that wishes to go it alone may still do so.

The bill also does not change the very strict criteria of the AMBER Alert.

AMBER Alerts are successful because they are issued rarely, and only when strict criteria are met.

A typical AMBER Alert is only issued when a law enforcement agency confirms that a stranger abduction has occurred, the child is in imminent danger, and there is information available that, if disseminated to the public could assist in the safe recovery of the child.

The effectiveness of the system depends on the continued judicious use of the alert so that the public does not grow to ignore the warnings.

This bill is carefully designed to preserve the Alert's ongoing effectiveness.

In sum, through this legislation, we can extend to every corner of the nation a network of AMBER Alerts that will protect our children.

If we can set up a program that will increase the odds that an abducted

child can return to his or her family safely, then I believe the program will be well worth it.

We know the AMBER Alert system works. We know that every community in America should have access to it.

Mr. HATCH. Mr. President, I am proud to join with Senators KAY BALEY HUTCHISON (R-TX) and DIANE FEINSTEIN (D-CA) in introducing the "National AMBER Alert Network Act of 2002" which will extend the AMBER Alert (America's Missing: Broadcast Emergency Response) system across our Nation. The recent wave of child abductions across our Nation, including the kidnaping of Elizabeth Smart in my own home state of Utah, has highlighted the need for legislation to enhance our ability to protect our Nation's children against predators of all types.

When a child is abducted, time is of the essence. All too often it is only a matter of hours before a kidnaper commits an act of violence against the child. Alert systems, such as the AMBER Alert system, galvanize entire communities to assist law enforcement in the timely search for and safe return of child victims.

The AMBER Alert system was developed in 1996 in Texas after 9-year-old Amber Hagerman was kidnaped. To date, the system has been credited with the recovery of 27 missing children. Nonetheless, only 16 States have adopted statewide AMBER Alert systems. Just this year, my home State of Utah adopted a statewide alert program aimed at preventing child abduction called "Rachel Alert." The program was named after young Rachel Runyan who was abducted and later found murdered.

We recently witnessed the success of the AMBER Alert system in California. There the AMBER system was used to broadcast the disappearance of Nichole Timmons who was safely recovered in the neighboring state of Nevada after she was recognized. In another recent California case, the AMBER Alert system was used when Tamera Brooks and Jaqueline Marris were kidnapped. Just hours after their abduction, and minutes before their possible murder, the two young women were found.

The legislation we introduce today will enhance our ability to recover abducted children by establishing a Coordinator within the Department of Justice to assist States in developing and coordinating alert plans nationwide. The Act also provides for a matching grant program through the Department of Justice and the Department of Transportation for highway signs, education and training programs, and the equipment necessary to facilitate AMBER Alert systems.

I support the National AMBER Alert Network Act and other legislative proposals that will improve our ability on a national level to combat crimes against children. For that reason, I will introduce in the coming days comprehensive legislation that will en-

hance existing laws, investigative tools, criminal penalties and child crime resources in a variety of ways. I believe Congress must do all it can to ensure that we devote the same intensity of purpose to crimes committed against children, as we do to other serious criminal offenses, such as those involving terrorism.

We have no greater resource than our children. I invite the Department of Justice, the Federal Bureau of Investigation and other entities and professionals who are charged with protecting our children to work with me to improve our Federal laws and to assist States in doing the same.

I commend Senator HUTCHISON for her tireless efforts on behalf of children and families and urge my colleagues to work with us to enact this critical legislation which will increase the chances that future victims of child predators will be found swiftly and returned home safely.

By Mr. JEFFORDS:

S. 2897. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the "Marine Turtle Conservation Act of 2002."

Marine turtles were once abundant, but now they are in serious trouble. Six of the seven recognized species are listed as threatened on endangered under the Endangered Species Act, and all seven species have been included in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna, CITES. Because marine turtles are long-lived, late-maturing, and highly migratory, they are particularly vulnerable to the impacts of human exploitation and habitat loss. In addition, for some species, illegal trade seriously threatens wild populations. Because of the immense challenges facing marine turtles, the resources available to date have not been sufficient to cope with the continued loss of nesting habitat due to human activities and the resulting diminution of marine turtle populations.

The Marine Turtle Conservation Act of 2002 is modeled after the successful Asian Elephant Conservation Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act. These acts have established programs within the Department of the Interior to assist in the conservation and preservation of these species around the world. More than 300 projects have been funded and generated millions of dollars in private matching funds from sponsors representing a diverse group of conservation organizations. The projects range from purchasing anti-poaching equipment for wildlife rangers to implementing elephant conservation plans to aerial monitoring of the Northern white rhinoceros.

The Marine Turtle Conservation Act of 2002 will assist in the recovery and protection of marine turtles by supporting and providing financial resources for projects to conserve nesting habitats of marine turtles in foreign countries and marine turtles while they are found in such habitats, to prevent illegal trade in marine turtle parts and projects, and to address other threats to the survival of marine turtles. The bill authorizes \$5 million annually to implement the program.

This legislation will help to preserve this ancient and distinctive part of the world's biological diversity.

By Mr. THURMOND:

S. 2898. A bill for the relief by Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

Mr. THURMOND. Madam President, I rise to introduce a private relief bill that would provide permanent legal resident status for Hitesh Tolani and his mother, Jaya Tolani, who face voluntary removal from this country.

I feel that the 'Tolanis' case presents a compelling need for legislative action. Hitesh Tolani, who is a scholarship student at Wofford College in Spartanburg, SC, came to the United States with his mother, Jaya, and father, Gulab, in 1984. When Hitesh arrived in this country, he was a toddler. Hitesh has a younger brother, Ravi, who was born here and is a United States citizen.

The 'Tolanis' efforts to become United States citizens was beset by tragedy. Gulab's brother, who served as a sponsor, died during the family's efforts to become legal permanent residents. Furthermore, just days before Gulab was to interview in New York in hopes of gaining legal permanent resident status for himself and his family, he passed away. Jaya was left with no way to legalize her or Hitesh's status. In the same year in which Gulab died, Jaya was also diagnosed with breast cancer. In the midst of these difficulties, Jaya was left with very few alternatives.

When Hitesh learned of his illegal status, he made the decision to turn himself into the authorities. After removal proceedings commenced, Hitesh and Jaya sought relief in the form of cancellation of removal. In order to succeed in this effort, it must be shown that the removal would result in "exceptional and extremely unusual hardship." In this case, the Immigration court found that the 'Tolanis' case did not rise to this level of hardship. The court came to this conclusion despite the fact that Hitesh has lived the vast majority of his life in the United States and is in the middle of his college studies. If forced to leave the country, Hitesh's studies will be significantly interrupted, and he will be required to return to a land that he does not remember. Additionally, Hitesh will be placed at a social and educational disadvantage because he is not fluent in the Hindi language.

During this important time in Hitesh's life, he will leave the only home that he has ever known. Yet the events surrounding his entry into the United States were completely out of his control. Hitesh has done nothing but contribute in positive ways to his hometown community of Irmo, SC, and the Wofford College community. He has demonstrated excellent moral character and has always been a model student.

Relocation to India would also create extreme hardship for Jaya, who is in remission from breast cancer. She would have to abandon her clothing store business in South Carolina and return to a land that she has not seen for twenty years. She also faces the potential breakup of her family due to the status of her youngest son, Ravi, who is a U.S. citizen. Ravi would be forced to go to India with the rest of his family or face the prospect of foster care. Ravi is not fluent in Hindi, but is very proficient in English. Ravi is also an asthmatic who must periodically use an inhaler machine. He would be subject to unhealthy air quality in Bombay, the city where the 'Tolanis' closest relatives reside and the place where they would settle.

The Tolani family appealed to the Board of Immigration Appeals, and the Immigration Judge's decision was affirmed without comment. The family is now appealing to the Eleventh Circuit Court of Appeals, but the standard of review is deferential, making this an uphill climb for Hitesh and Jaya.

I have always been a strong proponent of enforcing our Nation's immigration laws. However, the 'Tolanis' case represents one of those rare instances where removal would be unjust. The Tolani family, if forced to leave this country, will face exceptional hardship. Hitesh is a fine young man and an outstanding student. Through no fault of his own, he faces the prospect of leaving the only home that he has ever known. 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. 2898

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

#### SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jaya Gulab Tolani and Hitesh Gulab Tolani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

#### SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Jaya Gulab Tolani and Hitesh Gulab Tolani, as provided in section 1, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section

203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2899. A bill to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Madam President, today I rise, along with Senator BREAUX to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation.

This legislation would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region. Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America's largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partially flow into the Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized "local coordinating entity." The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working at the Louisiana Department of Culture, Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process, with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage

areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concept behind heritage areas. The heritage area concept has been used successfully in various parts of our nation to promote historic preservation, natural and cultural resources protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area will join the Cane River National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while at the same time not losing anything that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the National Park Service and U.S. Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is today. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history but it is also critical to understanding America's future. The name of the place itself—Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious dynamic, multi-cultural; enchanting,

bountiful; threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand and witness the complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Atchafalaya a penchant for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of fish, crustaceans such as crawfish, wildlife including alligators; an astonishing array of well over 200 species of birds, from waterfowl to songbirds, forest-dwelling mammals such as deer, squirrel, beaver and other commercially important furbearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. The Basin also forms part of the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding wading birds, such as herons, egrets, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every winter.

The region's dynamic system of waterways, geology, and massive earthen guide levees reveals a landscape that is at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing envi-

ronment have drastically depleted many of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Corps of Engineers should develop an intricate system of levees to protect human settlements, particularly New Orleans. Today, the Mississippi River is caged within the walls of earthen and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the center of the Basin. In times of flooding the river basis serves as the key floodway in controlling floodwaters headed for the large population centers of Baton Rouge and New Orleans by diverting waters from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land started forming off the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. These vast amounts of Mississippi River sediment are also raising filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize that just to the East of the Delta, Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the basin. Residents have profited from and been imperiled by nature. The popular cultural identity of the region is strongly associated with the Canjuns, descendants of the French-speaking Acadians who settled in south Louisiana after being deported by the British from Nova Scotia, (formerly known as Acadia). Twenty-five hundred to three thousand exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society.

Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identity and continue to display a distinctive set of cultural expressions nearly two-hundred-and-fifty years after their exile from Acadia. Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as etouffee, boudin, andouille, crepes, beignets and sauces thickened with roux, delight food lovers well

beyond Louisiana's borders. Cajun music has also "gone mainstream" with its blend of French folk songs and ballads and instrumental dance music, and more recent popular country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region's residents are concerned about the growing commercialization and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, there is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many years. A long legacy of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike anyplace else. Ethnic groups of the Atchafalaya include: African-Americans, Black Creoles, Asians, Chinese, Filipinos, Vietnamese, Lebanese, Cajuns, Spanish Islenos, Italians, Scotch-Irish, and American Indian tribes such as the Attakapa, Chitimacha, Coushatta, Houma, Opelousa and Tunica-Biloxi.

This heritage area has a wealth of existing cultural, historic, natural, scenic, recreational and visitor resources on which to build. Scenic resources include numerous State Wildlife Management Areas and National Wildlife Refuges, as well as ten designated state scenic byways that fall partially or entirely within the heritage area. The Office of State Parks operates three historic sites in the heritage area, and numerous historic districts and buildings can be found in the region. There are also nine Main Street communities in the heritage area. Outdoor recreational resources include two State Parks and a multitude of waterways and bayous. Hunting, fishing, boating, and canoeing, and more recently birdwatching and cycling, are popular ways to experience the region. Various visitor attractions, interpretive centers and visitor information centers exist to help residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area's central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry servicing the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas.

These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that this most special of places certainly deserves.

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. 2899

*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 "Atchafalaya National Heritage Area Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Atchafalaya Basin area of Louisiana, designated by the Louisiana Legislature as the "Atchafalaya Trace State Heritage Area" and consisting of the area described in section 5(b), is an area in which natural, scenic, cultural, and historic resources form a cohesive and nationally distinctive landscape arising from patterns of human activity shaped by geography;

(2) the significance of the area is enhanced by the continued use of the area by people whose traditions have helped shape the landscape;

(3) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the area for the residents of, and visitors to, the area;

(4) the area represents an assemblage of rich and varied resources forming a unique aspect of the heritage of the United States;

(5) the area reflects a complex mixture of people and their origins, traditions, customs, beliefs, and folkways of interest to the public;

(6) the land and water of the area offer outstanding recreational opportunities, educational experiences, and potential for interpretation and scientific research; and

(7) local governments of the area support the establishment of a national heritage area.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant resource values and functions of the Atchafalaya Basin area and advance sustainable economic development of the area;

(2) to foster a close working relationship with all levels of government, the private sector, and the local communities in the area so as to enable those communities to conserve their heritage while continuing to pursue economic opportunities; and

(3) to establish, in partnership with the State, local communities, preservation organizations, private corporations, and landowners in the Heritage Area, the Atchafalaya Trace State Heritage Area, as designated by the Louisiana Legislature, as the Atchafalaya National Heritage Area.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 5(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local

coordinating entity for the Heritage Area designated by section 5(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 7.

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

(5) STATE.—The term "State" means the State of Louisiana.

#### SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

#### SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

#### SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and



(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) **CONTENTS.**—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) **REVISION.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

## **SEC. 8. FINANCIAL ASSISTANCE.**

(a) **IN GENERAL.**—To provide the Federal share of financial assistance provided by the local coordinating entity under section 6(a) the Secretary shall provide the local coordi-

nating entity financial assistance in the amount of \$10,000,000, not to exceed \$1,000,000 for any fiscal year.

(b) **COST SHARING.**—The Federal share of the cost of any activity assisted by the local coordinating entity under this Act shall not exceed 50 percent.

## **SEC. 9. EFFECT OF ACT.**

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

## **SEC. 10. REPORTS.**

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

## **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

## **SEC. 12. TERMINATION OF AUTHORITY.**

The Secretary shall not provide any assistance under section 8 after September 30, 2017.

By Mr. GRASSLEY:

S. 2901. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

Mr. GRASSLEY. Madam President, I come to the floor today to introduce legislation that will bring more accountability to corporate officers and directors when a company goes bankrupt. This bill contains substantially the same language I had in an amendment I filed to the corporate reform bill that we passed into law a couple of

months ago, but unfortunately my bankruptcy amendment was not considered. My legislation, the "Corporate Accountability in Bankruptcy Act", would clarify that the bonuses and other excessive compensation of corporate directors and wrongdoers can be brought back into a bankruptcy estate when a company goes bankrupt. This legislation is equitable because corporate officers and those individuals that have engaged in wrongdoing and violated the securities and accounting laws should not be able to make outrageous amounts of money off of a company which has gone bankrupt, while the company's employees, shareholders and creditors are left carrying the burden of the bankruptcy. Furthermore, corporate officers and insiders shouldn't be allowed to get bonuses and loans when a company has done so poorly to go bankrupt. They don't deserve that kind of excessive compensation. The plain fact is that corporate officers and those who engage in illegal activity should not be allowed to benefit where their actions have contributed to the downfall of the company. I don't think that's fair, and my bill would ensure that there is some equity in terms of who gets left holding the bag when a company goes bankrupt.

Currently, the Bankruptcy Code permits a trustee to recover assets which a debtor has previously distributed to creditors within a certain time period prior to the filing of a bankruptcy petition. This allows a trustee to increase a debtor's assets for the fair treatment and equitable distribution of assets among all creditors, as well as to help shore up a debtor's assets during a reorganization.

Section 547 of the Bankruptcy Code allows a trustee to recover assets from an insider made within a year of the filing of a bankruptcy petition. However, the Bankruptcy Code does not clearly establish that this section applies to bonuses and other extraordinary or excessive compensation of insiders, officers and directors. A cursory review of the case law by my staff and the Congressional Research Service indicates that the courts have not developed this issue, and that relevant case law is not dispositive on the matter of whether bonuses and excessive compensation are avoidable in bankruptcies of publically held companies.

In addition, section 548 of the Bankruptcy Code allows a trustee to recover transfers of assets, made within one year, where there has been a fraudulent transaction or where a debtor has received less than what is reasonably equivalent in value. Here too, the Bankruptcy Code is not clear as to whether this section applies to the bonuses and other extraordinary or excessive compensation of officers, directors or other company employees who have violated securities laws or engaged in illegal accounting practices when their conduct, but not their compensation, has led to the company's bankruptcy. Similarly, the case law is not dispositive on this matter either.

I think everyone would agree that a trustee should be able to recover these kinds of assets when a company goes bankrupt. Corporate bigwigs and wrongdoers shouldn't be able to keep their bonuses, loans or other excessive compensation when a company goes under. Corporate mismanagement and irresponsibility should not be rewarded, and the bad guys need to be held accountable.

So I think that we need to clarify the Bankruptcy Code in order that bonuses, loans, and other extraordinary or excessive compensation that the company has given to the insiders and wrongdoers can be drawn back into the bankruptcy estate.

My legislation is simply and straightforward. The Corporate Accountability in Bankruptcy Act would specifically provide in section 547 of the Bankruptcy Code that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation as determined by the court, made to an insider, officer or director and made within one year before the date of the filing of the bankruptcy petition.

In addition, the Corporate Accountability in Bankruptcy Act would specifically provide in section 548 of the Bankruptcy Code that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation, as determined by the court, paid to an officer, director or employee who has committed securities or accounting violations, within 4 years of the filing of the bankruptcy petition. My bill extends the present one year reach-back period for fraudulent transfers in the Bankruptcy Code to 4 years, I did that because a majority of states have adopted a 4 year time period or the Uniform Fraudulent Transfer Act which allows for a 4 year time frame. I believe that these changes to section 548 are fair because they are tied to excessiveness and wrongdoing. Simply said, illegal acts should not be rewarded with a big fat paycheck.

The point of this bill is that corporate officers and wrongdoers should not be able to keep bonuses, loans and other excessive compensation when the company goes under and others, employees, creditors and investors, are left holding an empty bag through no fault of their own. It's just not fair. So I hope that my colleagues will support the Corporate Accountability in Bankruptcy Act to make the Bankruptcy Code clear that corporate bigwigs and wrongdoers cannot unjustly enrich themselves and their excessive compensation and loans can and will be brought back into the bankruptcy estate.

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. 2901

*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 "Corporate Accountability in Bankruptcy Act".

#### SEC. 2. BANKRUPTCY PROVISIONS.

(a) PREFERENCES.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) A trustee may avoid any transfer made within 1 year before the date of the filing of the petition that was made to an insider, officer, or director for any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court."

(b) FRAUDULENT TRANSFERS AND OBLIGATIONS.—Section 548(a) of title 11, United States Code, is amended by adding at the end the following:

"(3) The trustee may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, including any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court, paid to any officer, director, or employee of an issuer of securities (as defined in section 2(a) of the Public Company Accounting Reform and Investor Protection Act of 2002), if—

"(A) that transfer of interest or obligation was made or incurred on or within 4 years before the date of the filing of the petition; and

"(B) the officer, director, or employee committed—

"(i) a violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), State securities laws, or any regulation or order issued under Federal or State securities laws;

"(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933; or

"(iii) illegal or deceptive accounting practices."

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2900. A bill to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the "Thomas E. Burnett, Jr. Post Office Building"; to the Committee on Governmental Affairs.

Mr. WELLSTONE. Madam President, I rise today to pay tribute to an American hero. Tom Burnett, Jr. was a beloved husband and father, an adored son, and an able business leader. He was a person who would not, and did not, sit quietly as terrorists carried out their plan last year on September 11.

I am introducing a bill today, along with my colleague from Minnesota, Senator DAYTON. Our bill would designate a U.S. Postal Service facility in Bloomington, MN as the "Thomas E. Burnett, Jr. Post Office Building." It is a companion proposal to a bill introduced by our House colleague, Representative JIM RAMSTAD, whose district includes Bloomington.

Tom Burnett, Jr., who grew up in Bloomington, was aboard United Flight

93 on September 11 of last year. America owes Tom a deep debt of gratitude for his bravery on that day. It is possible that Members of Congress, including myself, could owe him our very lives. We will never know for sure. Tom is believed by investigators to have been among those passengers who kept the hijackers from crashing Flight 93 into a national landmark, most likely the White House or the Capitol. That, of course, would likely have resulted in many more deaths than already occurred that day. Instead, as we all know, Flight 93 crashed in a Pennsylvania field.

After listening to the tape from the flight's black box, law enforcement officials have described a desperate struggle aboard the plane. As FBI Director Mueller said after being briefed on the contents of the tape, "We believe those passengers were absolute heroes, and their actions during this flight were heroic."

Tom Burnett, Jr. was 38 years old when he died. A 1986 graduate of the Carlson School of Management at the University of Minnesota and a member of Alpha Kappa Psi fraternity, he had shown selfless leadership before. As a quarterback at Thomas Jefferson High School in Bloomington, Tom's inspired play led his team to the conference championship game in 1980. He was a successful business leader as chief operating officer for a medical device manufacturer in California.

We will never forget the ultimate sacrifice of Tom and many other heroes last September 11. Our thoughts and prayers today are with Tom's family: his wife Deena; their daughters Madison, Halley and Anna-Clair; his parents Thomas, Sr. and Beverly; and his sisters Martha O'Brien and Mary Margaret Burnett. Bloomington will be proud to have this post office named for Tom Burnett, Jr. We all are proud of this son of Minnesota.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4471. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 4471. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Homeland Security and Combating Terrorism Act of 2002".

#### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 3 divisions as follows: